



ANNO QUINQUAGESIMO TERTIO

GEORGII III. REGIS.

Cap. 136.

An Act to amend and enlarge the Powers of an Act passed in the Forty-fifth Year of His present Majesty, for assessing the Proprietors of Lands in the County of *Ross*, towards the Expence of making and supporting certain Roads and Bridges therein; and of an Act passed in the Forty-seventh Year of His present Majesty, for regulating and converting the Statute Labour in the Counties of *Ross* and *Cromarty*, and Part of the County of *Nairn*, locally situated in the County of *Ross*; and of an Act passed in the Fiftieth Year of His present Majesty, for amending and enlarging the Powers of the Two first-mentioned Acts. [3d June 1813.]

WHEREAS an Act was passed in the Forty-fifth Year of the Reign of His present Majesty, intituled, *An Act for assessing the Proprietors of Lands in the County of Ross, towards the Expence of making and supporting such Roads and Bridges therein, as shall be approved by the Commissioners, appointed by an Act passed in the Forty-third Year of His present Majesty, for making Roads and building Bridges in the Highlands of Scotland*: And whereas another Act was passed in the Forty-seventh Year of His present Majesty, intituled, *An Act for regulating and converting the Statute Labour of the Counties of Ross and Cromarty, and that Part of the County of Nairn which is locally situated in the County of Ross, and for the more effectually making and repairing the Roads and Bridges within the same,*
[Loc. & Per.] 27 C and

45 G. 3. c. 40.

47 G. 3. s. 1. c. 13.

and for making and maintaining the great Post Road from the Confines of Invernesshire, to the Confines of the Shire of Sutherland: 50G.3.c.189. And whereas another Act was passed in the Fiftieth Year of the Reign of His present Majesty, intituled, *An Act to amend and enlarge the Powers of an Act passed in the Forty-fifth Year of His present Majesty, for assessing the Proprietors of Lands in the County of Ross, towards the Expence of making and supporting Roads and Bridges therein; and of an Act passed in the Forty-seventh Year of His present Majesty, for regulating and converting the Statute Labour in the Counties of Ross and Cromarty, and Part of the County of Nairn, locally situated in the County of Ross*: And whereas the said Acts require to be amended and to have the Powers thereby conferred and enlarged; 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 Powers of requiring, and making, and levying Assessments at a Rate not exceeding Nine-pence Sterling in the Pound Scots, of valued Rent, to be levied in any one Year, which are conferred by the said first recited Act, as amended and enlarged by the said last recited Act, shall continue in Force until the Term of Payment of the latest Instalment of such Sums ordered to be levied under Authority of both the said Acts and of this Act, which shall be sufficient for defraying the whole Expences and making Payment of the whole Demands to which the said Assessments are to be applicable, in Manner herein mentioned, and no longer, except as to the Power of levying any Arrears of such Assessments, which Power shall continue and endure until the same shall be fully satisfied and paid.

Assessment to continue in force till Roads are completed.

Assessment to be levied at the full Rate of 9d. in the Pound Scots of Valuation.

Lesser Assessment at the Rate of 6d. in the Pound Scots.

II. And be it enacted, That the said Assessments shall be made and levied at the full Rate aforesaid, of Nine-pence Sterling in the Pound Scots, of valued Rent yearly and each Year, until the said Purposes to which the same are to be applicable, shall be wholly fulfilled.

III. And be it enacted, That similar Powers of requiring the Commissioners of Supply of the said County of Ross, to make other Assessments at a Rate not exceeding Sixpence Sterling in the Pound Scots of valued Rent, to be levied in any one Year, shall be, and the same are hereby conferred on the Heritors of the said County, or a Majority of them, qualified according to the Directions of the said first recited Act, or their Commissioners or Factors, having such Powers as therein is expressed at any General Meeting to be held in this present Year, or any future Year, according to the Rules and Directions of the said recited Acts, or any of them, and that such Assessment when so required to be made, shall be made accordingly by the said Commissioners of Supply, and levied in the same Way and Manner, and according to the same Rules as the Assessments directed to be made and levied under Authority of the said first and last recited Acts; and that the said Powers shall continue in Force until such Time as the Sums levied by virtue of the said Powers shall be fully sufficient for defraying the whole Expences, and making Payment of the whole Demands, to which the said Assessments are to be applicable, in Manner herein mentioned, and no longer.

IV. Pro-

IV. Provided always, and be it enacted, That no Part of the Assessment herein last directed to be made shall be actually levied or leviabie, until the Expiration of One Year after the Term when the Powers of requiring and making Assessments under Authority of the said first recited Act, as amended and enlarged by the said last recited Act, and by this Act, shall have ceased and determined, in Manner above mentioned.

Not to be levied until the 9d. Assessment shall cease.

V. And be it enacted, That the Assessments levied and to be levied under Authority of the said first recited Act, as amended and enlarged by the said last recited Act, and by this Act, shall be applied, and shall be solely applicable towards defraying One-half of the estimated Expence, as well as such further Sums beyond such estimated Expence as may be necessary for completing every Road and Bridge which may have been already surveyed, approved, and settled by the Commissioners in the said Acts mentioned, and also already agreed to by the Heritors, in pursuance and according to the Terms of the said Acts herein recited, or any of them, whether such Roads or Bridges may or may not have been specially mentioned and described in the said Acts, or any of them; and also of a Line of Road which was considered and approved by the Heritors at a General Meeting assembled, *videlicet*, from the Ferry of *Fort George*, or Point of *Fortrose*, to the Bridge of *Conon*, or the nearest Angle of the great Line of Road leading to the West Highlands, in case the said Commissioners shall grant their Sanction, Approbation, and Concurrence to the same, and also of such other Lines of Road as shall be surveyed, approved, and settled by the Commissioners, and agreed to by the Heritors as aforesaid, to be made in Lieu or Place of or as an Improvement on any of the Lines of Road described in this or the said recited Acts, and for paying all the Interest arising due upon Monies borrowed or to be borrowed for such Purposes, under the Authority and in Terms of the said Acts, or any of them, or of this Act; any Thing in the said Acts herein before recited to the contrary notwithstanding.

Assessment of 9d. limited to Roads already agreed upon.

VI. Provided always, and be it enacted, That if it shall be made appear to any such General Meeting as aforesaid, to be held after the First Day of *April* in the Year One thousand eight hundred and twenty, that Security has not been given, nor Money advanced sufficient for Payment of the said One-half of the estimated Expence, and such further Sum beyond such estimated Expence as may be necessary for the making and erecting of any such Road or Bridge, Roads or Bridges, as aforesaid, then, and in that Case, the Approbation by the Commissioners, and Agreement by the Heritors, and whole other Proceedings in relation to such Road or Bridge, Roads or Bridges, shall be thenceforth void and null, and of no Effect, and no Part of the Assessments aforesaid shall be applied or applicable to defraying the Expence of the same; any Thing in this Act or in the Acts herein recited to the contrary notwithstanding.

And only to such Roads as shall be finally undertaken before 1st April 1820.

VII. And be it enacted, That the other Assessments to be levied under Authority of this Act, and whereof the actual Levy is to be postponed in Manner above mentioned, shall be applied for defraying One-half of the estimated Expence, as well as such further Sums beyond such estimated Expence as may be necessary for completing such and so many of the several Lines of Road proposed to be made on a less expensive Scale, as specified in the said last recited Act, and of the Bridges required on said Lines

Application of 6d. Assessment.

of

of Road, and such or so many of the Piers or Landing Place also specified in said Act as shall, on or before the First Day of *April* in the Year One thousand eight hundred and twenty, have been approved, surveyed, and settled, by the Commissioners aforesaid, and also agreed to at some such General Meeting to be held as aforesaid, and for paying all the Interest accruing after the Time when the Power of levying the said Assessments shall begin to be in force, which may be paid for Monies to be borrowed for said Purposes under Authority of this Act, as herein after is expressed.

Powers as to this lesser Assessment come in place of Powers in former Act.

VIII. And be it enacted, That the Powers by this Act conferred, of making and levying Assessments for the Purposes last above mentioned, shall be in lieu and place of the Power to make Assessments for the same Purposes specified and contained in the said Act last above recited.

Power to borrow Money on Credit of Assessment.

IX. 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 authorised and appointed at any Meeting held pursuant to this Act, and the Acts first and last above recited, or any of them, to borrow Money on the Credit of any of the Assessments aforesaid, or to grant his or their Security for One-half of the estimated Expence, as well as such further Sums beyond such estimated Expence as may be necessary for the Completion of all or any of such Roads, Bridges, Piers, or Landing Places, as may be or may have been surveyed, approved of, and settled by the Commissioners aforesaid, and agreed to at some such General Meeting as aforesaid, and which Money so borrowed, shall be paid to the Treasurer of the Bank of *Scotland*, or their authorised Agent at *Tain*, to be placed to an Account opened in Manner directed 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 the Highlands of 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, in the Books of the said Bank, for the Road, Bridge, Pier, or Landing Place, towards making or erecting which such Money shall have been borrowed.*

Bonds transferable by Indorsement, and intimated to the Collector.

X. And be it enacted, That the Bonds or other Securities which shall be granted for Monies already borrowed, or to be hereafter borrowed for any of the Purposes aforesaid, shall be legally transferable by Indorsement, without the Necessity of any Assignation or other formal Conveyance thereof, and that such Indorsement, duly intimated to the Collector of the said Assessments, shall have the full Effect of a regular Assignation completed by Intimation.

Forms of Securities.

XI. And be it further enacted, That all such Bonds or other Securities which shall hereafter be granted, shall specially and distinctively express *in gremio* that the same are granted for Monies borrowed on the Security of the Assessments, leviable under the Authority of the said first recited Act, as now amended and enlarged, or of the postponed Assessments leviable under the sole Authority of this Act, according as the Case may be; and that such Bonds or other Securities as shall be granted for Monies to be borrowed on the Security of the said postponed Assessments,

ments, shall further bear an express Obligation binding the Grantors personally to pay the Interest of the said Monies, accruing before the Time when the Power of levying the said Assessments shall begin to be in Force as aforesaid; and that it shall not be lawful to the Heritors to agree to any of the Lines of Road, or Piers; or Landing Places, specified in the said last recited Act, unless upon an Offer of some one or more of the Heritors of the said County, to find Security for the Payment of the said Interest, accruing before the Time abovementioned, any thing in this Act or in the Acts hereinbefore recited to the contrary notwithstanding.

XII. And be it enacted, That it shall and may be lawful to the Trustees in any District or Districts appointed under Authority of the Act second above recited, or the Majority of them, or their Quorum, at any of their General Meetings, to resolve that so much of the Funds of such District or Districts arising from the Conversion of Statute Labour as may be necessary, shall be applied towards paying yearly and each Year the Interest of Monies borrowed for making or erecting any such Road, Bridge, Pier, or Landing Place, to which the said Assessments are applicable as aforesaid, within the said District or Districts respectively, from the Time when such Money shall be so borrowed, until the Time when the Power of levying the Assessments applicable to such Road, Bridge, Pier, or Landing Place, shall begin to be in Force; and such Resolution shall be equivalent to a formal Assignment of so much of the said Funds of the District or Districts, and shall be made effectual accordingly in Favour of the Lender or Lenders, and also in Relief to the Borrower or Borrowers, any thing in the said Acts herein recited to the contrary notwithstanding.

District Trustees empowered to apply District Funds in Payment of Interest.

XIII. And be it enacted, That the Monies so borrowed or to be borrowed shall be repaid by the Treasurer of the said Bank, from the Funds remitted to him, or paid to the Agent at *Tain* as aforesaid, according to the Priority of the Date of Authority being given as aforesaid for borrowing the same; providing always, that in applying the said Funds for Repayment of the said several Sums the due and proper Distinction shall be preserved between the Funds arising from the Assessments, leviable under Authority of the said first recited Act, as now amended and enlarged, and those arising from the postponed Assessments leviable under the sole Authority of this Act, so that the said several Assessments may always be applied towards the Purposes to which the same are respectively applicable in Manner aforesaid, and not otherwise: And saving and reserving all and whatsoever Rules of Priority with regard to Loans and Engagements already made, which have been fixed and determined at any such General Meeting as aforesaid held before the passing of this Act.

Security according to Priority of Date;

saving Priority already granted.

XIV. And be it enacted, That all and every Person or Persons lending or advancing Money towards the making any Road, Bridge, Pier, or Landing Place, in the Manner herein directed, shall be bound at any Term of *Whitsunday* or *Martinmas* to receive such Sum or Sums towards the Repayment thereof as the said Heritors, or their Committee, shall direct to be paid, and shall grant his, her, or their Receipt for the same in Extinction *pro tanto* of such Money so lent or advanced: Providing always, that no partial Payment so directed to be made to Account of

Lenders of Money bound to receive partial Payments to a certain Extent, and on previous Notice.

Money lent or advanced; shall be under One hundred Pounds Sterling, or comprehend a fractional Part of One hundred Pounds Sterling; and, providing always, that Notice in Writing of the Sum intended to be repaid shall be given to the Person or Persons to whom such Repayment is to be made, or to his, her, or their known Agent, at least Three Calendar Months before the said Term of Repayment.

Augment-
tion of Com-
mutation for
Statute La-
bour in cer-
tain Cases.

XV. And whereas it is expedient that Power should be granted to augment the Rate of the Consideration which by virtue of the Act second above recited is payable in lieu of Statute Labour in those Districts of the said County wherein the Funds arising from the Commutation of Statute Labour have been or may be found inadequate to the Formation of the Roads required in such Districts; be it therefore enacted, That whensoever and so often as a Quorum of the Trustees of any District or Districts, or the Majority of them, assembled at their Annual Meeting on the Second *Wednesday* of *August* in any Year, shall resolve that it will be fit and expedient to augment the said Rate within such District or Districts for such Term of Years as may be agreed on, such Resolution shall be taken under Consideration at the next General Meeting of the Trustees in the said County; and if it shall appear to the Satisfaction of the Trustees assembled at such General Meeting, or the Majority of them, on a Consideration of the Extent of Road still required in such District or Districts respectively, and of the probable Expence of the same, that such Resolution is fit and proper to be confirmed and followed forth, then and in such case it shall be lawful for the said Trustees at such General Meeting assembled, to order and appoint the Consideration exigible in lieu of Statute Labour from all Heritors occupying their own Lands, Woods, or Fishings, yielding an Annual Return, and all Farmers or Tenants holding Lands, and the Renters of Fishings, Woods, or other Subjects from which the Landlord derives an Annual Income, the Annual Value or Rent whereof shall exceed Twenty Pounds Sterling, to be thereafter levied in such District or Districts at such higher Rate as maybe fixed and agreed on, in the same Way and Manner, and subject to the same Rules and Regulations, and to be applied to the same Uses and Purposes as by the said Act second above recited is ordered and directed, and that for such Term of Years as may at such General Meeting be fixed and agreed on, not exceeding the Term of Years specified in the Resolution of the District Meeting: Provided always and be it enacted, That such higher Rate shall in no case be more than double the Rate authorized by the said last mentioned Act, and that the Consideration in lieu of Statute Labour, exigible from all Persons other than these above mentioned, shall continue to be levied according to the several and respective Rates by said Act established and authorized.

Term for
holding Ge-
neral and Dis-
trict Meet-
ings.

XVI. And be it further enacted, That after the passing of this Act the Annual General Meeting of the Trustees shall be holden at the Burghs of *Tain* and *Dingwall*, by Rotation, on the Second *Wednesday* of *September* yearly, the First Meeting after the passing of this Act being to be holden at *Tain*; and that in like Manner after the passing of this Act the Annual District Meeting for examining the Collector's Accounts, and making up Reports to the Annual General Meeting, shall be holden on the Second *Wednesday* of *August* in each District

into which the County has been divided, in place of the Days fixed by the Acts second and last above recited; and that Notice of every other General Meeting shall be made in Manner directed by the Act last above recited.

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

XVIII. And be it further enacted, That this Act shall commence from and after the passing thereof, and so much thereof 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 authorised to be levied; and so much of the same as relates to the other Matters therein contained, shall continue and endure until the Completion of every Road, Bridge, Pier, and Landing Place, which may be duly approved and agreed to in Terms of this Act, and the Acts first and last recited herein, and until the whole Assessments authorised to be levied for the Purposes aforesaid, shall have been actually levied and applied, and until the Monies authorised to be borrowed on the Credit of such Assessments shall have been fully repaid. Endurance of Act.

XIX. And be it enacted, That the Expences of this Act shall be paid and defrayed in the same Manner as the Expences of the two last recited Acts were paid and defrayed. Expences of the Act.

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