



ANNO UNDECIMO

GEORGIIV. REGIS.

Cap. cii.

An Act for making, repairing, widening, and keeping in repair certain Roads and Bridges in the County of *Caithness*; and for better regulating and rendering more effectual the Statute Labour in the said County, and Conversion Money in lieu thereof. [29th *May* 1830.]

WHEREAS by an Act passed in the Thirty-third Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for making effectual the Statute Labour, and for levying Conversion Money in lieu of Labour in certain Cases, and for otherwise regulating, making, and repairing High Roads and Bridges in the County of Caithness*, the Persons therein named and described were appointed Trustees, for directing, making, repairing, widening, and keeping in repair the Highways, Roads, and Bridges within the said County, and for executing the other Powers by the said Act given and granted: And whereas the Trustees appointed by the said recited Act have proceeded to put the same into execution, and various Sums of Money have been borrowed, some of which are still owing upon the Credit of the Assessments thereby authorized to be levied, which Sums of Money cannot be repaid, nor can the said Highways, Roads, and Bridges be amended, altered, widened, and kept in repair, unless further Provision be made for these

[*Local.*] 29 Z Purposes :

Purposes : And whereas it is expedient that further and other Provisions should be made in regard to converting, levying, and applying the Statute Labour in the several Parishes of the said County ; that Power should be given to make an Annual Assessment upon every Proprietor or Liferenter of Land in the said County, to be laid out and applied under the Powers hereinafter contained for that Purpose : And whereas it is expedient, and would be advantageous to the Public, and to the Inhabitants of the said County, if certain of the Statute Labour or Parish Roads in the said County were rendered Turnpike Roads ; and it would also be of advantage to the Public if certain new Roads were made and maintained in the said County, and that Powers were given to levy Tolls and Duties thereon, for making and maintaining the said Roads : And whereas an Act was passed in the Fourth Year of the Reign of His present Majesty, intituled *An Act for regulating Turnpike Roads in that Part of Great Britain called Scotland* : 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 said recited Act of the Thirty-third Year of the Reign of His late Majesty King *George* the Third shall, from and after the First General Meeting of Trustees to be held under the Authority of this Act, be and the same is hereby repealed.

4 G. 4. c. 49.

Recited Acts repealed.

Trustees appointed by this Act.

II. And be it enacted, That every Person who is at present or hereafter shall be, in his own Right or in the Right of his Wife, in the actual Possession and Enjoyment, as Proprietor or Liferenter, of the *Dominium utile* of Lands lying within the said County of *Caithness* valued in the Valuation Books or Tax Rolls of the said County to the Extent of One hundred Pounds *Scots per Annum*, and all and every the eldest Sons of such Proprietors, being the Heirs Apparent of their Estates, and the Trustee or Trustees (but only One of them at a Time) the legal or judicial Guardian of the Estates of each such qualified Person or Persons, whether a Minor or otherwise, and the Sheriff Depute of the said County, the Provost and eldest Bailie of *Wick*, and the eldest Bailie of *Thurso*, for the Time being, shall be and they are hereby nominated and appointed Trustees for carrying into execution all and every the Purposes of this Act.

This Act to take effect for the Purposes herein mentioned.

III. And be it further enacted, That this present Act shall, from and after the First General Meeting of Trustees to be held under the Authority of the same, commence, take effect, and be put in execution for and during the Term hereinafter mentioned, for the Purposes hereinafter specified, of surveying, making, amending, improving, widening, altering, straightening, repairing, and keeping in repair the following Roads in the said County of *Caithness* ; *videlicet*, the Road leading from *Wick* to *Thurso* by *Kilmster* and *Castleton*, commonly called the *Kilmster Road* ; the Road from near *Wick*, by or through *Sibster*, *Winless*, *Bilbster*, *Wattin*, *Lynegar*, *Brabsterderran*, the *Corsback Hill*, *Pulboy*, *Stemster*, and *Knock-dee*, and on to the Parliamentary Road at or near *Rougie*, with a Branch from this Line commencing at or near *Corsback Hill* or *Pulboy*, joining the foresaid *Kilmster Road* at or near *Hoy* or *Wester* ; a Road from near *Wick* aforesaid, by the Bridge of *Wester*, by *Barrock* and *Reaster*, until

it joins the said *Kilmster* Road at or near *Castleton*; a Road from the Bridge of *Wester* aforesaid, through *Keiss*, *Auckingill*, and *Freswick* above *West Canisby*, through the Lands of *Foultail* and *Reggifal*, the Moss of *Mey*, and onwards until it joins the last-mentioned Road by *Barrock* at or near *Greenland*, with a Branch from the said Road commencing in the Moss at or near *Trestal* or *West Canisby*, and on to *Huna*; a Road from a Point between *Stanstill* and *Hestigrow* by *Wattin* till it joins the Parliamentary Road near the Bridge of *Greystones*; a Road from *Castleton* aforesaid, by the Sands of *Dunnet*, the Kirk of *Dunnet*, *Mey*, and *Gills*, and on to *Huna* Inn; a Road from *Wick* aforesaid to *Broadhaven* and *Staxigoe* in the Parish of *Wick*; a Road from *Rougie* to *Latheron*, known by the Name of the *Achavanich Road*; a Road from *Thurso* aforesaid, by the Kirk of *Reay*, to the Confines of the County at *Drumholiston*, with a Road leading therefrom at or near the Bridge of *Isauld*, and leading through the Lands of *Shebster* and *Forsie*, by *Westfield* and the Moss of *Giese*, and through the Lands of *Jennetstown*, until it joins the *Calder* Road after mentioned at or near *Glengolly*; a Road from *Thurso* aforesaid by *How* to *Calder*, with a Branch therefrom commencing at or near *Glengolly* aforesaid, and leading by *Aimster* and *Skinnet* to the Village of *Halkirk*, and from the said Village of *Halkirk* through *Harpsdale* to *Deal*, and from *Deal* aforesaid, through the Lands of *Mybster*, crossing the foresaid *Achavanich Road*, through the Lands of *Toftingall*, *Houstry*, *Dunn*, and *Newton*, along the South March of *Wester Wattin*, through the Lands of *Banks* of *Auchingale*, and following the Line of the present Road through the Lands of *Wester Wattin* till it joins the Parliamentary Road at or near the Bridge of *Greystones*; a Road from the Parliamentary Road at a Point between *Thurster* and the Bridge of *Hauster*, and leading by *Tannach* onwards till it joins the Parliamentary Road at *Thrumster*, and from the said Parliamentary Road near the Smithy at *Thrumster* to the Village of *Sarclat*, and a Branch from the said Road to *Sarclat* to the House of *Ulbster*; a Road leading from the Parliamentary Road near the Bridge of *Greystones* aforesaid, passing by or near *Badlibster*, and by or through *Campster*, till it rejoins the said Parliamentary Road at or near *Clyth* or *Lybster*; and for erecting Bridges on the said Roads, and carrying into effect the several other Purposes hereinafter mentioned, according to the true Intent and Meaning of this Act.

IV. And be it further enacted, That the following Roads hereinbefore mentioned; *videlicet*, the Road leading from *Wick* to *Thurso* by *Kilmster* and *Castletown*, known by the Name of the *Kilmster Road*; the Road from *Rougie* to *Latheron*, known by the Name of the *Achavanich Road*; the Road from near *Wick*, by the Bridge of *Wester*, by *Barrock* and *Reister*, until it joins the said *Kilmster Road* at or near *Castletown*; the Road from the Bridge of *Wester* aforesaid, through *Keiss*, *Auchengill*, and *Freswick* above *West Cannisbay*, through the Lands of *Foultail* and *Riggifal*, the Moss of *Mey*, and onwards until it joins the last-mentioned Road by *Barrock* at or near *Greenland*, with a Branch from the said Road commencing in the Moss at or near *Frestal* or *West Cannisbay*, and on to *Huna*; and the Road from *Thurso* aforesaid, by the Kirk of *Reay*, to the Confines of the County at *Drumholiston*, shall be made, repaired, and completed out of the first and readiest of the Funds that can be

Certain
Roads to be
made first.

made

made available under the Provisions of this Act, within the several Parishes through which they respectively pass, and the whole other Roads in this Act hereinbefore described, including the Four Branch Roads or Offsets herinafter mentioned, shall be proceeded with as Funds may be provided, without any special Order of Preference, with this special Exception, that within the Parish of *Wattin* the Funds shall in the first place be applicable to the Execution of the Line of Road from the said *Acharvanich* Road, passing through the Lands of *Toftingall* and others, till it joins the Parliamentary Road at or near the Bridge of *Greystones*, and to the Road passing through *Lynagar*, from the Boundary of the adjoining Parish of *Bower* at the Burn of *Oakingill*, to the present Road at or near the Kirk of *Wattin*, all within the said Parish: Provided always, that the Construction or Repair of such other Roads hereinbefore mentioned, and Offsets herinafter mentioned, shall be commenced in connection with one or other of the foresaid primary Roads, or with one or other of the Parliamentary Roads, and shall proceed continuously onwards from such primary or Parliamentary Roads until they shall be wholly completed along the whole Extent of their Lines.

Certain Parish Roads to be made.

V. And be it further enacted, That the said Trustees shall also make and repair, out of the Conversion for Statute Labour, as Parish Roads, and not as Turnpike Roads, the following Branches or Offsets from certain of the Lines of Road hereinbefore mentioned; *videlicet*, a Branch or Offset from the *Calder* Road to pass through the Lands of *Brawlbin* and onwards to *Dorrery*; a Branch Road or Offset from the said *Calder* Road onwards to the Village of *Halkirk*; a Branch Road or Offset from the said *Shebster* Road through the Lands of *Brubster* and onwards to *Shurrery*; and a Branch Road or Offset from the said *Kilmster* Road from *East Murkle* onwards towards the Church of *Odrig* and *Quoynave*.

Powers of 4 G. 4. c. 49. applied to this Act.

VI. And be it further enacted, That the said recited Act of the Fourth Year of the Reign of His present Majesty, and all and sundry the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, (save and except such Parts thereof as are varied, altered, or repealed,) shall be as good, valid, and effectual, for carrying this Act into execution, in regard to the Roads hereby made Turnpike Roads, as if the same had been repeated and re-enacted in this Act.

Covenants and Agreements under the Act of 33 G. 3. to remain in force.

VII. And be it further enacted, That all Bonds, Covenants, Agreements, and Securities made or entered into by any Person or Persons to or with the Trustees for executing the said first recited Act of the Thirty-third Year of the Reign of His late Majesty King *George* the Third, hereby repealed, according to the Provisions and Directions thereof, shall remain in full Force and Effect, and be and continue available in all Courts of Law and Equity, until the same are fully satisfied and performed; and all Contracts, Agreements, Bonds, Assignments, and Securities, duly made and entered into by the Trustees for executing the said Act to or with any Person or Persons, shall remain in full Force and Effect, and shall be binding on the Trustees for executing this Act, and

be

be observed and kept by them according to the Terms, Stipulations, and Tenor thereof respectively.

VIII. And be it further enacted, That after duly providing for the Maintenance, Repairs, and Improvements of the said Roads and Bridges, and other Works to be erected thereon, the Assessments hereby authorized to be levied shall be and they are hereby made subject and liable to the Payment of all Sums of Money now due and owing on the Credit of the Assessments granted by the said first-recited Act, in like Manner as they are or shall be liable to the Payment of any Sums that may be borrowed under the Authority of this Act.

Assessments to be liable to Debts still owing.

IX. And be it enacted, That the said Trustees shall hold their First stated or General Meeting by virtue of this Act at *Wick* on the Fourth *Tuesday* after the passing of this Act, and the next stated or General Meeting upon the Day of the *Michaelmas* Meeting of Freeholders of the said County immediately following the passing of this Act; and the said Trustees shall thereafter hold Two General stated Meetings at *Wick* in each Year during the Continuance of this Act, one upon the Day on which the Commissioners of Supply shall meet for providing for the Collection of the Land Tax in the said County, and the other upon the Day of the *Michaelmas* Meeting of the Freeholders of the said County; and at all such Meetings the said Trustees shall be and they are hereby authorized and empowered to carry this Act into execution, and to issue their Orders for surveying, making, amending, improving, widening, altering, straightening, repairing, and keeping in repair the said Roads, and the several Highways, Roads, and Bridges within the said County of *Caithness*, and to do, order, and perform all Acts, Matters, and Things which the said Trustees appointed by this Act are authorized to do, order, and perform; and the Quorum of Trustees necessary to do Business at such stated or General Meetings shall be Five, but if only Four, or a less Number of Trustees, or only One Trustee shall be present at any stated or General Meeting, such Trustees or Trustee shall have Power to adjourn the Meeting: Provided always, that Notice shall be given of the Day and Place and Purpose of every such adjourned General Meeting by printed Notices affixed at each Parish Church, and addressed to the several Trustees who shall be at the Time within the County, by Post, at least Ten Days before the Day on which such Meeting is to be held: Provided always, that any stated General Meeting shall have Power to adjourn, to the Effect of continuing its Proceedings from Day to Day, without giving any Notice of their Intention so to do.

Meetings of Trustees.

X. And be it further enacted, That all Books containing the Accounts and Proceedings of the Trustees for executing the said first-recited Act, and made Evidence thereby, shall and may be given in Evidence in all Cases of Appeal, and in all Prosecutions, Suits, and Actions whatsoever, in such and the same Manner as if the said Act had not been repealed.

Books under former Acts to be Evidence.

XI. Provided always, and be it further enacted, That the Clerks, Surveyors, Collectors, and all other Officers, excepting the Treasurer,
[*Local.*]

Former Officers, except the Treasurer who

surer, to
continue.

who have been appointed under and employed in the Execution of the said first-recited Act hereby repealed, shall respectively continue to exercise their Offices under this Act until they shall respectively be displaced or removed by the said Trustees, or be incapable of executing their Offices, and shall be subject to the like Rules and Regulations, Pains and Penalties, in all respects whatsoever, as if they had been appointed under and by virtue of this Act, without Prejudice nevertheless to the Re-election of the said Treasurer under the Powers of this Act; and all Assessments leviabie at the Time of the passing of this Act by virtue of the said Act hereby repealed shall continue to be levied and taken until altered by the said Trustees.

Treasurer
and Clerk
not to be the
same Person.

XII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person or Persons who has or have been or may be appointed their Clerk or Clerks in the Execution of this Act, or the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks or of his or their Partner or Partners, the Treasurer for the Purposes of this Act, or to continue or appoint any Person who has been or may be appointed Treasurer, or the Partner or Partners of any such Treasurer, or the Clerk or other Person or Persons in the Employ of any such Treasurer or of his Partner, the Clerk or Clerks to the said Trustees; and if any Person or Persons shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person or Persons, being the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person in the Service or Employ of any such Clerk or Clerks or of his or their Partner or Partners, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Partner or Partners of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner or Partners, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any such Treasurer shall hold any Place or Office of Profit or Trust under the said Trustees other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, by Action in the Court of Session in *Scotland*, or, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Officers
under the
former Act
to account
to the Trus-
tees for
executing
this Act.

XIII. And be it further enacted, That all Persons who have been employed, or who shall have received any Monies by virtue or in pursuance of the said recited Act of the Thirty-third Year of the Reign of His late Majesty King *George* the Third, hereby repealed, or who shall have in their Custody or Possession any Books, Accounts, Papers, Writings, or Things relating to the said Act and the Purposes thereof, shall account for, pay, and deliver over the same to the said Trustees, in like Manner and under the like Penalties as are by the said recited Act of the Fourth Year of the Reign of His present Majesty and this Act, or any of them, inflicted in
respect

respect of Persons receiving any Monies, or having the Possession of any Books, Writings, or other Things by virtue of the said Act and this Act.

XIV. And whereas Maps or Plans of the said Roads intended to be made or repaired under the Authority of this Act, together with Books of Reference containing the Names of the Owners and Occupiers of such Lands as the said Roads pass through, have been deposited with the Clerk of the Peace of the County of *Caithness*; be it enacted, That the said Maps or Plans and Books of Reference shall remain in the Custody of the said Clerk of the Peace; and every or any Person, being an Owner or Occupier of any Lands upon the Lines of the said Roads or any of them, shall at all seasonable Times have Access to the said Maps or Plans and Books of Reference, and shall be entitled to examine and make Extracts from or Copies of the same, paying to the Clerk for such Copy or Extract after the Rate of Sixpence for every One hundred Words of such Copies or Extracts.

Maps or Plans to remain with the Clerk of the Peace.

XV. And be it further enacted, That the said Trustees, in making, improving, altering, widening, or straightening the said Roads hereby authorized to be made or repaired, shall not deviate more than One hundred Yards over any inclosed nor more than Three hundred Yards over any uninclosed Lands or Grounds, from the Lines of the said Roads, or from the Lines of the said intended Roads or Alterations of Roads described in the said Maps or Plans, without the Consent and Approbation in Writing of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviation shall be made.

Trustees not to deviate more than 300 Yards from Plan.

XVI. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Trustees to make and maintain the Roads described in the said Maps or Plans through, across, or over the several Lands, Tenements, or Grounds of any Person or Persons who is or are or may be Owner or Owners, Occupier or Occupiers of any Lands, Tenements, or Grounds over which the same are set out and described in the said Maps or Plans as aforesaid, although the Name or Names of such Person or Persons may happen to be omitted or inaccurately described in the relative Books of Reference, in case it shall appear to any Two or more Justices of the Peace in and for the said County of *Caithness*, and be certified in Writing under their Hands, that such Error or Omission proceeded from Mistake.

Trustees to make the Roads notwithstanding Error in Description of Owners or Occupiers.

XVII. And be it further enacted, That it shall be lawful for the said Trustees, and for their Surveyor or Surveyors and Workmen, from Time to Time to enter upon the Lands and Premises through which or whereupon any of the said Roads hereby authorized to be made, amended, improved, widened, altered, or straightened is or are intended to pass, and to stake out the said Roads or any of them, and to cut and make any Drains or Ditches or Arches through or into any Lands or Grounds adjoining or lying contiguous to any Part thereof, the said Trustees making Satisfaction to the Owners and Occupiers of such Lands and Grounds for the Damages that shall thereby be occasioned; and if

Trustees may enter upon Lands for making the Roads.

any Person shall pull up, remove, or destroy any of the Stakes or other Marks used or the Fences made in laying out any Part of such Roads, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Twenty Shillings Sterling.

Property not to be taken after Five Years.

XVIII. Provided always, and be it further enacted, That in case the said Trustees shall not purchase or acquire the said Lands, Tenements, or Grounds within the Space of Five Years from and after the passing of this Act, then and in such Case all the Powers hereby granted for purchasing and acquiring the same shall from thenceforth cease and determine, save and except with the Consent of the Owners thereof.

Power to alter Lines, with Consent of the Owners of Property.

XIX. And be it further enacted, That it shall be lawful for the said Trustees and they are hereby authorized and empowered to alter or divert the Course of any of the said Roads hereby authorized to be made, amended, improved, widened, altered, straightened, repaired, and kept in repair, in such Manner as they shall think proper, for the Purpose of rendering them more commodious and useful for the Public, although such Alterations or Diversions should not be contained or described in the said Maps or Plans : Provided always, that the previous Consent in Writing of the Owner or Owners of the Lands or other Property through which each such Alteration or Diversion is intended to pass, or of the respective Agents or Factors of such Owner or Owners, shall be first had and obtained by the said Trustees.

Assessments to be levied.

XX. And be it further enacted, That to aid in enabling the said Trustees to accomplish the Purposes of surveying, making, amending, improving, widening, altering, straightening, repairing, and keeping in repair the Roads and Bridges above specified, the whole Proprietors and Liferenters of Lands within the County of *Caitbness* shall be and they are hereby made liable to and shall pay to the said Trustees or to their Collector, or such other Person or Persons as they shall direct and appoint to receive the same, an annual Assessment to the Extent and at the Rate of Two Pounds Five Shillings Sterling on each One hundred Pounds *Scots* of the Valuation of their Lands whereof they hold the *Dominium utile*, as the same now stand or may come to stand in the Books of Valuation according to which the Land Tax or Cess of the said County is assessed and levied ; and this Assessment shall be laid on for the Year One thousand eight hundred and thirty by the Commissioners of Supply of the said County at a special Meeting to be convened for that Purpose, as soon as conveniently may be after the passing of this Act ; and thereafter such Assessment shall be annually laid on by the said Commissioners of Supply of the County, at their Meeting for providing for the Collection of the annual Land Tax or Cess, so long as the same shall be necessary for accomplishing the Purposes of this Act ; and the Commissioners of Supply are hereby appointed and enjoined so to do, and to issue their Decrees for Payment of the same accordingly.

Commutation of Statute Labour.

XXI. And whereas it has generally been found that a Commutation of the Statute Labour for a Payment in Money is more useful and effectual for the making and repairing of public Roads than actual Labour by the
Tenants

Tenants or Occupants of Lands or Houses: And whereas the Rate of Thirty Shillings Sterling for each Hundred Pounds *Scots* of Valuation, fixed as a Maximum by the said recited Act of the Thirty-third Year of the Reign of His late Majesty King *George* the Third, hereby repealed, has become inadequate for the Purposes for which it was intended; be it enacted, That from and after the passing of this Act the whole Statute Labour of the said County shall be converted, excepting as hereinafter provided, by an Assessment on the valued Rent at the Rate of Forty-five Shillings Sterling for each Hundred Pounds *Scots* of Valuation: Provided always, that no Occupant of Lands rented or valued above Eight Pounds Sterling of yearly Rent or yearly Value shall in any Case pay a less Sum of Commutation Money than Six Shillings Sterling yearly.

XXII. And be it further enacted, That no Part of the said Commutation of Forty-five Shillings Sterling on each Hundred Pounds *Scots* of Valuation shall be applicable to or levied from Tenants, Householders, Cottagers, Villagers, Artisans, or Labourers, who do not occupy, with their Houses or Cottages, Lands exceeding in yearly Rent or yearly Value the Sum of Eight Pounds Sterling; and that the whole Amount of the said Commutation of Forty-five Shillings for each Hundred Pounds *Scots* of valued Rent shall in the first Instance be accounted for and paid by the Proprietors, Liferenters, and principal Tacksmen of the Lands, as the Case may be, who shall be entitled to Relief thereof and to receive Repayment of the same from the actual Occupants of Lands held from or under them, in proportion to the yearly Rent or yearly Value of the Lands held by such Occupants respectively.

Commutation to be levied only on Property exceeding 8% of annual Value.

XXIII. And be it further enacted, That any Excess of Amount which may or shall arise in consequence of the above inserted Provision, that no Occupant of Land exceeding Eight Pounds of yearly Rent shall pay less than Six Shillings of Commutation Money annually, shall be accounted for and paid over by such Proprietor, Liferenter, or principal Tacksman, although the general Assessment of his, her, or their Property or Leasehold Lands shall thereby exceed in Amount the said Sum of Forty-five Shillings Sterling for each Hundred Pounds *Scots* of their valued Rent respectively.

Excess to be paid over by Proprietors, &c.

XXIV. And be it further enacted, That at their First Meeting under this Act the said Trustees shall direct the General Clerk of the said Trustees, or the General Clerk to be by them then appointed, to prepare and to report within Three Calendar Months thereafter a Statement of the Valuation of each Proprietor or Liferenter of Lands within the said County as appearing from the Cess or Land Tax Books of the whole Farms or Possessions into which they are divided, whether these are in his or her natural Possession or let to Tenants, the Parish or Parishes within which they are situated, the Names of the respective Possessors, and, when the said Farms or Possessions are not separately valued in the Cess or Land Tax Book, the Proportion of valued Rent falling on each Farm suitable to the yearly Rent or yearly Value thereof, and the Amount of the Assessment in lieu of Statute Labour which under the Provisions of this Act shall be leviable from each Occu-

Statements of Values of Properties to be made.

pant or Tenant for or on account of each particular Farm or Possession; but such Statements shall not include any Possessions of Lands the yearly Rent or yearly Value of which shall not exceed Eight Pounds Sterling.

States of Occupation of Lands within the County to be made up.

XXV. And be it further enacted, That in order the better to enable the said General Clerk to make up the States aforesaid each Proprietor or Liferenter of Lands within the said County, or his or her Factor, shall, within Forty Days after the First Meeting of Trustees to be held after the passing of this Act, deliver to such Clerk a written Statement setting forth the Manner of Occupation of his whole Lands, the Names of the Occupants, the Rents payable for the same, or yearly Values thereof, the Parishes within which they are situated, and the Amount of the Commutation Money which under the Provisions of this Act shall be exigible from each Occupant; and all Tacksmen having Sub-tenants holding under them shall within the said Period of Forty Days deliver to the said Clerk similar Statements, setting forth the annual Rent or Value of the Lands in their own personal Occupation, the Names of their Sub-tenants, the Rents payable by them respectively, and the Parishes within which they are situated, and the Amount of the Commutation Money which under the Provisions of this Act shall be exigible from each Sub-tenant; and in case any Person who is hereby required to deliver such Statement to the said Clerk shall not deliver the same within the Period above limited, it shall be competent to the Clerk, on the Expiration of the said Term of Forty Days, to apply to the Sheriff of the County setting forth such Failure, who shall thereupon summarily appoint the Party complained of, or, in the Case of the Absence from the County of such Proprietor or Liferenter or Tacksman, his known Agent or Factor, to appear before him, and to exhibit on Oath, if required, such Statement and in case the said Party complained of or his Agent or Factor shall not thereupon exhibit such Statement, the said Sheriff shall thereupon authorize all competent Measures to be taken to ascertain the Facts before specified, and shall moreover subject the Party so failing in the Expences of such Procedure.

Rates of Conversion of Grain.

XXVI. And be it further enacted, That where the Rents of Lands are payable partly in Money and partly in Victual or Grain, or wholly in Grain, then and in that Case such Victual or Grain shall for the Purposes of this Act be convertible at the Rates following; *videlicet*, for each Quarter of Barley or Bear, Twenty-four Shillings; for each Quarter of Wheat, Forty-eight Shillings; for each Quarter of Oats, Twenty Shillings; and for each Load of Meal, Thirty-two Shillings.

States of Commutation Assessment.

XXVII. And be it further enacted, That the said General Clerk of the said Trustees shall forthwith prepare and make up States of the Commutation Assessment under this Act of each Parish within the said County, setting forth the Names of the Farms, the Names of the Occupants of all Lands rented or valued above Eight Pounds Sterling of yearly Rent or yearly Value, and the Amount of the Commutation charged against each Farm and Occupant, and have the same affixed at the Parish Church of such Parish for the Information of all Parties concerned.

XXVIII. And

XXVIII. And be it further enacted, That all Persons considering themselves aggrieved by such Assessment may within Twenty-one Days after such Notification at the respective Parish Churches as aforesaid apply by Petition to the Sheriff Depute or Substitute, or to the Justices of the Peace of the said County, setting forth the special Grounds of Complaint, and the Extent of the Redress claimed; and the said Sheriff Depute or Substitute, or Justices of the Peace, or any Two of their Number, is and are hereby empowered and authorized finally to dispose of and judge of such Applications; and his or their Decision thereon shall not be liable to any Appeal or Review in any Form or by any Court whatsoever.

Appeal.

XXIX. And be it further enacted, That if no such Complaint shall within the Period above mentioned be made to the said Sheriff Depute or Substitute, or to the said Justices of the Peace, then and in that Case the Assessment as contained in the Notification fixed at the Parish Churches as above mentioned shall, till the same shall be altered in manner hereinafter provided, be the Rate of the Assessments on the Occupants of the Lands therein specified respectively; and if such Complaint shall be made, then and in that Case the Decision of the said Sheriff Depute or Substitute or Justices of the Peace thereon shall in like Manner fix the Amount of the Assessment on the Occupants of the Lands to which such Complaint shall relate.

If no Appeal, Rates to continue; if Complaint made, Justices, &c. to decide.

XXX. And be it further enacted, That at the Expiration of every Period of Seven Years from and after the passing of this Act it shall be in the Power of the said Trustees, if they shall see fit, to direct renewed Statements of the Occupation to be made of the whole Lands in the County, and new Statements to be made of the Commutation Assessments payable in respect of the same, and they shall thereupon proceed in manner as hereinbefore directed in regard to the first Commutation Assessment to be made under the Authority of this Act; and similar Powers of Appeal shall thereupon be competent to all Persons considering themselves thereby aggrieved; and the Sheriff Depute of the County, or his Substitute, or Justices of the Peace, as the Case may be, shall hear and determine in the Matter of such Appeals as hereinbefore directed in regard to the said first Commutation Assessment.

Renewed Statements of the Occupation of Lands may be directed by Trustees every Seven Years.

XXXI. And be it further enacted, That all Tenants and Occupiers of Lands, Tenements, or Heritages the yearly Rent or yearly Value of whose Possessions shall not exceed Eight Pounds Sterling yearly, and the Inhabitants of Towns and Villages, and Householders, Artisans, Labourers, Cottagers, Journeymen, Apprentices, and all other Persons whatsoever, liable in the Performance of Statute Labour on the Highways, or in Payment of Conversions for the same, shall in lieu of such Statute Labour and Conversions be liable for and shall pay to the said Trustees or their Collector, or such other Person or Persons as they shall direct and appoint to receive the same, an annual Commutation for such Statute Labour at the Rates following; *videlicet*, all such Persons who possess no Lands, Tenements, or Heritages, or who possess Lands, Tenements, or Heritages the yearly Rents or yearly Values of whose

Commutation for small Tenants, Inhabitants of Towns, &c.

Possessions do not exceed the Sum of Two Pounds Sterling, the Sum of Three Shillings Sterling; all such Persons the yearly Rents or yearly Values of whose Possessions exceed Two Pounds and do not exceed Four Pounds Sterling, the Sum of Four Shillings Sterling; all such Persons the yearly Rents or yearly Values of whose Possessions exceed Four Pounds Sterling and do not exceed Eight Pounds Sterling, the Sum of Five Shillings Sterling; and all such Persons, being Inhabitants of Towns and Villages, the yearly Rents or yearly Values of whose Houses shall exceed Eight Pounds Sterling, the Sum of Six Shillings Sterling; which Sum of Six Shillings shall be the Maximum of the Assessment leviable from the Inhabitants of Towns and Villages in the said County, and on all Householders and other Persons not occupying Lands, Tenements, or Heritages, although the yearly Rents or Values of the Houses of such Persons should exceed Eight Pounds Sterling: Provided always, that any of such Persons as aforesaid keeping a Horse and Cart, or Horses and Carts, for Hire, shall for each such Horse and Cart pay an additional Assessment of Six Shillings Sterling.

How Com-
mutations
are to be
imposed.

XXXII. And be it further enacted, That for assessing and levying the foresaid Assessment upon Tenants and Occupiers of Lands, Tenements, or Heritages the yearly Rent or yearly Value of whose Possessions shall not exceed Eight Pounds Sterling, and upon all such Inhabitants of Towns and Villages, Householders, Artisans, Labourers, Cottagers, Journeymen, Apprentices, and other Persons as last aforesaid, the said Trustees shall appoint some proper Person or Persons to make up and return to the said Trustees in each Year upon Oath (which Oath any Justice or Justices of the Peace is and are hereby authorized and required to administer) Lists of all such Persons as aforesaid, and an Account of the Sums payable by such Persons respectively, according to the Rules of Payment hereinbefore contained; and the Sums contained in such Lists and Accounts shall be paid by the Persons so returned as liable in Payment of the same to the Collector or other Person to be appointed by the said Trustees to receive the same.

Appeal in re-
gard to the
same.

XXXIII. Provided always, and be it further enacted, That if any such Person as herein last before mentioned shall think himself or herself aggrieved by the Assessment imposed upon him or her in manner aforesaid, in any Year, it shall be competent to such Person to appeal from the same within Twenty-one Days after Demand of Payment made upon him or her of such Assessment, to the Sheriff Depute or Substitute or to the Justices of the Peace of the said County; and the said Sheriff Depute or Substitute or Justices, or any Two of their Number, shall appoint a Time for hearing such Appeals, and after hearing the Matter of each Appeal in a summary Way shall decide thereon as to him or them shall seem fit, and his or their Decision in the Matter of such Appeal shall not be subject to any Stay, Alteration, or Review in any Court of Law whatever; but no such Appeal shall stop the Payment of the Conversion in that Year in which such Conversions are ordered to be paid; saving nevertheless to the Parties their Redress out of the Conversion of the Year next after the Determination of the Complaint, or otherwise as by Law they shall be entitled.

XXXIV. And

XXXIV. And be it further enacted, That no Clergyman or Schoolmaster shall be subjected to perform any Service, or to pay Conversion for the same, nor any Clergyman to pay Conversion on account of his Manse or Glebe, or Schoolmaster for his House or School Croft; and it shall be lawful for the said Trustees at any of their General Meetings to appoint a Committee or Committees of their Number, who shall have Power to exempt and free from the Payment of any Composition all such Householders and Cottagers or other Persons as shall appear to them to be in indigent Circumstances, and from Age and Infirmity incapable of personal Labour.

Clergymen and Schoolmasters to be exempted; as also indigent Persons.

XXXV. And be it further enacted, That as soon as conveniently may be full and complete States of the Commutation Money leviable in the several Parishes of the County shall be made up and reported by the Clerk to the said Trustees, and shall be entered in the Books of the General Trustees; and Copies of the said States of the Commutation Money leviable in each of the Districts hereinafter mentioned, specifying separately those of each of the Parishes of which each District shall be composed, shall be entered in the Books of each such separate District.

States of Commutation Money when fixed to be recorded.

XXXVI. And be it further enacted, That the whole of the Assessments and Conversions to be ascertained and levied in virtue of this Act shall be payable annually on the First Day of *March*; and in the event of any Person or Persons liable in Payment thereof failing to make Payment accordingly, the Clerk or Collector to the said Trustees shall be and is hereby empowered to apply for and obtain summary Warrants from the Sheriff or Justices of the Peace to distrain and sell the Goods of the Person so failing, or to proceed to recover the Sums due by ordinary Action at Law.

Conversions, to be payable annually in *March*, and Mode of recovering the same.

XXXVII. And be it further enacted, That the said Trustees shall be and they are hereby authorized and empowered to erect or cause to be erected Gates or Turnpikes in, upon, or across any Part or Parts of the Roads hereinbefore specially described, already made or to be made by Authority of this Act, or on the Sides thereof, across any Way leading into or out of the same, in such Places as they shall think fit, the Four Branch Roads or Offsets hereinbefore specially mentioned being always excepted; and also to erect Toll Houses at all or any of such Gates, with such Buildings or Gardens adjacent thereto as shall appear to them to be expedient; and the said Trustees are hereby empowered to purchase or take on Lease such Pieces of Ground as they shall judge most expedient, not exceeding the Fourth Part of an Acre for each Toll House, Building, and Garden, and from Time to Time to alter the Situation of such Gates or Turnpikes, with the Toll Houses, Buildings, and Gardens respectively connected therewith.

Turnpike Gates may be erected.

XXXVIII. And be it further enacted, That the said Trustees, or any Person or Persons duly authorized by them, shall be and they are hereby authorized and empowered to demand and take, or cause to be demanded and taken, at each of the Gates or Turnpikes which shall

Tolls to be levied.

be erected by virtue of this Act, before any Passage be permitted (save and except as hereinafter mentioned), the Tolls and Duties following, or such other Sum or Sums as the said Trustees shall from Time to Time determine, not exceeding the Rates after specified; (that is to say,)

For every Horse or other Beast of Draught drawing any Coach, Berlin, Landau, Chariot, Chaise, Calash, or other such Carriage with Four Wheels, the Sum of Nine-pence Sterling :

For every Horse or other Beast of Draught drawing any Chaise, Gig, Curricule, or other such Carriage, the Sum of Sixpence Sterling :

For every Horse or other Beast of Draught drawing any Waggon, Cart, or other such Carriage, the Sum of Three-pence Sterling :

For every Horse or Mule, with or without a Rider, laden or unladen and not drawing, the Sum of Two-pence Sterling :

For every Drove of Oxen, Neat Cattle, Asses, Horses, or Fillies unshod, the Sum of Ten-pence Sterling *per* Score; and so in proportion for any greater or less Number :

For every Drove of Calves, Hogs, Sheep, Lambs, or Goats, the Sum of Five-pence Sterling *per* Score; and so in proportion for any greater or less Number.

Tolls to be taken only once a Day, and but once in Six Miles.

Proviso as to Stage Coaches and Post Chaises.

XXXIX. And be it further enacted, That the Tolls hereby authorized to be taken having been paid at any of the said Turnpike Gates or Bars, no farther Toll shall on the same Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock of the succeeding Night) be again exigible, either at the same Turnpike Gate or Bar or at any other Turnpike Gate or Bar within Six Miles of the Gate or Bar at which such Tolls shall have been paid, for the same Horse or other Beast, or for the same Coach, Waggon, or other Carriage, for which such Toll shall have been previously paid, in the same Day: Provided always, that this Regulation shall not affect the Provisions of the said recited Act of the Fourth Year of the Reign of His present Majesty, regarding the Tolls payable in respect of all Horses or Beasts of Draught drawing any Stage Coach, Caravan, or other Stage Carriage conveying Passengers or Goods for Pay or Reward, and in respect of all Horses or Beasts of Draught let out for Hire, and drawing any Post Chaise or other Carriage, whenever any new Hiring thereof shall have taken place.

Tolls, &c. vested in Trustees.

XL. And be it further enacted, That all the Tolls and Duties hereby granted and made payable, together with the Right of Property of and in every Gate or Turnpike, Toll House, Building, Garden, Bridge, Milestone, Post, Rail, and all Road Materials, and every other Matter or Thing belonging to the said Roads, which have been acquired by the Trustees under the said first recited Act hereby repealed, or which shall be acquired by virtue of this Act, are and shall be vested in the said Trustees appointed in or by virtue of this Act.

Penalty on Tollkeepers for Neglect of Duty.

XLI. And be it further enacted, That if any of the Keepers of the Turnpike Gates erected by virtue of this Act shall fail in due Performance of his or their Duty, or shall neglect to give constant Attendance at all

Hours, and a free and ready Passage to all Persons and Carriages on Payment of the Toll or Tolls by it exigible, every such Keeper so offending shall forfeit and pay any Sum not exceeding Five Pounds Sterling for each Offence.

XLII. And be it enacted, That the Monies produced by the said Assessment on the Proprietors and Liferenters of Lands, and by the said Assessment or Commutation in lieu of Statute Labour leviable from the Occupants of Lands or Houses, as herein already provided, shall be laid out upon Roads or Bridges within the Parishes in which the Lands or Houses on account of which they are leviable are respectively situated, and not otherwise, unless with the Consent of the whole Trustees of the Parish or Parishes whose Funds may be so applied.

Commuta-
tion for Sta-
tute Labour,
how to be
apportioned.

XLIII. And be it enacted, That the Toll Duties which shall be levied under the Authority of this Act shall, without Regard to the Position of the Toll Bars or Gates which shall be erected, be divided amongst the whole Parishes of the said County of *Caithness*, each Parish annually receiving a Proportion thereof corresponding in Amount to the Extent of the Monies levied from the Proprietors and Liferenters of Lands situated therein, and of the Monies levied from the Occupants of Lands or Houses therein, as a Commutation in lieu of Statute Labour under this Act.

Toll Duties,
how to be
apportioned.

XLIV. And be it further enacted, That for the Purposes of this Act the said County of *Caithness* shall be divided into Five Districts; the First to consist of the Parishes of *Reay* and *Thurso*; the Second to consist of the Parishes of *Odrig* and *Dunnet*; the Third to consist of the Parishes of *Bower* and *Wattin*; the Fourth to consist of the Parishes of *Cannisby* and *Wick*; the Fifth to consist of the Parishes of *Halkirk* and *Latheron*; and the Proprietors and Liferenters of Lands within each District affording a Qualification to act as Trustees under this Act, and the eldest Sons of such Heritors, being Heirs Apparent of the said Property, and the Trustee or Trustees or legal or judicial Guardian on the Estates of such qualified Persons, shall, under the Regulations and Restrictions hereinafter mentioned, have the Superintendence of the Roads within such Districts respectively, and of the Money to be collected under this Act from the said Districts: Provided always, that the Provost and eldest Baillie of *Wick* and the eldest Baillie of *Thurso* shall be entitled to sit and vote in all Meetings of the Districts within which the Burgh of *Wick* and the Town of *Thurso* are respectively situated; and provided also, that where any Road passes through more than One Parish such Line of Road shall be under the Management and Direction of the Trustees of the whole Parishes through which such Line passes.

Districts.

XLV. And be it further enacted, That the First General Meeting of the Trustees under this Act, or any General Meeting of Trustees to be held thereafter for that Purpose, shall appoint the Times and Places of the stated periodical Meetings of the said District Trustees, and shall make such Regulations, to be observed by the said District Trustees in the Management and Conduct of the Affairs of the Roads within the said Districts,

District
Meetings to
be appointed.

tricts, as shall appear to them to be most expedient; and the Regulations so to be made shall be equally binding on the said District Trustees as if the same were herein *verbatim* inserted: Provided always, that the whole Proceedings of the Trustees in their District Meetings assembled shall be subject to the Review and Controul of the General Meetings of Trustees; to which General Meetings their Proceedings shall be regularly reported.

Assessments
for Bridges.

XLVI. And whereas it has been found by Experience that the Assessment of Two Pounds Ten Shillings *Scots* on each Hundred Pounds *Scots* of valued Rent leviabie within the County of *Caithness*, under the said first recited Act of the Thirty-third Year of the Reign of His late Majesty King *George* the Third, hereby repealed, for the Purpose of making and keeping in repair Bridges within the said County, is inadequate, and that it is expedient that the Bridge Money Fund be under the Management of the Trustees appointed by this Act; be it therefore enacted, That it shall be lawful for the said Trustees, at any of their General Meetings, to assess the Proprietors or Liferenters of Land in the said County, comprehending the Heritors of Burgh Lands therein, in a Sum not exceeding Seven Pounds Ten Shillings *Scots* on each Hundred Pounds *Scots* of Valuation, for the Purpose of making and repairing Bridges within the said County; which Assessment shall be paid to the said Trustees, or any Person or Persons appointed by them to receive the same; and the said Trustees shall and they are hereby bound to make up annually, and insert in their Books, Accounts of the Monies so assessed, and of the Appropriation thereof, for the Information of all having Interest.

Application
of Surplus
Funds.

XLVII. And be it further enacted, That when the special Purposes of this Act shall be completed in any Parish, the Trustees of such Parish may, with the Sanction of the General Meetings of Trustees, apply any Funds remaining in their Hands, or afterwards accruing, in making or repairing such other Roads or Bridges as may be by them deemed expedient.

Trustees
may borrow
Money on
the Credit of
the Assess-
ments;

XLVIII. And be it further enacted, That it shall be competent to the Trustees hereinbefore appointed, in their respective Districts or Parishes, from Time to Time to borrow Money to the Extent of Fifteen Years gross Produce of the said Assessment of Two Pounds Five Shillings Sterling on the Proprietors and Liferenters of Lands for each Hundred Pounds *Scots* of their Valuation, and to the Extent of Fifteen Years gross Produce of the said Assessments in lieu of Statute Labour, according to the Amount of these Assessments, to be ascertained by the Statements to be made up and reported by the general Clerk, under the Provisions hereinbefore contained.

on Credit of
the Tolls;

XLIX. And be it enacted, That it shall be competent to the said Trustees from Time to Time to borrow Money to the Extent of Fifteen Years gross Produce on the Credit of the Toll Duties to be levied under the Authority of this Act.

L. And

L. And be it enacted, That it shall be competent to the said Trustees from Time to Time to borrow Money to the Extent of Fifteen Years gross Produce on the Credit of the Bridge Money to be levied under the Authority of this Act. and on Credit of the Bridge Money;

LI. And be it enacted, That it shall be lawful to the said Trustees to assign the said Assessments and Toll Duties and Bridge Money as a Security to any Person or Persons who shall advance Money for the more speedily carrying into effect the Purposes of this Act, and that in the Manner and Form set forth in the said recited Act of the Fourth Year of the Reign of His present Majesty King *George* the Fourth with relation to Assignations of Toll Duties, or in any other competent Form. and may grant Assignments of either as Security..

LII. And be it further enacted, That every Collector and Treasurer appointed by the said Trustees to act in regard to the said Assessments or any of them shall give Security for his Intrusions to the Amount at least of One Year's Receipt of the Monies with which he may be intrusted. Collector and Treasurer to give Security.

LIII. And be it enacted, That it shall be competent to Heirs of Entail and Liferenters to burden their entailed and liferented Lands with the Amount of the Assessment of Two Pounds Five Shillings for every Hundred Pounds *Scots* of their valued Rent, leviable under this Act from Proprietors or Liferenters, under this special Provision, that the Heir or Liferenter in Possession shall be bound and obliged to pay annually the Interest thereof. Heirs of Entail may burden Properties with Assessments.

LIV. And be it further enacted, That the Expences of preparing, applying for, and procuring this Act, and of the Surveys, Plans, and other preliminary Matters to which it refers, shall be paid out of the first and readiest of the Assessments, Tolls, and Duties, received and levied by the said Trustees under and by virtue of this Act, each Parish and each District contributing thereto proportionally. Expences of Act.

LV. And be it enacted, That all Debts incurred by the respective Parishes within the said County of *Caithness* under the said recited Act of the Thirty-third Year of the Reign of His late Majesty King *George* the Third, hereby repealed, shall form a Burden on the Funds to be levied within such Parishes under this Act; and that the present Funds of the said respective Parishes shall fall under the Operation of this Act. Debts under former Act to be good under this Act.

LVI. 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 by all Judges, Justices, and other Persons whomsoever, without being specially pleaded. Public Act.

LVII. And be it further enacted, That this Act shall continue from and after the Commencement thereof during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament, in so far as regards the said First Assessment of Two Pounds Commencement and Endurance of Act.

[*Local.*]

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Five

Five Shillings on the valued Rent of Proprietors and Liferenters, and during the Term of Thirty-one Years, and from thence to the End of the then next Session of Parliament, in so far as regards the said Turnpike Roads and Toll Duties; but that it shall, in so far as it regards the Conversion of Statute Labour, be perpetual.

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