



ANNO UNDECIMO

GEORGIIV. REGIS.

Cap. lxxviii.

An Act for making and maintaining Roads, Bridges, and Ferries, and for converting, regulating, and making effectual the Statute Labour, in the County of *Inverness*. [29th May 1830.]

WHEREAS an Act was passed in the Forty-eighth Year of the Reign of His late Majesty King George the Third, intituled *An Act for continuing, altering, and enlarging the Powers of so much of an Act of His present Majesty as relates to making effectual the Statute Labour in the Shire of Inverness, and levying a Conversion of Money in lieu thereof, and otherwise regulating, making, and repairing Highways and Bridges in the said Shire*, which is now about to expire: And whereas certain Regulations and Powers are necessary for more effectually levying, apportioning, and appropriating the Assessment and Conversion Money in lieu of Statute Labour, and for otherwise regulating, making, and repairing Highways, Bridges, and Ferries in the said Shire; and it is expedient that the said recited Act should be repealed: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the said recited Act shall be and the same is hereby repealed; and instead thereof this Act shall commence and take effect from and after the passing hereof.

48 G. 3.
c. 105.

Recited Act
repealed.

II. And be it further enacted, That every Person who now is, or shall be during the Continuance of this Act, in his own Person or in the Right of his Wife, in the actual Possession and Enjoyment, as Proprietor or Life-renter,

Trustees.

[Local.]

27 A

renter,

renter, of the *Dominium utile* of Lands or Salmon Fishings lying in the said County of *Inverness*, valued in the Cess Books thereof to the Extent of One hundred Pounds *Scots*, or yielding *per Annum* to the Extent of One hundred Pounds Sterling of real Rent, after Deduction of Public Burdens, and the Heir Apparent of every Person possessed, as Proprietor or Liferenter, of the *Dominium utile* of such Lands or Fishings to the Extent of Two hundred Pounds *Scots* of valued Rent, and where Lands and Fishings are not valued, the Proprietor or Liferenter of the *Dominium utile* of such Lands or Fishings yielding to the Extent of One hundred Pounds Sterling *per Annum* of real Rent, as ascertained in manner after mentioned, and the Heir Apparent, of every Person possessed, as Proprietor or Liferenter, of the *Dominium utile* of such Lands or Fishings yielding to the Extent of Two hundred Pounds Sterling *per Annum* of real Rent, One Guardian of each Minor or other Person incapable by Law to act enjoying Lands or Heritages of the Valuation or Rent aforesaid, One Trustee of every Estate of the Valuation or Rent aforesaid, and in the Absence of each such qualified Person, One duly accredited Agent, Proxy, or Factor on behalf of each, the Sheriff Depute of the County of *Inverness* and his Substitutes, the Justices of the Peace for the said County, and the Provost, Eldest Baillie, and Dean of Guild of the Royal Burgh of *Inverness*, all for the Time being, shall be and they are hereby appointed Trustees for ordering and superintending the making and repairing, and keeping in Repair, or causing to be surveyed, altered, and repaired all and every the roads, Bridges, and Ferries within the said County of *Inverness*, other than and besides the Turnpike and the Military and Parliamentary Roads and Bridges in the said County, and for exacting and applying the Assessment and Conversion Monies hereinafter allowed to be imposed and levied, and for carrying into execution the whole Powers given by former Laws, and conferred by this present Act, relative to the Roads, Bridges, and Ferries within the said County.

No Trustee
to have more
than One
Vote.

III. Provided always, and be it enacted, That no Person of any Description, qualified as a Trustee under this Act, shall have more than One Vote, excepting the Chairman or Preses, as hereinafter mentioned, on any Pretence whatever.

Qualifica-
tion of
Proxies, &c.

IV. Provided always, and be it enacted, That no such Sheriff Depute or Substitute, Provost, Baillie, Dean of Guild, Proxy or Agent, if not otherwise qualified, shall be capable of acting as a Trustee under this Act, unless he shall be possessed, in his own Right or in the Right of his Wife, of a Personal Estate alone, or of a Real and Personal Estate together, of the Value of Five hundred Pounds Sterling, and unless (if so required by any Trustee present at any Meeting held in pursuance of this Act) he hath taken, or shall before he shall act as such Trustee take and subscribe, an Oath in the Form or to the Effect as follows; (*videlicet,*)

Oath of Qua-
lification.

‘ I do swear, That I truly and *bonâ fide* am, in
‘ my own Right, [*or in Right of my Wife, as the Case may be,*] pos-
‘ sessed of a Personal Estate alone, or of a Real and Personal Estate to-
‘ gether, of the Amount or Value of Five hundred Pounds Sterling.
‘ So help me GOD.’

V. And be it further enacted, That if any of the said Trustees shall accept or hold any Place of Profit arising out of this Act, or shall be concerned or interested in any Contract or Contracts under this Act, he shall be incapable of acting as a Trustee during his Enjoyment of such Place of Profit, or while concerned or interested in such Contract or Contracts; and if any Person, not being qualified as aforesaid, or being disqualified by any of the Causes aforesaid, or not having taken and subscribed the Oath hereinbefore mentioned, if so required, shall notwithstanding presume to act as a Trustee in the Execution of this Act, either at District or General Meetings, every such Person shall for every such Offence forfeit a Sum not exceeding Twenty Pounds Sterling, besides the Expences of the Prosecution, to be recovered, by summary Complaint at the Suit of any Trustee qualified under this Act, before the Justices of the Peace at their Quarter Sessions, or before the Sheriff Depute or Substitute of the said County.

Trustees not to act where interested.

Persons acting not being qualified to forfeit 20%.

VI. And be it further enacted, That no Lender of Money upon the Credit of the Assessments and Conversion Money hereinafter mentioned, nor Assignee of any such Lender, nor any Person receiving Interest for any such Money lent, shall on that Account only be deemed unqualified to act as a Trustee in the Execution of this Act.

Lenders of Money not disqualified.

VII. And be it further enacted, That all Bonds, Covenants, Agreements, and Securities made or entered into by or with any Person or Persons, by, with, or to the Trustees for executing the said above recited Act hereby repealed, according to the Provisions and Directions thereof, shall remain in full Force and Effect, and shall 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 or entered into by the Trustees for executing the said Act hereby repealed, to or with any Person or Persons, shall remain in full Force and Effect, and shall be binding on the said Trustees for executing this Act, and be kept and observed by them, according to the Terms and Stipulations and Tenor thereof respectively; and all Assessments and Conversions of Statute Labour exigible under the said above recited Act hereby repealed, due at and previous to the Twenty-fifth Day of *March* preceding the passing of this Act, shall notwithstanding be payable by the different Persons owing the same, and shall be recoverable by the same Means and by the same Process of Law, and shall be applied to the same Purposes, as are competent and directed by and under the Provisions of the said above recited Act hereby repealed; any thing to the contrary herein notwithstanding.

Former Securities and Agreements to be in force.

Arrears of Assessment and Commutation Money under repealed Act to be still exigible.

VIII. And be it further enacted, That all Books containing the Accounts and Proceedings of the Trustees for executing the said above recited Act hereby repealed, 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.

Former Books to be Evidence.

IX. And be it further enacted, That the Assessments and Conversions of Statute Labour hereby authorized to be levied in the different Districts of the said County shall be and are hereby made subject and liable respectively to the Payment of all Sums of Money now due and owing by such Districts

Assessments granted by this Act liable to former Debts.

Districts respectively, and contracted on the Credit of the Assessment and Conversions of Statute Labour granted by the said above-recited Act hereby repealed.

Former Officers to continue until removed.

X. Provided always, and be it further enacted, That the Clerks, Collectors, and other Officers who have been appointed under and employed in the Execution of the said above recited Act hereby repealed (excepting the Treasurer) 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, and Pains and Penalties, in all respects whatsoever, as if they had been appointed under or by virtue of this Act.

Same Person not to be Clerk and Treasurer.

XI. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint any Person who has been or may be appointed the Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, 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 of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, the Clerk to the said Trustees; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person, being the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, 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 of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, 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 Sterling to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, by summary Action in the Court of Session.

First and other General Meetings of Trustees.

XII. And be it further enacted, That the said Trustees or any Five or more of them shall, in order to carry this Act into execution, meet within the Court House of *Inverness* on the First *Tuesday* of *August* next after the passing of this Act, at Noon, of which Meeting the Sheriff Clerk of the said County for the Time being shall give public Notice by advertising the same in the *Inverness* Newspapers at least Three Weeks before the said Day of Meeting; and if the Number of Trustees present at such First Meeting shall not be sufficient to constitute a legal Meeting, another Meeting shall be held at the said Place and Hour on the Twenty-first Day thereafter, of which public Notice of Fourteen Days at least shall be given as aforesaid; and if a sufficient Number do not then attend, the same Proceeding shall be repeated, till a sufficient Number of Trustees to constitute a legal Meeting shall be assembled; and the said Trustees shall also hold Two stated Meetings in the Year, during the Continuance of this Act, at the

same

same Place and Hour, one of which annual stated Meetings shall be held on the Day on which the Commissioners of Supply of the said County assemble to assess the Land Tax, and the other of which annual stated Meetings shall be held on the First *Tuesday of October* yearly; with Power to adjourn, and to name a Preses, with Power also to the said Trustees to appoint convenient Times and Places for the First Meetings in each Year of the Trustees of the respective Districts hereinafter mentioned, with such Instructions for carrying this Act into execution as may be deemed necessary; and the Trustees at such District Meetings shall have Power afterwards to adjourn to such Time as they shall see Cause; and the Trustees at their several General and District Meetings shall pay and defray their own Expences; and all Acts, Orders, and Proceedings of the Trustees relating to this Act, and all the Powers and Authorities hereby vested in them, shall be exercised (except in the Cases hereby otherwise particularly provided for) by a Majority of the Trustees who shall be present at the respective Meetings to be held by virtue of this Act.

XIII. And be it further enacted, That at all General Meetings of the said Trustees Five shall be a Quorum; and if a Quorum shall not attend, any One or more Trustees attending shall have Power to adjourn; and in case of Equality of Votes on any Occasion, the Chairman or Preses shall, in addition to his own Vote, have the decisive or casting Vote.

Quorum of Trustees at General Meetings.

XIV. And be it further enacted, That it shall and may be lawful for any Two or more of the said Trustees, or for the Clerk of the said Trustees, and he is hereby required, to call Special General Meetings of the said Trustees, on the Requisition in Writing of any Five Trustees, such Requisition stating the Purpose for which such Meeting is called; and the Notice for calling the Meeting shall state the Purpose thereof, and shall be published in the said Newspapers at least Three Weeks before such Meeting; and no Business shall be transacted at any Special General Meeting which may be called under Authority of this Act, except what shall be expressed in the Notice calling such Meeting.

Special General Meetings may be called.

XV. And be it further enacted, That it shall be lawful for the said Trustees at any General Meeting to appoint a Clerk, with a suitable Salary for his Trouble, payable out of the Assessments and Conversion Monies leviable by this Act, and to apportion such Salary yearly among the different Districts of the said County, rateably according to the Amount of the Funds respectively of such Districts, as reported to the General Meetings of each Year for the Year preceding; and the said Clerk shall keep a regular Record of the Orders and Proceedings of the said Trustees, to be signed by the Preses of their respective Meetings, and to be entered in a Book of Minutes, which all the Heritors of the said County shall at all reasonable Times be allowed to inspect, without Fee or Reward; and the Clerk shall give out such Extracts of the Orders or Proceedings of the Trustees, containing Warrants for putting these Orders into execution, as may be by them from Time to Time directed; and which Extracts, signed by the Clerk, shall bear Faith and be received as Evidence in the same Manner as Extracts of Proceedings in the Courts of Law in *Scotland*: Provided always, that for such Extracts of said Orders or Proceedings as may be required by individual Trustees and other Persons interested the said

Trustees may appoint a Clerk of General Meetings.

Clerk shall be entitled to a Fee after the Rate of Sixpence Sterling for every One hundred Words of such Extracts.

Trustees at a General Meeting to frame Bye Laws.

XVI. And be it further enacted, That the said Trustees, in the Execution of the Powers given to them by this Act, may, at any General Meeting assembled, propose Standing Rules or Orders for conducting the Business authorized by this Act; which Rules or Orders, when once made, and confirmed by Two consecutive General Meetings, shall be printed and published, and shall be obligatory on the Trustees, and on the Clerks, Collectors, Surveyors, and other Officers employed in the Execution of this Act, in the same Way and under the same Penalties as if they had been herein particularly inserted, and shall not be altered, except with the Approbation of Two consecutive General Meetings; provided always, that such Rules or Orders are not inconsistent with any of the Provisions of this Act, or with the Law of Scotland.

Division of County into Districts for the Purposes of this Act.

XVII. And be it further enacted, That the said Trustees shall have Power, at their First or any subsequent General Meeting, to fix a Day for a Special General Meeting of the Trustees, to be held for the express Purpose of continuing the existing Division of the County into Districts, or of dividing the County into such other Number of Districts as to them shall seem expedient for the more easy and effectual Execution of the Powers hereby granted; and the present Division of the County into Districts shall continue until either so confirmed or altered; Notice of such Special General Meeting for the Purpose of dividing the County into Districts as aforesaid being given under the Hand of any Two or more of the said Trustees, or of the Clerk of the General Meetings, and published in said Newspapers, and also sent to the several and respective Clerks and Conveners of the present Districts by Letters put into the Post Office of *Inverness* in Presence of Two Witnesses, Six Weeks at least previous to the Day on which such Special General Meeting is to be held: Provided always, that such Division may be altered by a Majority of not less than Two Thirds of the said Trustees assembled at any General Meeting, upon the Application of the Trustees of any District interested in such Alteration, and with the Consent of the Creditors (if any) of the District to be affected by such Alteration, public Notice being always given of the Intention to propose such Alteration, in the said Newspapers Twice at least, and Notice sent as aforesaid to the Clerks and Conveners of Districts, Six Weeks previously to such General Meeting; it being hereby however declared and provided, that the Royal Burgh of *Inverness*, comprehending therein the ancient and extended Royalty thereof, shall always during the Continuance of this Act continue and form one entire and separate District, and shall not be subject to Alteration by enlarging or limiting its Boundaries by any of the General Meetings of Trustees held by virtue of this Act; and that the Provost, Baillies, Dean of Guild, and Convener of the Six incorporated Trades of *Inverness*, and Proprietors of Houses, Lands, and Fishings within the said Burgh yielding a yearly Rent of One hundred Pounds Sterling, after Deduction of Public Burdens, shall be Trustees under this Act; but that Trustees within the Burgh possessing no other Qualification than a yearly Rent of One hundred Pounds Sterling, after said Deduction, and the said Conveners of Trades, shall not be entitled to vote at General Meetings of Trustees of the County; it being also hereby provided, that

the Application of the Funds of the said (Burgh) District shall be annually reported to the General Meeting in the same Manner as the Application of the Funds of the Landward Districts of the County.

XVIII. And be it further enacted, That no Trustee of General Meetings, qualified as aforesaid, shall have Right to act and vote at a District Meeting unless the Property or Part of the Property from which he or (being a Guardian, Trustee, or Factor,) his Constituent derives his Qualification be situated within such District, or in case he shall have no Property within the District, unless he shall have personally resided within such District for Six Months of the Year preceding such District Meeting.

Qualification of District Trustees.

XIX. And be it further enacted, That the said Trustees of Districts shall have the Superintendence and Care of the Roads, Bridges, and Ferries within their respective Districts other than the said Military and Parliamentary and Turnpike Roads; and the said Trustees of Districts shall at their Meetings have Power to name a Preses, Clerks, Surveyors, Overseers, Collectors, and other Officers, with suitable Salaries, and take such Securities from those appointed to Offices of Trust, for the due Execution of their Offices, as they shall think proper; and in District Meetings Three Trustees shall be a Quorum, and any One or more Trustees attending shall have Power to adjourn; and at all District Meetings where there is an Equality of Votes the Preses shall, in addition to his own Vote, have the casting Vote; and the Trustees in each District shall cause to be kept exact Minutes of their Proceedings, and shall cause to be entered accurate Accounts of the Monies received by virtue of this Act, and the Application thereof, in a Book to be kept by their Clerk, which all the Heritors of the County, or their Agents and Creditors of the said Districts respectively, shall have Liberty to inspect *gratis*; and a particular Report of the State of the Roads, Bridges, and Ferries within the respective Districts, or the Books of the Proceedings kept by the Trustees within the same (if required by a General Meeting), and Accounts of the Money expended and Work done the preceding Year, shall be lodged with the Clerk to the General Meetings, by the respective Clerks of the said District Meetings, at least One Month prior to the annual stated General Meeting held on the Day on which the Commissioners of Supply of the said County assemble to assess the Land Tax; and in case of Failure or Neglect, any Justice of the Peace, on the Application of any One Trustee, or of the Clerk of General Meetings, (who, failing an Application by a Trustee, is hereby bound to make Application,) shall summon the Clerk of the District, or other Person or Persons to whom the said Failure or Neglect is imputed, and on Proof of such Failure or Neglect shall fine him or them in a Sum not exceeding Five Pounds Sterling; and the said Trustees of Districts shall be subject for their Proceedings in the Matters committed to them to the Controul of the Trustees of General Meetings, to whom any Person or Persons who think themselves aggrieved by such Proceedings may appeal, and whose Sentence shall be final, and shall not be subject to Review by Advocation or Suspension, or by Reduction, or by any other Process of Law whatever, any Law or Usage to the contrary notwithstanding; and in case the said Trustees of Districts do not comply with the Orders of the Trustees of General Meetings,

Trustees of Districts may appoint Preses, Clerks, &c.

Annual Reports and Accounts to be presented.

Penalty for Neglect.

District Meetings subject to Control of General Meetings

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it shall be in the Power of the Trustees of General Meetings to appoint a Committee of their own Number to carry their said Orders into effect.

General Meetings may allocate Assessments, if District Meetings fail.

XX. And be it further enacted, That if the Trustees of any District shall neglect to execute the Powers committed to them by this Act, and shall not have assessed, levied, or applied the Monies hereinafter allowed to be imposed, it shall be lawful, unless sufficient Cause is shown by such District for such Neglect, for the said Trustees, in any of their annual stated General Meetings, to assess for the same at the Maximum Rate of Assessment allowed by this Act, and to appoint Collectors for levying the Assessments and Conversion Money within such District, and to allocate the Conversion Money unapplied in each District in default, whether imposed by a District or a General Meeting, to the Roads, Bridges, and Ferries of that or any other District within the County, and to name a Committee of their own Number, with the necessary Powers to cause such Application to be made.

Contractors for making Roads, &c. to be advertised for

XXI. And be it further enacted, That when any new Road or Bridge is proposed to be made or built, or any old one to be altered or repaired, the Trustees of the District within which such Road or Bridge is situated shall and they are hereby required to cause such Road or Bridge to be surveyed, and the Expence of making, building, altering, or repairing the same to be estimated by competent Persons; and if the Amount of such Estimate shall exceed Fifteen Pounds, then the said Trustees shall and they are hereby required to advertise for sealed Offers from Contractors for executing the Work agreeably to a Specification to be lodged with the Clerk of the District, and which Advertisement shall be published in said Newspapers, or at the Church Doors in the District; with Power to the Trustees, if they see fit, to advertise both in the Newspapers and at the Church Doors also; which Advertisement, either written or printed, shall be affixed to the Church Doors of each Parish in the District within which the Road or Bridge is situated, on a *Sunday* immediately before Divine Service, Two Weeks at least previously to engaging in the Work; and the lowest Offerer (provided adequate Security for the Completion of the Work be given) shall be preferred.

Trustees may sue or be sued in Name of their Clerk.

XXII. And be it further enacted, That the said Trustees of General Meetings, and the said Trustees of District Meetings, may respectively sue in the Name of their Clerk for the Time being, or of any one of the said Trustees, and may be sued in the Name of their Clerk for the Time being; and that no Action to be brought or commenced by any Trustees by virtue of this Act, in the Name of their Clerk or of any one of the said Trustees, or against the said Trustees in the Name of their Clerk, shall cease by the Death or Removal of such Clerk, or by the Act of such Clerk without the Consent of the said Trustees; but that the Clerk for the Time to the said Trustees so suing or being sued shall always be deemed to be the Pursuer or Defender (as the Case may be) in every such Action or Process: Provided always, that all Expences of Process or Proceedings so incurred by such Clerk or by such Trustee suing in Name and on Behalf of the Trustees shall be reimbursed and paid out of the Funds of the District for which he shall act, or being the Clerk of General Meetings, or Trustees suing in Name of the General Trustees,
out

out of such Funds leviable under this Act as the Trustees of General Meetings shall direct.

XXIII. And be it further enacted, That all such Officers as shall be appointed by the said Trustees of General or District Meetings shall, as often as required by such Trustees, render and give to them, or to such Person as they shall for that Purpose appoint, a true, exact, and perfect Account, in Writing under their respective Hands, with the proper Vouchers, of all Monies which they shall respectively to the Time of rendering such Accounts have received, paid, and disbursed by virtue of this Act, or for or on account or by reason of their respective Offices; and in case any Money so received by any such Officer shall remain in his Hands, the same shall be paid to the Trustees, or to such Person as they shall in Writing under their Hands authorize and empower to receive the same; and if any such Officer shall refuse or wilfully neglect to render and give such Account, or to produce and deliver up such Vouchers, or shall for the Space of Fourteen Days after being thereunto required by the said Trustees so refuse or neglect to render and give up to them, or to such Person as they shall direct or appoint, all Books, Papers, Writings, Tools, Matters, and Things in his Hands, Custody, or Power, belonging or relating to the Matter or District for which he shall act, then it shall be lawful for the Sheriff Depute or his Substitutes, or Justices of the Peace in Quarter Sessions assembled, for the Shire where the Officer so refusing or neglecting shall be or reside, upon Complaint made by or on behalf of the said Trustees, to hear and determine such Complaint in a summary Way, and to cause such Money as shall appear to be due and unpaid to be levied by Pounding and Sale of the Goods and Effects of such Officer, rendering to him the Surplus (if any) of the Money remaining due, after deducting the Expences of such Pounding and Sale; and if sufficient Goods and Effects cannot be found, or if it shall appear to any such Sheriff Depute or Substitutes, or Justices assembled as aforesaid, that any such Officer shall have wilfully refused to give such Account, or to deliver up all or any Books, Papers, Writings, Tools, Matters, and Things in his Custody or Power relating to the Execution of his Office, such Sheriff Depute or Substitutes, or Justices, shall commit him to the Common Gaol of the Shire where such Offender shall be or reside, there to remain until he shall make and give a true and perfect Account, and verify the same in manner aforesaid, and shall produce and deliver up the Vouchers relating thereto, and shall have paid the Money (if any) remaining in his Hands as aforesaid according to the Direction of the said Trustees, or shall have compounded with the said Trustees for such Money, and paid such Composition according to their Direction, which Composition all Trustees are hereby empowered to make and receive, or until he shall deliver up such Books, Papers, and Writings, Tools, Matters, and Things as aforesaid, or have given Satisfaction to the Trustees concerning the same; but no such Officer who shall be committed on account of his not having sufficient Goods and Effects as aforesaid shall be detained in Prison by virtue of this Act for any longer Time than Six Calendar Months.

Officers to
account.

Proceedings
on Neglect
of Officers.

XXIV. And be it further enacted, That in lieu of Statute Services there shall be levied yearly, from the Proprietors and Liferenters of the *Dominium utile* of all Lands and Salmon Fishings within the said County

Assessment
on valued
Lands and
Fishings.

[*Local.*]

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of

of *Inverness*, according to the respective valued Rents at which their Lands stand rated in the Cess and Valuation Books of the said County, an Assessment or Conversion in Money of not less than Three-pence Sterling nor more than Nine-pence Sterling upon each One Pound *Scots* of valued Rent, and which Assessment shall be annually payable to the Collectors of the Districts within which such Lands and Fishings are respectively situated: Provided always, that Tenants occupying Lands or other Heritages in the said County under Leases entered into during the Existence of the said recited Act hereby repealed shall be bound if not contrary to the Terms of their Leases, to pay to the Proprietors or Landlords of such Lands or Heritages, annually as the Rents fall due, during the Continuance or Endurance of the said Leases, the Sum of One Penny Sterling in the Pound Sterling of the real Rent of such Lands or Heritages; which Sum of One Penny Sterling in the Pound Sterling so exigible shall be recovered by the said Proprietors from the said Tenants in the Way and Manner in which the Rents stipulated in such Leases may be recovered, it being hereby specially declared that the said Sum of One Penny Sterling in the Pound Sterling of the real Rent payable by said Tenants as above provided shall be held and deemed to be a *Prestation in Gremio* of the said Leases, and Part of the Rent due to the Proprietor.

Splitting
of valued
Rent.

XXV. And be it further enacted, That it shall be lawful for the said Trustees, at the first General Meeting held after the passing of this Act, or at any subsequent adjourned, stated, or special General Meeting, to appoint a Committee, consisting of not fewer than Three Trustees, to ascertain, by splitting or otherwise, where necessary, the Amount of the valued Rent of the Lands and Salmon Fishings belonging to each Heritor or Liferenter in the respective Districts, as the same shall be continued, confirmed, or altered in manner aforesaid, and to transfer, if necessary, from any One District or Districts to any other District or Districts, the Lands or Fishings, and the valued Rent at which such Lands or Fishings stand rated in the Cess or Valuation Books of the said County; and it shall also be lawful for the said Trustees, or their Committee aforesaid, at the Expence of the Heritors of the Districts in which the Valuation is to be split, to apportion and split, and to transfer in manner herein mentioned, the valued Rent of any Lands or Fishings rated as aforesaid, whether possessed in Liferent or Fee, or by or in Locality, Terce, or Courtesy, valued *in cumulo* with any other Lands or Fishings in a different District or Districts; and the Trustees of such District or Districts, or such Committee as aforesaid, are hereby empowered to adopt such a Splitting of such valued Rent as they may agree upon with the respective Heritors, and such agreed-on Splitting shall be binding on the Heritors then in possession, and their Successors in said Lands or Fishings, during the Continuance of this Act, for the Purposes of this Act only; and failing such Splitting being so effected by Agreement, it shall and may be lawful for the said Trustees or Committee aforesaid to call for the Production from the Proprietors of all such Lands or Fishings, and also from the Occupiers or Tenants thereof, or other Persons, of all Rentals, Leases, and other Writings necessary for enabling the said Trustees or Committee to ascertain and fix such valued Rents as aforesaid, and also for that Purpose to examine such Proprietors, Tenants, or other Persons, and to call
upon

upon or cite them to make such Productions, or to appear before the said Trustees or Committee, in order to undergo such Examination, by a Writing under the Hand of any One of such Trustees and their Clèrk, to be delivered at least Fourteen Days previous to the Day appointed for such Production or Examination; and failing such Production or Appearance, or if any Person appearing shall refuse to be examined, the Person failing or refusing shall be liable in a Penalty of not more than Twenty Pounds Sterling for every such Offence, such Penalty to be levied and applied in manner hereinafter provided; and it shall be lawful for the said Trustees, when such Appearance and Production is made, after examining such Rentals, Leases, Writings, or Parties, to split (but for the Purposes of this Act only) the valued Rents of such Lands or Fishings in such Manner as they shall see just; and upon such Splitting being declared, it shall be lawful to the said Trustees or Committee aforesaid, and they are hereby authorized and empowered, to transfer from One or more Districts to any other District or Districts the valued Rents of any such Lands or Fishings, or Portion thereof, as may be necessary for the proper Arrangement of the Districts as aforesaid; and where such Appearance or Production is not made, or is withheld by any of the Parties interested in such Splitting, it shall and may be lawful for the said Trustees or Committee, upon their own Knowledge, or on such Information or Evidence as they may be able to obtain, to split the valued Rents for the Purposes aforesaid; which Splittings or Splitting, after being approved of at a General Meeting of Trustees, shall be entered in the Sederunt Book of the District or Districts interested in such Splitting or Splittings; and the Collector appointed, or any Collector or Collectors who may be hereafter appointed under the Authority of this Act, shall levy the Assessments thereby apportioned to the Valuation so ascertained.

XXVI. And be it further enacted, That in lieu of Statute Services there shall be levied yearly from the Proprietors and Liferenters of the *Dominium utile* of all Lands and Salmon Fishings holden of the Burgh of *Inverness*, and not valued in the Cess Books of the said County (including the Lands and Fishings belonging in Property to the Corporation of the said Burgh), according to the respective Rents at which these Lands and Fishings are annually rated in the Tax Roll or Stent Book by which the Cess payable by the said Burgh is collected and levied, an Assessment or Conversion in Money of not less than Three Halfpence Sterling, and not more than Four-pence Halfpenny Sterling, in the Pound Sterling of the real Rent so rated and ascertained, to be augmented or diminished within the Limitations aforesaid in the same Proportion that the aforesaid Assessment on Lands valued in the Cess Books of the County shall be augmented or diminished within the Limitations applicable thereto; and which Assessment on real Rent shall be annually payable to the Collectors of the Districts within which such Lands and Salmon Fishings are respectively situated, who are hereby authorized and required to call for and procure a certified Copy of the Tax Roll or Stent Book annually made up for the said Burgh, so far as regards each District in which such Lands and Heritages respectively lie; and the Magistrates of the said Burgh shall be obliged and they are hereby required to furnish annually to the said Collectors respectively a certified Copy of the said Tax Roll or Stent Book annually made up by them or under their Authority, so far as regards the
Lands,

Assessment
on Lands
not valued
in the Cess
Books.

Lands and Heritages aforesaid respectively ; providing always, that the said Proprietors and Liferenters who shall have paid the said Assessment on real Rent shall be entitled to Relief and Repayment during the Currency of Leases entered into previously to the passing hereof, if not contrary to the Terms of such Leases, from their principal Tacksmen or Tenants, for One Half Part of the Assessment aforesaid, in proportion to the Amount of the real Rent payable by such Tenants respectively, and the principal Tacksmen, on Payment by them of the said Assessment, shall have Relief from their Sub-tenants under existing Leases, in like Manner, for such Part of such Assessment as shall be proportioned to the Rents payable by such Tenants respectively ; and the like Action and Execution shall be competent to such Proprietors and Liferenters, and to such principal Tacksmen, for their Relief and Repayment, as by Law is competent to them for the Payment and Recovery of their Rents ; and such Relief shall also be competent in all Cases where an Occupier or Tenant is by Lease or Agreement exempted from the Payment of all Public Burdens, unless the Assessment imposed by this Act be expressly included in such Exemptions.

Assessment
on Houses,
&c. in the
Burgh of
Inverness.

XXVII. And be it further enacted, That there shall be levied yearly from the Tenants, Occupiers, and Possessors of all Dwelling Houses, Lodgings, Writing Chambers, Cellars, Vaults, Shops, Warehouses, Breweries, Manufactories, and other Buildings, and all Timber Yards, Coal Yards, and Lime Yards, and all other Places where Goods or other Property are deposited or Business is carried on, and the Pertinents thereof, situated within the Royalty or Burgh of *Inverness*, according to the respective Rents at which these Subjects are annually rated in the Tax Roll or Stent Book by which the Cess payable by the said Burgh is collected and levied, a Sum not less than Two-pence Sterling, and not more than Sixpence Sterling, in the Pound Sterling of real Rent so ascertained ; and which Assessment shall be annually payable to the Collector of the District of the Royalty of the said Burgh by the said Tenants, Occupiers, and Possessors, who shall be entitled to retain from their Landlords out of their Rents annually One Half Part of such Annual Assessment, which said Landlords are hereby required and obliged to allow as Part of the Rent payable to them, on Production of the Collector's Receipt for such Assessment.

Assessment
for Statute
Services of
Horses, &c.

XXVIII. Provided always, and be it further enacted, That the Proportions of the said Assessments exigible from Tenants, being imposed on them in lieu of Statute Services for Horses and Carts exigible from Tenants in respect of their Occupation of such Lands, Tenements, and Heritages, shall be payable by them over and above the Conversion Money in lieu of personal Labour hereinafter mentioned.

Mode of
Recovery
of Assess-
ments.

XXIX. And be it further enacted, That every Assessment on Lands, Houses, and other Heritages made by virtue of this Act, and each and every Portion thereof, shall be payable on the Twenty-fifth Day of *March* in each Year for the Year preceding : Provided always, that from and after the Thirtieth Day of *April* in each Year Interest shall be charged on all Assessments then in Arrears ; and the said Assessments, and every Part and Portion thereof, and Interest thereon, shall be levied and recovered by the Collectors of the Districts in which the same are respectively payable,
according

according to the common Course of Law, before any competent Court, in the same Way and Manner as any Debt or lawful Claim may or can for the Time be recovered by the Laws of the Realm.

XXX. And be it further enacted, That all Tenants, Sub-tenants, Householders, Shopkeepers, Cotters, Labourers, Tradesmen, Mechanics, and their Journeymen (Apprentices under regular Indentures for Five Years being always excepted), whether residing in the Royal Burgh of *Inverness*, or in Villages, or in the Country, and all other Male Persons above the Age of Eighteen Years, residing within the said County, shall, in lieu of the Statute Labour formerly exigible from them, pay to the Collector of the District within which they respectively reside an Annual Tax or Conversion of not less than Three Shillings Sterling, and not more than Nine Shillings Sterling, to be augmented or diminished within the Limitations aforesaid by the Trustees of District Meetings in any or all of the Districts, but subject to the Controul of the Trustees of General Meetings.

Commutation Money by Householders, &c.

XXXI. And be it further enacted, That all Innkeepers, Carters, Carriers, and all Persons keeping or letting for Hire Horses for riding, Draught, or Carriage, shall pay yearly to the said Trustees a Sum not exceeding the Rate of Two Shillings Sterling for each Horse, over and above the Commutation Money payable by them for Personal Service.

Commutation Money by Innkeepers, Carters, &c.

XXXII. Provided always, and be it enacted, That hired labouring Servants for a Term of not less than Six Months, in the Service of Proprietors and Tenants, shall be wholly exempted from the Payment of any Commutation Money.

Labouring Servants exempted.

XXXIII. And be it further enacted, That the Trustees of each District shall have Power to relieve indigent Persons from all or any Part of the said Commutation or Conversion Money.

Indigent Persons.

XXXIV. And be it further enacted, That the Collectors of the respective Districts shall yearly, when so required by any Three of the said Trustees, return upon Oath to the said Trustees full and distinct Lists of all Horses kept by Innkeepers, Carters, Carriers, and other Persons particularly hereinbefore described, specifying the Names of the Owners of such Horses, and the Purposes for which they are employed, and also full and distinct Lists of the other Persons hereinbefore described, liable in Payment of the said Conversion or Commutation Money; and the said Collectors are hereby required and shall be obliged to act and perform their Duty faithfully, according to the Intent and Meaning of this Act, under the Penalty of Five Pounds Sterling for every Offence, to be levied and applied in Manner hereinafter mentioned.

Collectors to make up Lists of Persons liable for Commutation Money.

XXXV. And be it further enacted, That it shall be lawful for the said Trustees acting in the said Districts respectively, and they are hereby required, to amend and correct the Returns so to be made by the said Collectors, and to hear and determine Appeals by any Persons who may conceive themselves aggrieved thereby; and Notices of the Time and Place for hearing such Appeals shall be published on *Sunday* before Divine Service on the Church Doors of the Parishes of each District Ten Days at least before such Time of hearing Appeals.

Trustees to amend Lists.

Time of
Payment of
Conversion
Money, and
Mode of
enforcing it.

XXXVI. And be it further enacted, That the whole Sums of Money arising from the foresaid Conversions shall be payable on or before the Twenty-fifth Day of *March* yearly to the Collectors to be appointed by the Trustees of each District respectively; and such Collector is hereby required and enjoined to levy Payment of the said Conversions of personal Services from the Persons liable for the same, according to the said Lists given in by the said Collectors, and amended by the said Trustees, giving public Intimation of the Time and Place of Collection by Proclamation on *Sunday* within the Churchyards of the different Parishes of the Districts, immediately after Performance of Divine Worship, and during the Dismissal of the Congregation, Ten Days at least before the Day of Collection; and after the Expiration of the Days specified in such Intimation, the Collector is authorized and it shall be lawful for him to affix Lists of the Defaulters on the Church Doors of the Parishes wherein they reside, on a *Sunday* immediately before Divine Service; and every Person so liable, who shall neglect or refuse to make Payment of the Conversion Money payable by him, within Ten Days after the Lists shall have been so affixed to the Church Doors of the Parishes wherein he resides, shall be liable in a Penalty of Ten *per Centum* on the Amount of his Conversion; and the Collector of the District may sue for and recover the said Monies, and Penalties thereon, together with the Expences of Prosecution, according to the common Course of Law, before any competent Court, in the same Way and Manner as any Debt or lawful Claim may or can be recovered by the Laws of the Realm.

Trustees or
Collector
may enforce
Performance
of Statute
Labour by
such Per-
sons as re-
fuse or delay
to pay the
Conversion
Money.

XXXVII. And be it further enacted, That in case any Person liable in the Conversion of personal Services granted by this Act shall, after such Notices as aforesaid, refuse or delay to make Payment of the same in manner before directed, it shall be lawful to the Collector of the District wherein such Person resides, either to proceed for Recovery of the same in the Manner before mentioned, or to apply to One or more of the Justices of the Peace for the said County, to whom it shall be lawful and who is or are required to grant Warrant to compel such Person to perform Six Days Statute Labour annually, under the Superintendence of the Overseer or other Officer of the District, in the Formation or Repair of such Roads within the same, as the Trustees shall direct, or in default of such Performance to grant Warrant for the Imprisonment of such Person in the nearest Gaol for Six Days.

District
Trustees to
fix Rates of
Assessment,
&c. annu-
ally.

XXXVIII. And be it further enacted, That the Trustees of each District at their first Annual Meeting as aforesaid shall be and they are hereby empowered and directed, subject to the Controul of the Trustees of General Meetings, to fix and determine the particular Rate of Assessment and Conversion Money within such District for the current Year, the same not being less than the Minimum Rates nor exceeding the Maximum Rates hereinbefore specified.

Assessments
to be laid
out in Dis-
tricts where-
in levied.

XXXIX. And be it further enacted, That the said Trustees, at their District Meetings, shall and they are hereby required to order and appoint the whole Monies to be annually imposed and levied upon the Districts in lieu of Statute Labour, whether arising from Lands and other Heritages, or exigible from Persons liable in Statute Services, to be laid out and expended upon the respective Roads and Bridges within the District wherein such Monies are levied, and for the other Purposes authorized by this Act, under De-
duction

duction of Salaries to Clerks, Collectors, and other Officers, and of a rateable Proportion of the Salary of the Clerk of General Meetings.

XL. Provided always, and be it further enacted, That it shall be lawful for the Trustees of the First District, comprehending the Royalty of the Burgh of *Inverness*, and they are hereby required, to order and appoint the whole Monies to be annually imposed and levied in that District, whether arising from Lands, Houses, or other Heritages, or imposed on Heritors, Tenants, or Occupiers, or on Persons liable in Statute Services, to be laid out and expended in making, repairing, and improving the Streets, Roads, Lanes, Passages, Thoroughfares, and other Places within the Limits of the said Royalty, with Power to lay down and form new Pavements, both for Carriages and Foot Passengers, in all or any of the said Streets, Roads, Lanes, Passages, Thoroughfares, and other Places, as they shall think proper, and to cause the Ground of the said Streets, Roads, Lanes, Passages, Thoroughfares, and Places to be raised or lowered, and to construct Drains, Common Sewers, Water Channels, and Soil Pipes, or deepen, enlarge, or otherwise alter any now existing, all in such Manner and of such Dimensions as may be thought necessary and proper.

Assesments on Royalty of Burgh of Inverness to be applied to Streets, &c. of same.

XLI. And be it further enacted, That it shall and may be lawful for the said Trustees of the said Districts, or a Majority of them, to borrow Money on the Credit of the Assessments hereinbefore provided, and of any other Funds of the said Districts leviabie under this Act, for making and maintaining Roads and Streets, building and repairing Bridges, and for the other Purposes of this Act, and to assign any Part of the said Funds of the said Districts in security therefor, in manner hereinafter directed: Provided always, that the Sum so assigned shall not exceed Two Third Parts of the free Funds of the said Districts respectively; provided also, that it shall not be in the Power of the said Trustees, either at the General or District Meetings, to diminish or reduce the Rate of Assessment arising from any District, upon the Credit of which any Sum or Sums of Money may have been borrowed, as hereinbefore allowed, until such Sum or Sums of Money shall have been paid off and extinguished, or unless the Person or Persons to whom the Money is owing shall consent.

Power to borrow Money.

XLII. And be it further enacted, That the Security or Securities to be granted for the Money to be borrowed for the Purposes aforesaid shall or may be in the Words and Form following, or others to that Effect:

Form of Security.

‘ BY virtue of an Act passed in the Year of the
 ‘ Reign , intituled [*here quote the*
 ‘ *Title of the Act*], we, a Quorum of the Trustees for executing the
 ‘ said Act within the District of the said County, in con-
 ‘ sideration of Sterling advanced and paid to the
 ‘ Collector of said District for the Purposes of said Act, do hereby
 ‘ grant and assign to *A. B.*, his Executors and Assignees, the Sum of
 ‘ Sterling yearly from and out of the Funds of
 ‘ said District leviabie under said Act, till the foresaid Sum of
 ‘ advanced as aforesaid, with Interest at the Rate of
 ‘ Pounds *per Centum per Annum*, shall have been fully paid and discharged.
 ‘ In witness whereof, &c.

And

Assignations
of Security.

And Copies of such Assignations shall be entered by the Clerk to the said Trustees in the said Book of Orders and Proceedings; and it shall be lawful for all Persons respectively, to whom any Assignation of Funds shall be made as aforesaid, or who shall be from Time to Time entitled to the Money thereby secured, to transfer by Indorsation on such Assignation his, her, or their Right and Interest in and to such Assignation of Funds, and the Principal Money and Interest thereby secured, to any other Person whomsoever; and such Assignation, with Notice to the Clerk of the said Trustees, and Entry thereof in their Books of Proceeding, shall be equivalent to and have all the Effects of an intimated Assignation, as affording a Preference, and every Indorsee may in like Manner indorse the same, and such Indorsation, with Notice thereof entered as aforesaid, shall have all the Effects of an intimated Assignation, and so on *totes quoties*; and all Persons to whom any such Assignation or Indorsation shall be made as aforesaid shall, in proportion to the Sum of Money thereby secured, be Creditors in the Funds of the District by this Act granted, in equal Degree one with another, or in such Order as shall be agreed upon and stipulated by the said Trustees at the Time of the Advance of their respective Shares.

Trustees
not personally
liable.

XLIII. And be it further enacted, That the said Trustees shall not be held or adjudged to have rendered themselves personally liable for the Repayment of any Money borrowed, or Interest thereof, by reason of having signed the said Securities; but such Securities are to be held and considered as granted upon the sole Credit and Security of the Funds assigned; nor shall any Trustee or Subscriber be held personally liable upon any Pretext for Payment of any Sum which he shall not have bound himself to pay personally as an Individual, independent of his Office as a Trustee under this Act.

District
Meetings
to determine
Roads to be
made.

XLIV. And be it further enacted, That the said Trustees in their respective District Meetings shall annually, upon the Day appointed by the General Meeting, or upon any Day to which the said Appointment may have been regularly adjourned, determine what Roads, Bridges, and Ferries are to be made and repaired or altered within such Districts, and allocate such Proportion of the Assessment on Lands and Heritages, and Conversion of Statute Services, and other Funds, as to them shall seem proper for that Purpose, and shall have Power to appoint Committees, being Trustees of the District, or Heritors within the same, or their Agents properly authorized to act for them, or Tenants renting Lands or Houses within the District at not less than Forty Pounds Sterling or Forty Bolls of Grain *per Annum*, for the Superintendence of particular Roads, Bridges, or Streets within such District; and the said Committee shall annually make up and deliver to the Clerk of the Trustees of the District regular Accounts of the Money expended or incurred by them respectively; and in case of Failure or Neglect in such Committees in giving in their Accounts, any Justice of the Peace, upon the Application of any One Trustee, may fine the Defaulters in a Sum not exceeding Five Pounds Sterling.

Power to
shut up use-
less Roads.

XLV. And be it further enacted, That it shall and may be lawful for the said Trustees of District Meetings to shut up and suppress Roads of every Description within their respective Districts which may have become useless or of little Importance to the Public: Provided always,
that

that Notice of the Resolution to shut up any such Road shall be given by written or printed Advertisements affixed to the Doors of the Churches of the Parishes through which such Road passes, on Two consecutive *Sundays* before Divine Service, Two Months at least before the said Road shall be actually shut up; and that any Person or Persons, who shall think himself, herself, or themselves aggrieved by such Resolution, may apply by Petition, Complaint, or Appeal to the next Meeting of the Quarter Sessions of the Peace for the said County, Fifteen Days Notice of such Petition, Complaint, or Appeal being previously given to the Trustees of the District shutting up such Road and the Justices of the Peace at such Quarter Sessions assembled, who shall make such Order therein as to them shall seem just; and their Determination shall be final, and shall not be subject to Review by Advocation, Suspension, Reduction, or by any other Process of Law whatsoever; any Law or Practice to the contrary notwithstanding.

Persons
aggrieved
may appeal.

XLVI. Provided always, and be it enacted, That on the lodging of such Petition, Complaint, or Appeal with the Clerk of General Meetings, it shall be lawful to the Petitioner or Complainer, and he is hereby required, forthwith to serve a Copy of the same on the Clerk of the Trustees for the District in which such Complaint has arisen; and the Trustees of such District shall thereupon be obliged to suspend all further Procedure in the Matter complained of, until the same shall have been determined by the Trustees of General Meetings in manner aforesaid; and all Parts of such Roads as are so authorized to be shut up shall be vested in and may be sold by such Trustees in manner hereinafter mentioned, but all Mines, Minerals, and Fossils lying under the same shall continue the Property of the Persons who would from Time to Time have been entitled to the same if such old Road had continued; and after any Road shall have been so declared to be shut up, all Persons found using the same may be prosecuted as Trespassers by any Trustee or any other Person having Interest, and on Conviction thereof by any One or more Justices of the Peace of the said County shall be liable in a Penalty not exceeding Five Pounds Sterling.

Notice of
Appeal to
be served on
Trustees of
the District.

Roads so
shut up
vested in
Trustees.

XLVII. And be it further enacted, That in case of any sudden Damage being done to the Roads, Bridges, and Drains in the said County, which may require immediate Support and Repair, it shall be in the Power of any Two Trustees of the District wherein such Damage shall happen, to give Orders for making such immediate Repairs as may be necessary, the Expence of the same not exceeding Ten Pounds Sterling for Roads, and Twenty Pounds Sterling for Bridges; and the Money so expended shall be provided for and paid, by Order of the next Meeting of Trustees within such District, or on their Failure or Neglect by Order of the next stated General Meeting of Trustees, out of the Funds of the District wherein the Money was expended; and in case any of the said Roads shall be shut up and public Communication obstructed by means of Snow, it shall in like Manner be in the Power of the said Trustees to cause the said Roads to be cleared, the reasonable Expence of the same being provided for and paid in manner hereinbefore directed.

Power to
repair sud-
den Damage.

XLVIII. And whereas the Lands of *Dunmaglass*, within the united Parish of *Daviot* and *Dunlichity*, though valued and paying Land Tax in the

[*Local.*]

27 E

County

Lands of
Dunmaglass,
though in the

County of Nairn, to pay Assessment to the County of Inverness, and Lands of Budgate to pay Assessment to the County of Nairn.

County of *Nairn*, are surrounded by Lands in the Shire of *Inverness*; and for that Reason, by virtue of an Act passed in the Thirty-third Year of the Reign of His late Majesty King *George* the Third, Chapter 118., intituled *An Act for making effectual the Statute Labour in the Shire of Inverness, and for levying Conversion Money in lieu of Labour, and for otherwise regulating, making, and repairing Highways and Bridges in the said Shire, and for improving, widening, and lighting the Streets within the Royal Burgh of Inverness*, and also by virtue of the said recited Act hereby repealed, the said Lands of *Dunmaglass* were rated and assessed, and have since been and now are rated and assessed, to the Commutation of Statute Labour of the County of *Inverness*; and in like Manner the Lands of *Budgate* within the Parish of *Calder*, though valued and paying Land Tax in the Shire of *Inverness*, lie more contiguous to the Shire of *Nairn*, and were for that Reason, by virtue of the said Acts, rated and assessed, and have since been and now are rated and assessed, to the Commutation of Statute Labour of the County of *Nairn*; be it therefore enacted, That the said Lands of *Dunmaglass*, and the Proprietors, Tenants, and Inhabitants thereof, shall continue to pay the Assessment and Conversion for Statute Labour in the Shire of *Inverness*, and be subject to the same Conditions and Penalties which are by this Act imposed on the Lands and Inhabitants of the said County of *Inverness*, and the said Lands and Inhabitants of *Budgate* shall in like Manner continue to pay Assessment or perform Statute Labour in the Shire of *Nairn*, in the same Manner as if the said Lands were situated therein; and all the Powers and Authorities by this Act given, and all the Pains, Penalties, and Forfeitures hereby allowed, and directed to be enforced for the making and levying the Assessments authorized by this Act, are hereby given and allowed and directed to be enforced for the making and levying the same, from the Proprietors, Tenants, and Inhabitants of the said Lands of *Dunmaglass*, and the Proprietors, Tenants, and Inhabitants thereof shall be subject to the Jurisdiction of the Justices of the Peace, Quarter Sessions, Sheriffs, and Trustees for the Roads of the said County of *Inverness*, in so far as concerns District Roads and relative Assessment and Provisions, but in every other respect the said Lands of *Dunmaglass* and *Budgate* shall remain, as they were before the passing of this Act, Parts of the Shires to which they respectively belong.

Power to purchase Lands.

XLIX. And whereas by an Act passed by the Parliament of *Scotland* in the Second Parliament of His Majesty King *Charles* the Second, intituled *Act for repairing Highways and Bridges*, Powers were given to the Justices of the Peace to ascertain and point out the Lands to be taken for new Roads, and to estimate the Value or Damages thereof, or thereby occasioned, and it is expedient that instead thereof the following Powers should be granted for these Purposes; be it further enacted, That the said Trustees shall be and they are hereby empowered to take and acquire, and all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Heirs of Entail, Husbands, Trustees, Tutors, and Curators, and all and every Person and Persons whatsoever, though under any legal Disability or Incapacity, are hereby empowered and required to sell and convey all such Lands or Houses as may be necessary for making, altering, or widening the said Roads or any of them, or for storing Materials, or otherwise where Ground is necessary for the Purposes of this Act.

L. And

L. And be it further enacted, That if any such Owners or Occupiers shall not be satisfied with the Offers made to them by the said Trustees, or shall refuse to treat, in any of these Cases the Amount of the Value of or Damages shall be ascertained by a Jury, to be called by the Sheriff Depute of *Inverness* or his Substitutes, who, upon Application, are hereby authorized and required to summon a Number of discreet and substantial Persons, being Owners and Occupiers of Land entitled to be Commissioners of Supply within the said County, not less than Twenty-two in Number, to come and appear before him or them at such Time and Place as by the Warrant and Precept shall be directed, Intimation of Ten Days being given by the Trustees of such Appointment to the Party or Parties concerned, or to his, her, or their Agent, and the Number of Persons who shall attend shall then be reduced to Eleven by the Trustees and the Proprietor striking off One alternately until the Number be so reduced; and the remaining Eleven being duly sworn, the Sheriff shall proceed to examine upon Oath in their Presence such Witnesses as shall be summoned by either Party, and upon their Deposition and other competent Evidence such Jury shall determine the Value or Damages to be paid by the said Trustees; and their Verdict shall be final and conclusive to all Parties without any Power of Appeal, Review, Suspension, Advocation, or Reduction whatsoever; and the Sheriff shall thereupon order Payment to be made of the Sums awarded by the Jury; and the Owners and Occupiers of the Grounds or other Subjects, or their Trustees, Tutors, Curators, or Administrators, upon Payment or lawful Tender thereof, shall quietly permit and suffer the said Trustees to take Possession of the Grounds or other Subjects which they are authorized to do, as fully and effectually, to all Intents and Purposes, as if the Owners or Occupiers had executed regular Dispositions of the same, and thereupon Infestment had followed; and the said Proceedings, and Orders of the Sheriff's Depute or Substitutes, shall be final and conclusive on all Parties, and shall not be subject to Review in any Court whatsoever, by Advocation, Suspension, Reduction, or otherwise; any Law or Practice to the contrary notwithstanding.

In case of
Dispute,
Jury to as-
certain the
Value of
Lands and
Damages.

LI. And be it further enacted, That in all Cases where a Verdict shall be given for more Monies as a Recompence or Satisfaction for any Lands or Heritages of any Person or Persons whomsoever, or for any Damages to be done to any Lands or Heritages of any Person or Persons, than had been previously offered by or on behalf of the said Trustees, then all the Expences of summoning such Jury and taking such Inquest shall be defrayed by the said Trustees; and such Expences shall and may be recoverable from and out of the Effects vested in the said Trustees for the Purposes of this Act, or of their Treasurer, by Distress and Sale, and by the like summary Process by which the said Trustees are authorized to recover Damages or Penalties by this Act; but if any Verdict shall be given or made for the same or for a less Sum than had been previously offered by or on behalf of the said Trustees, or in case no Damage shall be given by the Verdict where the Dispute is for Damages only, then and in every such Case the Costs and Expences of summoning such Jury and taking such Inquest shall be borne and paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute, and the said Trustees, in Moieties; which said Costs and Expences, having been so settled, shall and may be deducted out of the Money so assessed and adjudged, where

Expences
of Jury, &c.
how to be
borne.

the same shall exceed such Costs and Expences, as so much Money advanced to and for the Use of such Person or Persons; and the Payment or Tender of the Remainder of such Monies shall be deemed and taken to all Intents and Purposes to be a Payment or Tender of the whole Sum or Sums so adjudged or assessed; or otherwise such Costs and Expences, in case the same be not paid, on Demand, after being so ascertained and settled as aforesaid, may be recovered by the Clerk to the said Trustees in and by such Ways and Means as are hereinafter provided for Recovery of Penalties and Forfeitures: Provided always, that whenever any Person or Persons shall by reason of Absence or otherwise have been prevented from treating with the said Trustees, such Costs, Charges, and Expences shall be borne and defrayed by the said Trustees in manner aforesaid.

Upon legal Tender of the Money assessed Works not to be impeded.

LII. And be it further enacted, That upon Payment or legal Tender of such Sum or Sums of Money as shall have been contracted or agreed for between the Parties, or assessed for by a Jury, in the Manner hereinbefore provided, for the Purchase of any Lands or Heritages to be taken for the Purposes of this Act, or as a Recompence for the yearly Produce or Profits thereof, within One Calendar Month after the same shall have been so contracted or agreed for, to the Proprietor or Proprietors of such Lands or Premises, or to such other Person or Persons as shall be interested therein, or entitled to receive such Money or Compensation respectively, at any Time within Thirty Days after the same shall have been actually so agreed for, determined, or assessed, or if the Person or Persons so entitled or interested, or any of them, shall not be able to make a good Title thereto to the Satisfaction of the said Trustees, or cannot be found, or shall refuse to receive the same, or execute such Conveyance, then, upon the Payment of the said Sum or Sums of Money into the Bank of *Scotland*, the Royal Bank of *Scotland*, or the *British Linen Company*, as the Case may be, in the Manner by this Act directed, for the Use of such Person or Persons so interested or entitled as aforesaid, then and in all or any of the said Cases, as often as the same shall happen, it shall be lawful for the said Trustees, and their Agents, Workmen, and Servants, immediately to enter upon such Lands or Heritages respectively, and then and thereupon such Lands or Heritages, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of any Person or Persons therein, shall from thenceforth be vested in and become the sole Property of the said Trustees, to and for the Purposes of this Act; and such Payment, Tender, Investment, or Deposit shall not only bar all Right, Title, Claim, Interest, and Demand, of the Person or Persons to whom the same shall or ought to have been made, but also shall extend to and be deemed and construed to bar the Terce of the Wife of every such Person, and all Estates Tail and other Estates of every other Person whomsoever therein: Provided nevertheless, that before such Payment, Tender, Investment, or Deposit aforesaid shall have been made, it shall not be lawful for the said Trustees, or any Person acting under their Authority, to dig or cut the Lands or Grounds of the Person or Persons entitled to such Payment, for the Purpose of making or repairing the said Roads, without the Consent in Writing of such Person or Persons respectively.

If Satisfaction for Da-

LIII. And be it further enacted, That when and as often as any Sum or Sums of Money shall be directed or ordered to be paid, in pursuance of

of the Directions of this Act, as or by Way of Compensation or Satisfaction for any Lands, Houses, Materials, or Costs, or for any Damage, Spoil, or Injury of any Nature or Kind whatsoever, done or committed by the said Trustees or any Person or Persons acting by or under their Authority, and such Sum or Sums of Money shall not be paid by the said Trustees to the Party or Parties entitled to receive the same, within Ten Days after Demand in Writing shall have been made to the said Trustees or their Treasurer, in which Demand the Order of the Sheriff or Justice making the same shall be stated, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Trustees by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by any such Sheriff or Justice, under his Hand or their Hands, on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money as or by Way of Compensation or Satisfaction for any such Lands, Houses, Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money and the Costs and Expences of hearing and determining the Matter in Dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned, on Demand, to the said Trustees, or to their Treasurer for the Time being, as the Case may be: Provided always, that it shall and may be lawful for such Treasurer to retain, out of the Monies which he shall have received or shall receive in pursuance of this Act, all such Damages, Costs, Charges, and Expences as he shall have sustained or be put unto by virtue of any such Warrant as aforesaid.

gages, &c. by the Company is not paid within Ten Days after Demand, the same may be levied by Distress.

LIV. And be it further enacted, That in all Cases where it may be requisite or necessary for any Person or Persons or Party or Parties to serve any Notice or Notices upon the said Trustees, or any Citation or Summons or other legal Proceedings, the Service upon the Clerk of the said Trustees, or at the Office of the said Clerk, or left at his last or usual Place of Abode, or in case the same respectively shall not be found or known, then Service upon any Agent or other Officer employed by the said Trustees, or left at his last or usual Place of Abode, shall be deemed good and sufficient Service of the same respectively on the said Trustees.

Notices how to be served on the Trustees.

LV. And be it further enacted, That if any Person summoned as a Juryman or Witness by the Authority of the said Sheriff Depute or any of his Substitutes, in any Matter arising out of this Act, shall neglect or fail to appear, or shall refuse to act as a Juryman, or to give Evidence as a Witness, the said Sheriff Depute or any of his Substitutes is hereby empowered to fine every such Person so offending, unless sufficient Cause is shewn to the contrary, in any Sum not exceeding Five Pounds Sterling.

Penalty on Jurymen or Witnesses failing to attend.

LVI. And be it further enacted, That all Lands and Houses which may be required by the said respective Trustees, in pursuance of this Act, shall be vested in the said respective Trustees by the simple Discharge of the agreed Price or appraised Value thereof, or by Consignation of the said Price or Value in any of the Banks hereinafter mentioned, or

How Lands are to be vested in Trustees.

[*Local.*]

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their

their Branches, in manner herein directed with regard to Consignations, as the Case may be; and it shall be sufficient to record the Discharge or the Voucher of Consignation in the Sheriff Court Books of the said County, whereupon the said Trustees shall be entitled to take and use the said Lands and Houses, and shall hold the same, as validly and effectually, to all Intents and Purposes, as if the respective Owners thereof had executed in their Favour regular Dispositions of the same, and Infeftments had followed thereupon.

Reinvesting
Purchase
Monies, if
amounting
to 200%.

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

If less than
200%. but
exceeding
20%.

LVIII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Heritages purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds Sterling, and shall exceed the Sum of Twenty Pounds Sterling, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Heritages so purchased, taken, or used, or of his,

her, or their Tutors or Curators, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, under the like Direction and Authority, be paid into either of the said Banks, and be placed to his or their Account as aforesaid, in order to be applied in manner hereinbefore directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Three or more of the said Trustees, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties,) in order that such Principal Money, and the Interest arising thereon, may be applied in any Manner hereinbefore directed, so far as the Case may be applicable.

LIX. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned shall be or be less than Twenty Pounds Sterling, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Heritages so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Trustees or any Three or more of them shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Tutors or Curators, to and for the Use and Benefit of such Person or Persons so entitled respectively. When under 20/.

LX. And be it further enacted, That in case any 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, then and in every such Case it shall and may be lawful to and for such Trustees of any Turnpike Road or Roads as aforesaid, or any Two 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 Bank of the *British* Linen Company, to the Credit of the Parties interested in the said Lands, Tenements, or Heritages, (describing them if they are known, and if they are not known then generally to the Credit of the Parties interested in the said Lands, Tenements, or Heritages, without any Description of them,) subject to the Order, Controul, and Disposition of the Court of Session; which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money or any Part thereof, by Petition, shall be and is hereby empowered, in a summary Way of Proceeding, or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest, of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of the *British* Linen Company, who shall In case of not making out Titles, &c. Purchase Money to be paid into a Bank, subject to the Order of the Court of Session.

shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

In case of questionable Title, Possessors to be deemed to have a Title until the contrary be shown.

LXI. 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 Banks aforesaid, under the Direction and by the Authority of the Court of Session in pursuance of this Act, for the Purchase of any Lands, Tenements, or Heritages, or any Estate, Right, or Interest in any Lands, Tenements, or Heritages to be purchased in pursuance of this Act, or to any Lands, Tenements, or Heritages to be purchased with any such Money, or to the Rents or Profits 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, 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; and the Rents and Profits of the Lands, Tenements, and Heritages to be purchased with such Money, and also the Lands, Tenements, and Heritages so purchased, 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 was or were lawfully entitled to such Lands, Tenements, and Heritages, or to some Estate or Interest therein.

Payment of Expences of Purchases in Cases of Disability, &c. of the Person entitled.

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

Old Roads to be sold.

LXIII. And be it enacted, That in case the Course of any of the said Roads shall be altered as aforesaid, the said Trustees in their District Meetings shall and they are hereby authorized and empowered, as soon as the new Roads shall be completed and made passable and convenient for Carriages, to sell the Ground of the old or former Roads to the Proprietor or Proprietors of the Ground through which the same did pass, willing to purchase the same, for a fair and just Consideration; and in case such Proprietor and the Trustees of the District cannot agree, the Value of the old Road shall be ascertained by a Jury, and the Expences of the Jury shall be defrayed in manner above mentioned; and in the Event that any such Proprietor shall not choose to purchase the said

said old Road, the said Trustees are hereby empowered to dispose of the same by Public Auction, and the Price or Prices to be got for such old Roads shall be applied to the Purposes of this Act.

LXIV. And whereas the Power vested in the Freeholders and Heritors for assessing Property for the Purpose of Indemnification for the Loss of Lands appropriated for the Use of the Public by an Act of the Parliament of *Scotland*, being the Second Parliament of King *Charles* the Second, intituled *Act for repairing Highways and Bridges*, is from the increased Value of Lands very inadequate; be it therefore enacted, That it shall be in the Power of the Trustees hereby appointed, at any General Meeting for the Purpose of making any such Indemnification, to assess the County, if they shall see Cause, in any Sum not exceeding Thirty Shillings *Scots* on the One hundred Pounds *Scots* of valued Rent.

Assessment
for Indem-
nification of
Loss of
Lands.

LXV. And be it further enacted, That in altering the Course of the said Roads, or in widening the same, it shall be in the Power of the said Trustees assembled in General Meeting to cause the same to be carried through any Minister's Glebe: Provided always, that such Quantity of Ground shall be added to the Glebe lying most contiguous and convenient thereto as shall by the said Trustees be deemed a sufficient Compensation for that taken for the said Roads; which Grounds the said Trustees shall have Power to purchase from the contiguous Owner or Owners, Occupier or Occupiers thereof, who shall in like Manner be empowered and they are hereby empowered and taken bound to sell such Land, whether the same be held under Entail or otherwise; and in case of any Difference in regard to the Addition to be made to such Glebe, or the Price to be paid to such Owner or Owners, Occupier or Occupiers, Application shall be made to the Sheriff Depute of the said County of *Inverness*, or any of his Substitutes, who shall summon a Jury to determine the Extent of the said addition and Amount of such Price, in manner as hereinbefore directed in Cases of Land to be taken for the Purposes of this Act; and upon such Determination, and upon Payment being made by the said Trustees of such Price to the Owner or Owners, Occupier or Occupiers of the Ground, or Consignation thereof in any of the said Banks, the said Trustees shall from thenceforth have a Right to cause the Addition to be made to the Glebe, and to take and use the Part of the Glebe necessary for the Purpose of altering or widening the said Roads; and the Proceedings and Orders of the said Sheriff Depute or any of his Substitutes shall be final and conclusive, and not subject to Review by Advocation, Suspension, Reduction, or otherwise: Provided always, that in every Case where it may be necessary to exchange or take Ground as hereinbefore allowed for the Purposes of this Act, the same shall not affect, alter, or diminish the valued Rent of the Lands from which Ground shall be so taken.

Road may
pass through
a Minister's
Glebe, Com-
pensation
being made.

Valued Rent
not to be al-
tered.

LXVI. And be it further enacted, That the said Trustees shall be and are hereby empowered to alter and divert the Course of any Part of the said Roads under their Care and Management, and to take down any Building or Fence which may be in the Line of such Alteration, upon making Payment to the Occupant or Proprietor of the Loss and Damages sustained by him or her by such Alteration, to be ascertained as herein provided for.

Trustees may
alter the Line
of any of the
Roads.

[*Local.*]

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LXVII. Pro-

Trustees not to deviate more than 100 Yards from present Line of Road, nor make use of any Garden, &c., without Consent.

LXVII. Provided always, and it is hereby enacted, That it shall not be lawful for the said Trustees, in altering or diverting the Course of any Part of the Roads under their Care and Management, to deviate over any inclosed Lands or Grounds more than One hundred Yards from the Line or Course of such Roads, or to take down or remove any Dwelling House or other Building the Side Walls of which exceed Twelve Feet in Height, or to take in, or make use of any Policy, Orchard, Garden, or any Lawn, planted Walk, or Avenue to a House, or any inclosed Ground planted as an Ornament or Shelter to a House, without the Consent in Writing of the Owner thereof, or of his Agent or Factor.

Power to get Materials.

LXVIII. And be it further enacted, That it shall be lawful for the said Trustees, or any Person or Persons authorized by them, to search for, dig, gather, and carry away Materials for making or repairing the said Roads, or building or repairing any Bridge, or any other Work connected with such Roads, out of or from the several Grounds of any Person or Persons where such Materials may be found (such Materials not having been dug or raised for the private Use of the Owner of such Lands), and to open Accesses for carrying off the said Materials, such Accesses, and the Places from which the said Materials shall be proposed to be taken, being first marked out by any Two or more of the said Trustees, if so required by the Owner of such Lands, or his or her Factor, or by the Occupier thereof; they the said Trustees making reasonable Satisfaction, out of the Monies arising by virtue of this Act, to the Owners or Occupiers of the Lands respectively from which such Materials shall be taken, or over which the same may be carried, for the Damages to be done thereby; but if such Proprietor, Factor, or Occupier shall not be satisfied with the Compensation offered by the said Trustees, the same shall be ascertained by Two or more Justices of the Peace of the said County, whose Determination shall be final and conclusive, and shall not be subject to Review by Advocation, Suspension, Reduction, or otherwise; and which Compensation shall be levied and recovered in like Manner as any Penalties or Forfeitures are by this Act authorized to be levied and recovered.

Notice to be given before Materials are taken.

LXIX. Provided always, and be it enacted, That it shall not be lawful for the said Trustees, or any Person or Persons authorized by them, to dig, gather, and take away Materials for making or repairing the said Roads and Bridges, or other Works connected therewith, from any Lands or Grounds, until Ten Days previous Notice in Writing shall have been given to the Owner and Occupier of the Premises from which such Materials are intended to be taken, or to the Factor of such Owner in his Absence, or left for such Owner and Occupier, or Factor, at their usual Places of Residence, to appear before Two or more Justices of the Peace acting for the said County of *Inverness*, to shew Cause why such Materials should not be had from such Lands or Grounds; and in case such Owner and Occupier, or Factor, shall attend pursuant to such Notice, such Justices shall, if they think proper, authorize such Trustees or other Person or Persons employed by them to dig, gather, and carry away such Materials, at such Time or Times as to such Trustees, or to any Three or more of them, or to such Justices, shall seem proper; and if such Owner or Occupier shall neglect or refuse to appear by himself or his Factor or Agent, Two or more such Justices shall and may make such Order therein as they shall think fit, as fully and effectually, to all Intents and Purposes,

Purposes, as if such Owner or Occupier, or his or their Factor or Agent, had attended; and the Order of such Justices shall be final and conclusive: Provided always, that nothing herein contained shall be construed to authorize in any way the searching for, digging, or carrying away Materials out of any Lands forming an Orchard, Garden, Lawn, Policy, Nursery for Trees, planted Walk, or Avenue to any House, or out of any enclosed Ground planted as an Ornament or Shelter to a House.

Proviso as
to Gardens,
&c.

LXX. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to purchase, feu, or rent any Land for the Purpose of getting Materials for the Repair or Use of any Road, and at any Time afterwards to sell the Land so purchased by Public Roup, provided that the said Trustees shall dispose of the same in manner directed with respect to any old Road hereby authorized to be sold.

Power to
contract for
Lands to get
Materials.

LXXI. And be it further enacted, That it shall not be lawful for any Person to take away any Materials which shall have been procured or provided or used for the Repair or Use of any Road, or to take any Materials out of any Quarry which shall have been opened by said Trustees for the Purpose of getting Materials for any Road or Bridge, so as to interrupt or interfere with the Workings carried on by such Trustees; and every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds Sterling; provided that nothing herein contained shall prevent the Owner of any Quarry to take and carry away Materials from the same for his own Use solely; and provided also, that when it shall be found necessary to take Materials from inclosed Grounds for the making or Repair of such Roads or Bridges, the Trustees of the District within which such Roads are situated shall be bound to repair any Breach made in such Inclosure by the Operation of the Contractor.

Penalty on
taking away
Materials
provided for
Roads.

LXXII. And be it further enacted, That it shall be lawful for the said Trustees to make sufficient Side Drains on any such Roads, with Power to conduct the Water therefrom into any adjoining Land, Ditch, or Watercourse, (such Land not being the Site of any House or Garden,) in such Manner as shall be least injurious to the Proprietor or Occupier of such Lands, the said Side Drains to be maintained at the Expence of the Trustees.

Trustees to
make Side
Drains.

LXXIII. And be it further enacted, That it shall be lawful for the Trustees to make sufficient Ditches along the Sides of the Roads, provided that if the Land is inclosed on the Side of such Road such Ditch shall be made on the Field Side of the Fence, and with Power to make proper Ditches and Outlets from the said Side Ditches through any Lands adjoining any such Road (not being the Site of any House or Garden), in such Manner as shall be least injurious to the Proprietor or Occupier of such Land; and after such Side Ditches or other Ditches or Outlets, are made, the Proprietor or Occupier of such Land (unless such Land be uninclosed and waste) shall be obliged, in all Times thereafter, to keep clear such Side Ditches or other Ditches or Outlets, as well as all Ditches already made along the Sides of any Road, when so required by the said Trustees or their Surveyor; and in case the Proprietor or Occupier shall neglect or refuse to

Trustees
to make
Ditches.

cleanse such Side Ditches, or other Ditches or Outlets, when duly required by such Trustees or Surveyors, such Trustees or Surveyors shall have Power to cleanse such Side Ditches or other Ditches or Outlets, and levy the Expence thereof on the Proprietor or Occupier of such Grounds, in the same Manner as other Penalties by this Act imposed: Provided always, that nothing herein contained shall prohibit any Proprietor or Occupier from substituting, to the Satisfaction of the Trustees, any other equally effectual Ditch or Outlet, in place of that constructed by the Trustees.

Conduits
to be made
over Side
Ditches.

LXXIV. And be it further enacted, That where any other Road, Highway, or private Road, or any Passage, shall be made from any Road over or into the adjoining Lands, or where any House shall be built along the Side of any Road, the Trustees of such other Road, Highway, and the Proprietor or Occupier of such private Road, Land, or Houses, shall build sufficient Conduits or Bridges, to the Satisfaction of the said Trustees, over the Side Drains and Ditches of any such Road, opposite to any such other Road, Highway, private Road, Passage, or House, and thereafter maintain and uphold the same; and in case the Trustees of such other Road or of such Highway, or the Proprietor or Occupier of such private Road, Passage, or House, shall neglect or refuse to maintain the said Conduits or Bridges, it shall be lawful for the said Trustees to repair the same, and charge such Persons respectively with the Expence thereof, and levy the same as other Penalties by this Act imposed; provided also, that where any other Road, Highway, private Road, or Passage shall be so made from any Road, or where any House shall be so built, the Trustees of such other Road or Highway, Proprietor or Occupier, shall construct the said Road, Passage, or House respectively in such Manner that the Communication between the same respectively and any Road shall be made on a Level with such last-mentioned Road; and the Trustees of such other Road or Highway, Proprietor or Occupier, shall not construct any Mound, Sloping Bank, or make any Projection into or upon the Sides of any Road, nor shall cut or slope away any Part of the Sides of any Road; and if the Trustees of such other Road or Highway, Proprietor or Occupier, shall act contrary hereto, it shall be lawful for the Trustees to remove such Obstruction and repair such Defects at the Expence of such Trustees, Proprietor, or Occupier respectively, and recover such Expences in the same Manner as Penalties by this Act imposed are authorized to be levied.

Water not
to be turned
on the
Roads.

LXXV. And be it further enacted, That it shall not be lawful for any Person to turn any Water or conduct any Drain across any Road, except in the Manner prescribed by the Trustees of such Road; and every such Person so offending shall, for every such Offence, forfeit and pay a Sum not exceeding Five Pounds Sterling, besides the Expence which said Trustees may be at in repairing the Injury occasioned thereby.

To prevent
Nuisances.

LXXVI. And be it further enacted, That it shall not be lawful for any Person to lay any Timber or Stones, (excepting Timber, Stones, and other Materials for building or repairing any Houses or Walls immediately adjoining the Sides of any Road, and which may occupy One Fourth Part of such Road only,) or any Dung, Ashes, Rubbish, Scourings of Ditches, or any

any other Matter or Thing, upon any such Road, or upon any Street of any Town or Village which forms a Part of such Road, and which is maintained by the Trustees of such Road, or upon the Side Drains or Ditches thereof; and every Person so offending shall forfeit and pay any Sum not exceeding Five Pounds Sterling; and it shall moreover be lawful for the said Trustees, or their Surveyor, or other Person appointed by them, *brevi manu*, to seize and carry off any such Matter as aforesaid, and dispose of the same in such Manner as the Trustees shall direct: Provided always, that when the Proprietor or Occupier of any Lands or Houses immediately adjoining any Road shall lay down any Materials for building or repairing any House or Wall as aforesaid, such Proprietor or Occupier shall erect such Fence round such Materials in such Manner as the Trustees of such Road may require; and such Proprietor or Occupier, on failing to comply with such Requisition as aforesaid, shall forfeit and pay any Sum not exceeding Five Pounds Sterling for every Day he shall continue to so offend.

LXXVII. And be it further enacted, That the Owners or Occupiers of the Lands next adjoining to every Road shall cut, prune, and trim their Hedges to the Height of Six Feet from the Surface of the Ground, and shall also cut down, prune, or lop the Branches of Trees, Bushes, and Shrubs growing in or near such Hedges or other Fences adjacent thereto, (such Fences, Trees, Bushes, or Shrubs not being in any Garden, Orchard, Plantation, Walk, or Avenue to a House, nor any Tree, Bush, or Shrub being an Ornament or Shelter to a House, unless the same shall hang over the Road or any Part thereof in such a Manner as to impede or annoy any Carriage or Person travelling thereon,) in such Manner that the Road shall not be prejudiced by the Shade thereof, and that the Sun and Wind may not be excluded from such Road, to the Damage thereof; and that if such Owner or Occupier shall not, within Ten Days after Notice given by the Clerk of the District within which such Road is situated for that Purpose, cut, prune, and trim such Hedges, or cut down, prune, or trim such Branches of Trees, Bushes, and Shrubs in manner aforesaid, it shall and may be lawful for the said Clerk, and he is hereby required, to make Complaint to the Sheriff Depute or Substitute, or some Justice of the Peace of the said Shire, who shall summon the Occupier of such Lands before him to answer the said Complaint; and if it shall appear to said Justice that such Occupier has not complied with the Requisites of this Act in that Behalf, it shall and may be lawful for such Justice, upon hearing the Clerk and Occupier of such Land, or his Agent, (or in default of his or her Appearance, upon having due Proof of the Service of such Summons,) and considering the Circumstances of the Case, to order such Hedges to be cut, trimmed, and pruned, and such Branches of Trees, Bushes, and Shrubs to be cut down or pruned or trimmed in such Manner as may best answer the Purposes aforesaid; and if the Occupier of such Lands shall not obey such Order within Ten Days after it shall have been made, and he or she shall have due Notice thereof, he or she shall forfeit the Sum of Two Shillings Sterling for every Twenty-four Feet in Length of such Hedge which shall be so neglected to be cut, trimmed, and pruned, and the Sum of Two-pence Sterling for every Tree, Bush, or Shrub which shall be so directed to be cut down, pruned, or trimmed; and the Surveyor, in case of such Default

Owners of adjoining Lands to cut the Hedges and Branches of Trees obstructing the Road.

If neglected for Ten Days, Clerk may complain to a Justice, &c.

Penalty for Neglect after Order of Justice;

and Hedges,
to be trimmed
at Expence
of Defaulter.

made by the Occupier, shall and he is hereby required to cut, prune, and trim such Hedges, and to cut down, prune, or trim such Branches of Trees, Bushes, and Shrubs, in the Manner directed by such Order, and such Occupier shall be charged with and pay, over and above the said Penalties, the Charges and Expences of doing the same, to be recovered in the same Manner as other Penalties by this Act imposed.

Time of cut-
ting or prun-
ing Hedges.

LXXVIII. Provided always, and be it further enacted, That no Person or Persons shall be compelled, nor any Surveyor or other Officer permitted, by virtue of this Act, to cut or prune any Hedge at any other Time than between the last Day of *September* and the last Day of *March*; nor to cut down, prune, or lop the Branches of any ornamental Trees, (unless the same shall hang over the Road or any Part thereof so as to impede or annoy any Carriage or Person travelling thereon,) if the Proprietor of the Lands shall become bound to pay the additional Expences which their remaining unlopped may occasion the said Trustees in keeping any such Road in repair.

Penalties on
Persons
making
Encroach-
ments.

LXXIX. And be it further enacted, That if any Person shall fill up or obstruct any Ditch at the Side of any Road, or any Ditch used for conveying Water from the said Road, or shall encroach, by making any Dwelling House or other Building, or any Hedge, Ditch, or other Fence, or in any other Manner whatever, on any Road, or shall make any Drain, Gutter, Sink, or Watercourse across or otherwise break up the Surface of any Road, without the Consent in Writing of the Trustees of such Road or of their Surveyor, or in ploughing or harrowing the adjacent uninclosed Lands shall turn any Horse, Plough, or Harrow in or upon any such Road or the Side Ditches thereof, such Person shall forfeit for every such Offence a Sum not exceeding Five Pounds Sterling; and it shall be lawful for the Trustees to cause such Dwelling House or other Building, Hedge, Ditch, or Fence, Drain, Sink, Watercourse, Gutter, or other Encroachment, to be taken down or filled up at the Expence of the Person so offending; and it shall be lawful for the Sheriff Depute or his Substitutes, or any Two Justices of the Peace of said Shire, upon Proof of the Fact, to grant a Warrant for levying the Expences of taking down such Dwelling House or other Building, or filling up such Hedges, Ditches, Drains, or other Encroachments as aforesaid, over and above the Penalties hereby imposed, by Pounding and Sale of the Offender's Goods and Effects, rendering the Surplus (if any) to the Owner.

No Building
to be erected
within 16
Feet of the
Centre of
the Road;
and Notice
of building,
and inclos-
ing of the
Sides of the
Roads, to be
given to
Trustees.

LXXX. And be it further enacted, That after the passing of this Act no Houses or other Buildings shall be erected along the Sides of any Road within the Distance of Sixteen Feet from the Centre thereof; and no Place out of which the Trustees of any District have been in the Use of taking Materials previous to the passing of this Act shall be inclosed until the Proprietor or Occupier of the Lands shall have given One Month's previous Notice at least of his Intention to the Trustees of the said District, and if he fail so to do he shall not be entitled to any Compensation for the Value of such Inclosures in case the said Trustees shall at any future Time think it necessary to demolish the same, for the Purpose of widening the Road, nor shall the inclosing of such Place out of which Materials shall have been taken as aforesaid preclude the Trustees from re-opening and using the same, if eligible, unless a House or Houses shall

be

be built thereon at the Distance allowed by this Act; and the said Notice shall be given to the Trustees by a Letter addressed to their Clerk, who shall lay the same before the next Meeting or adjourned Meeting; and the said Meeting is hereby required to insert a Copy of the said Letter in their Minute Book.

LXXXI. And be it further enacted, That the Trustees may cause Stones or Posts to be set up on or near the Sides of Roads, at the Distance of One Mile from each other, denoting the Distance of such Stone or Post from some Town or Place to or from which such Road shall lead, and also Direction Posts at the several Highways or Roads leading out of or crossing any such Roads, with Inscriptions thereon denoting to what Places such Road respectively leads; and if any Person shall wilfully break, cut down, pull up, or damage any such Posts or Stones, or shall obliterate, deface, spoil, or destroy any of the Letters, Figures, or Marks which shall be inscribed or painted thereon, and be thereof convicted before the Sheriff Depute or his Substitutes, or any Justice of the Peace of said Shire, by the Oath of One credible Witness or other competent Evidence, such Person so offending shall forfeit and pay any Sum not exceeding Five Pounds Sterling for every such Offence.

Mile Stones
and Direc-
tion Posts
to be
erected.

LXXXII. And be it further enacted, That if any Person or Persons shall ride upon any Footpath, Pavement, or Causeway by the Side of any Road or Street made or set apart for the Use or Accommodation of Foot Passengers; or shall lead or drive any Horse, Ass, Mule, Swine, or Cattle, or Carriage of any Description, or any Wheelbarrow, Truck, or Sledge, or any single Wheel of any Waggon, Cart, or Carriage, apart therefrom, upon any such Footpath, Pavement, or Causeway, or shall cause any Injury or Damage to be done to the same, or the Hedges, Posts, Rails, or Fences thereof; or shall wilfully pull down or damage any Bridge, Wall, or any other Building or Erection made by the Trustees, or repaired or repairable by them; or shall haul or draw, or cause to be hauled or drawn, upon any Part of such Road or Street, any Timber, Stone, or other Thing otherwise than upon wheeled Carriages; or shall suffer any Timber, Stone, or other Thing which shall be carried principally or in part upon wheeled Carriages to drag or trail upon such Road or Street to the Prejudice thereof; or shall use any Tipstick, Joggle, or other Instrument for the Purpose of retarding the Descent of any Cart or other Carriage down any Hill, in such Manner as to destroy, injure, or disturb the Surface of any Road; or shall, in or upon such Road or Street, or by the Side or Sides thereof, or in any exposed Situation near thereto, kill, slaughter, singe, scald, burn, dress, cut up, or expose for Sale any Beast, Swine, Calf, Lamb, or other Cattle; or if any Person driving any Horse or other Beast on the said Road carrying any Iron Bar or Rod, Basket or Pannier, Matter or Thing, shall place such Bar or Rod, Basket or Pannier, Matter or Thing, so that the same or any of them shall project more than Thirty Inches from the Side of such Horse or other Beast, or so as in any Manner to obstruct or impede the Passage of any Person, or any Horse, Beast, or Carriage travelling along such Road or Street; or if any Hawker, Juggler, Gipsy, or other Person or Persons travelling with any Machine, Vehicle, Cart, or other Carriage, with or without any Horse, Mule, or Ass, shall pitch any Tent, or encamp upon or by the Sides of any Part of any Road; or if any Blacksmith, or other

Penalty on
Persons
committing
Nuisances.

Person occupying a Blacksmith's Shop, situate near any Road, and having a Window or Windows fronting the said Road, shall not, by good and close Shutters, every Evening after it becomes Twilight, bar and prevent the Light from such Shop shining into or upon the said Road; or if any Person shall make or assist in making any Fire or Fires commonly called Bonfires, or shall set fire to or wantonly let off or throw any Squib, Rocket, Serpent, or other Firework whatsoever, within Eighty Feet of the Centre of such Road or Street, or play at any Game or Games upon such Road or Street, or on the Side or Sides thereof, or in any exposed Situation near thereto, to the Annoyance of any Passenger or Passengers; or if any Person shall leave any Waggon, Wain, Cart, or other Carriage whatever upon such Road or Street, or upon the Side or Sides thereof, without any proper Person in the sole Custody or Care thereof, longer than may be necessary to load or unload the same, except in Cases of Accident, and in Cases of Accident for a longer Time than may be necessary to remove the same, or shall not place such Waggon, Wain, or other Carriage, during the Time of loading or unloading the same, or of taking Refreshment, as near to the one Side of the Road or Street as conveniently may be, either with or without any Horse or Beast of Draught harnessed or yoked thereto; or shall ride any Horse furiously or improperly, or drive any Horse or Cattle, or Carriage of any Kind, in any improper Manner on the said Roads or Streets; or shall lay any Timber, Stone, Hay, Straw, Dung, Manure, Soil, Ashes, Rubbish, or other Matter or Thing whatsoever, upon such Road or Street, or on the Side or Sides thereof, or the Footpaths or Causeways adjoining, to the Prejudice of such Road, Street, or Footway, or to the Prejudice, Annoyance, Interruption, or personal Danger of any Person or Persons travelling thereon; or shall suffer any Water, Filth, Dirt, or other offensive Matter or Thing whatsoever, to run or flow into or upon such Road, Street, or Footpaths, from any House, Building, Erection, Lands, or Premises adjacent thereto; or if any Person driving any Pigs or Swine upon such Road or Street shall suffer such Pigs or Swine to root up or damage such Road, or the Fences, Hedges, Banks, or Copse on either Side thereof respectively; or if any Person shall, after having blocked or stopped any Cart, Waggon, or other Carriage in going up a Hill or rising Ground, cause or suffer to be or remain on such Road the Stone or other Thing with which such Cart or other Carriage shall have been blocked or stopped; or if any Person or Persons shall pull down, damage, injure, or destroy any Lamp or Lamp Post put up, erected, or placed in or near the Side of any Road or Street, or shall extinguish the Light of any such Lamp, or shall occasion any other Kind of Obstruction or Annoyance in or upon any such Road, Street, or Passage, or shall wilfully obstruct and incommode, hinder or prevent, the free Passage of any Road, Street, Footway, or Causeway, every Person offending in any of the Cases aforesaid shall for each and every such Offence forfeit and pay any Sum not exceeding Forty Shillings Sterling, over and above such Damages occasioned thereby.

Regulation
of Drivers
of Carriages.

LXXXIII. And be it further enacted, That if the Driver of any Carriage used for carrying Goods on any Road or Street shall ride on the Shafts or on any other Part of such Carriage, without having some Person guiding the Beast of Draught drawing the same, or without having and holding double Reins attached to each Side of the Bridle of each Beast of Draught drawing

drawing such Carriage; or if the Person driving any Sort of Carriage shall not keep to the Left or Near Side of such Road or Street on meeting or on being overtaken by any other Carriage; or if such Person shall wilfully prevent any other Person passing him, such Person shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds Sterling, over and above the Damages occasioned thereby and Expences.

LXXXIV. And be it further enacted, That if the Surveyor of the Trustees, or any Contractor or other Person in their Employment, shall lay on any Part of any such Road or Street any Heap of Stones or other Materials for the Repair thereof, and shall permit the same to remain longer than necessary for the breaking and spreading of such Materials, or shall lay on any such Road any Matter or Thing, or shall knowingly permit to remain on any Part of such Road any Matter or Thing, which may endanger the Safety of any Passenger, or shall dig any Pit or make any Cut on any Road without sufficiently fencing the same, such Person shall for each such Offence forfeit and pay a Sum not exceeding Five Pounds Sterling, over and above the Damages occasioned thereby and Expences; and that it shall be lawful for any Person travelling along any Road to prosecute such Surveyor, Contractor, or other Person in the Employment of the Trustees so offending in manner hereinafter provided.

Surveyors,
&c. not to
leave Nui-
sances on
Roads.

LXXXV. And be it further enacted, That if the Proprietor or Occupier of any Lands adjacent to any Road shall dig any Pit or make any Cut within Twelve Feet of the Side of any such Road, and shall leave the same unfenced so as to be dangerous to Travellers, and shall not fence the same when required so to do by the Trustees of the District in which such Road is situated, or the Clerk of the District within which the said Pit or Cut is situated, such Proprietor or Occupier shall forfeit and pay any Sum not exceeding Five Pounds Sterling for every Day the said Pit or Cut shall continue to be unfenced after the Elapse of Three Days after Notice shall have been given as aforesaid; and it shall then be lawful for the said Trustees, or the Clerk of the District, to order the same to be fenced at the Expence of such Proprietor or Occupier, to be recovered as other Penalties by this Act directed.

Proprietors
to fence
Pits.

LXXXVI. And be it further enacted, That if any Horse, Cattle, Ass, Sheep, Swine, or other Beast of any Kind, shall be pastured or left or found straying on any Road, or the Sides of the same where such Road shall be inclosed, (except on such Parts of any Road as lead or pass through or over any Common, or Waste or uninclosed Ground,) it shall be lawful for any Trustee of the District in which such Road is situated, or the Surveyor or Clerk of such Trustees, or any other Person authorized by them, *brevi manu*, to seize and detain the same until the Owner thereof shall for every such Animal pay a Sum not exceeding Five Shillings Sterling, and Expences; and in case the said Penalty and Expences shall not be paid within Three Days after Notice of such Detention shall be given on the Church Door of the Parish wherein such Road is situated, the said Surveyor or other Person shall sell the same, with the Authority of the Sheriff Depute or Substitute, or any Justice of the Peace for the said Shire, who are hereby empowered to grant such Authority, and after deducting the Amount of the said Penalty and Expences shall pay the Surplus (if any) to the Owner of such Animal so detained.

No Animal
to be pas-
tured on
the Roads.

[*Local.*]

27 I

LXXXVII. And

Head Ridges
to be made.

LXXXVII. And be it further enacted, That every Person in ploughing any uninclosed Land adjoining any Road shall make Head Ridges along the Sides of such Road of the Breadth of Twelve Feet at the least, under a Penalty not exceeding Five Pounds Sterling, to be levied as other Penalties by this Act directed.

Gates to
open
inwards.

LXXXVIII. And be it further enacted, That no Gate of any Park, Field, or Inclosure whatsoever shall be made to open into or towards any Part of any Road, or of any Footpath belonging thereto, or be suffered so to open, except the hanging Post thereof shall be fixed or placed so far from the Centre of any Part of such Road as that no Part of such Gate shall when open project over any Part of such Road, or any Footpath belonging thereto; and the Occupier of any Park, Field, or Inclosure having any Gate opening outwards contrary to the Meaning of this Act shall within Six Days after Notice to him or her given, either personally or in Writing, from the said Trustees or their Clerk or Surveyor, cause such Gate to be hung so that no Part of the Gate when open shall project over any Part of such Road, or any Footpath belonging thereto; and if such Occupier fail so to do, the Surveyor or Clerk of the District in which such Road is situated shall cause the Gate to be hung as hereinbefore directed, and charge the Expence of making such Alteration and hanging such Gate against the said Occupier, who shall also forfeit and pay a further Sum not exceeding Five Pounds Sterling for such Neglect, to be fixed by the Sheriff Depute or Substitute or any Two or more Justices of the Peace for the said County.

Owners of
Waggons
and Car-
riages, &c.
shall cause
their Names
to be painted
thereon.

LXXXIX. And be it further enacted, That the Owner of every Waggon or Cart, residing within the said County of *Inverness*, shall paint in a straight Line upon some conspicuous Part upon the Off or Right Side of his Waggon or Cart, before the same shall be used upon any Road within the said County of *Inverness*, the Christian and Surname and Place of Abode of such Person, or the Christian and Surname and Place of Abode of the principal Partner or Owner thereof, in large legible Roman Letters, either of a dark Colour upon a light Ground, or of a light Colour upon a dark Ground, not less than One Inch in Height, with Numbers, beginning with Number One, where more of such Waggons or Carts respectively than One shall belong to the same Owner, and proceeding in regular Progression, and continue the same thereupon so long as such Waggon or Cart shall be used upon any Road aforesaid; and every Owner of any such Waggon or Cart as aforesaid, using or allowing the same to be used upon any such Road without the Names and Descriptions painted thereon respectively as aforesaid, or who shall paint or cause to be painted any false or fictitious Name or Place of Abode on such Waggon or Cart, shall forfeit for every such Offence a Sum not exceeding Five Pounds Sterling; and every Person driving any Waggon or Cart without the Name or Description of the Owner painted thereon as hereinbefore directed, or with a false or fictitious Name, or with the Name painted in inverted Characters or placed in an inverted Position, or who shall refuse to stop or permit such Name to be read by any Person requiring him so to do, shall forfeit for each such Offence any Sum not exceeding Forty Shillings Sterling, to be recovered as other Penalties by this Act directed.

XC. And

XC. And be it further enacted, That it shall be lawful for any One Person to act as the Driver of Two Carts on any Road, and for such Carts to pass and travel on any Road, being only under the Care and Superintendence of such single Person : Provided always, that the hinder of such Carts, when under the Care of only One Person, shall not be drawn by more than One Horse, and that the Horse of the hinder Cart shall be attached by a Rein to the Back of the Cart which shall be foremost and follow in the same Line therewith, the Horse drawing such last Cart never being permitted to be further from the foremost Cart than Four Feet ; and in case the said Horse shall not be so attached, the Driver of such Carts shall for each such Offence forfeit a Sum not exceeding Forty Shillings Sterling, to be recovered as other Penalties are by this Act authorized to be recovered.

One Driver
may take
charge of
Two Carts.

XCI. And be it further enacted, That no Waggon or Cart travelling on any Road or Street shall be drivert by any Person who shall not be of the full Age of Thirteen Years, under a Penalty for each such Offence not exceeding Forty Shillings Sterling, to be paid by the Owner of such Waggon or Cart.

Children not
to drive
Carts, &c.

XCII. And be it further enacted, That it shall not be lawful for any Person or Persons to carry, on the public Roads, Streets, or Highways, any Wood or Timber exceeding Twenty Feet in Length, save and except such Wood and Timber so exceeding Twenty Feet in Length shall be drawn on a Cart or Carriage or Carriages having Four Wheels, and placed parallel with the Shafts of the Carriage or Cart ; and every Person offending in the Case aforesaid shall for each and every such Offence forfeit and pay any Sum not exceeding Forty Shillings Sterling, over and above the Damage thereby occasioned.

Timber
exceeding
Twenty Feet
in Length to
be drawn in
Carts.

XCIII. And be it further enacted, That all public Carriers and other Persons driving Carts and Carriages along any Road or Street within the County of *Inverness*, who shall be accompanied by any Dog, shall be obliged to have such Dog chained, or otherwise so attached to the Carriage that it shall not be possible for such Dog to hurt or injure any Person, or the Property of any Person travelling along the same, or in the Streets of any Town or Village within the said County ; and every Person offending in this respect shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds Sterling, over and above the Damage occasioned thereby.

Dogs of
Public
Carriers to
be chained.

XCIV. And be it further enacted, That the Trustees at any District Meeting shall have Power, with the Approbation of the Justices of the Peace for the said County of *Inverness* respectively, assembled in general Quarter or adjourned Quarter Sessions, to contract with the Owners or Lessees of any established Ferries for their Rights thereto, and to take the same into their own Management, and to levy the same thereat, and apply the same towards the maintenance of the said Roads and Bridges hereby authorized to be repaired, and shall be in the Power of the said Trustees to make such Rules and Regulations for the better Management of the said Ferries, and for the better Conducing of the same, as they shall think fit.

Ferries.

lations shall not be repugnant to the Laws of *Scotland*, or any of the Provisions of this Act, and to enforce the Observance of said Regulations by suitable Penalties not exceeding Five Pounds Sterling for any one Offence, to be recovered and applied in the same Way as other Penalties may be recovered and applied by virtue of this Act.

Trustees
may direct
Prosecutions
for Nui-
sances, &c.

XCV. And be it further enacted, That the said Trustees at any of their General or District Meetings may direct Prosecutions to be raised against the Offender for any Nuisance or other Offence done or committed upon any of the Roads or Streets under their Care respectively, the Expence to be paid out of the Funds of the District where the Offence is committed.

Prosecutor
may recover
by Action.

XCVI. And be it further enacted, That every Person who shall prosecute for any Expence, Penalty, Forfeiture, or Fine imposed by this Act, for the Recovery of which no particular Mode is directed, shall prosecute for and recover the same before the Sheriff Depute or Substitute, or the Justices of the Peace of the County of *Inverness*, or the County where the Offender shall reside, subject to Appeal in manner hereinafter mentioned.

For Re-
covery of
Penalties.

XCVII. And be it further enacted, That all Expences, and also all Penalties, Forfeitures, and Fines by this Act directed to be paid or inflicted, (the Manner of levying, recovering, and applying whereof is not herein otherwise directed,) shall, upon Proof of the Offences respectively before the Sheriff Depute or Substitute, or any Two or more Justices of the Peace for the County of *Inverness*, or for the County where the Offender may reside (as the Case may require), either by the Confession of the Party offending, or by the Oath of any credible Witness, or other competent Evidence, be levied, together with the Expences attending the Information and Conviction, by Poining and Sale of the Goods and Effects of the Party offending, by Warrant under the Hand of such Sheriff Depute or Substitutes or Justices (which Warrant such Sheriff Depute or Substitutes or Justices are hereby empowered to grant), and the Surplus (if any), after deducting such Expences, Penalties, Forfeitures, and Fines, and the Charges of such Poining and Sale, shall be returned unto the Owner of such Goods and Effects; and in case such Expences, Fines, Penalties, and Forfeitures shall not be forthwith paid upon Conviction, then it shall be lawful for the said Sheriff Depute or Substitute or Justices to order the Offender so convicted to be detained and kept in safe Custody until Return can be conveniently made to such Warrant of Poining, unless the Offender shall give sufficient Security, to the Satisfaction of such Sheriff Depute or Substitute or Justices, for his or her Appearance before such Sheriff Depute or Substitute or Justices on such Day as shall be appointed for the Return of such Warrant of Poining; which Security the said Sheriff Depute or Substitute or Justices are hereby empowered to require by Bond of Caution or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Goods and Effects can be found, then the said Sheriff Depute or Substitutes or Justices, shall, as may be required, by Warrant under their Hand, cause the Offender to be committed to the Common Gaol or House of Correction, where he shall be or reside, there to remain until he shall have paid all such Expences, Penalties, Forfeitures, and Fines, and the Charges attending the same,

same, shall be sooner paid ; and the Monies recovered or levied for such Expenses shall be applied to the Payment of the same respectively ; and the Monies arising by such Penalties, Forfeitures, and Fines respectively, when paid, if not otherwise directed to be applied by this Act, or the Act under which the same shall have been incurred, shall be paid to the Trustees for making and maintaining the Road on which such Offence shall have been committed, or to their Collector, and applied and disposed of for the Purposes of the said Road.

XCVIII. And be it further enacted, That in recovering the different Penalties imposed by this Act, it shall be lawful for the Sheriff Depute or Substitute or Justices before whom any Complaint for the Recovery thereof may be brought to grant Warrant for bringing the Parties complained upon before them for Examination, and at the Request of either Party to grant Warrant for citing Witnesses ; and on Confession or Probation by the Oath of any credible Witness or other competent Evidence to proceed to determine thereon, without any written Pleadings or Record of Evidence, it being hereby provided that a Record shall be preserved of the Charge and of the Judgment pronounced.

Justices may proceed by summary Process.

XCIX. Provided always, and be it further enacted, That where by this Act the adjudging of any Penalty, Forfeiture, Fine, or any other Matter not exceeding in Amount the Sum of Two Pounds Sterling, is committed to any One or more Justices of the Peace, the Decision therein of such Justice or Justices shall be final, and shall not be subject to Review by Advocation, Suspension, Reduction, or otherwise.

Decision of Justices in Matters not exceeding 2*l.* to be final.

C. Provided always, and be it further enacted, That any Person who shall think himself or herself aggrieved by any Proceedings to be had before any Justice or Justices of the Peace in the Execution of this Act, for which no particular Relief has been hereby provided, and provided the Matter at issue involves a Consideration exceeding Two Pounds Sterling, may within Six Months after the Date of the Sentence complained of, but not afterwards, apply to the Justices of the Peace at the Quarter Sessions of the said County, the Party so applying giving Fifteen Days previous Notice of such Application to the other Party or Parties, and to the Clerk of the said Trustees, and the Clerk of the said Justices of the Peace ; which Justices shall have Authority, as they are hereby authorized, empowered, and required, to rehear the Case, and examine the Witnesses formerly examined, and such other Witnesses as may be adduced, and to receive all other Proof, and to consider and determine the Matter in Dispute.

Appeal.

CI. And be it further enacted, That all Prosecutions for the Penalties, Forfeitures, and Fines imposed by this Act, or for any Wrongs done or Injuries suffered in any Matter thereto relating, or for any thing done in pursuance of any of the Powers by this Act given and granted for any thing done in pursuance of this Act, shall be commenced within Six Months after the Penalty, Forfeiture, or Fine is incurred, or Wrong done, or Injury suffered, or Fact committed, and not afterwards.

Prosecutions to be brought within Six Months.

Expences of
this Act.

CII. And be it further enacted, That the Expences of preparing, obtaining, and passing this Act shall be defrayed and levied by an Assessment which the said Trustees are hereby authorized to impose upon the Heritors of the said County of *Inverness*, according to the Valuation of their respective Lands or other Heritages, to be collected along with the Land Tax of the said County.

Public Act.

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

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