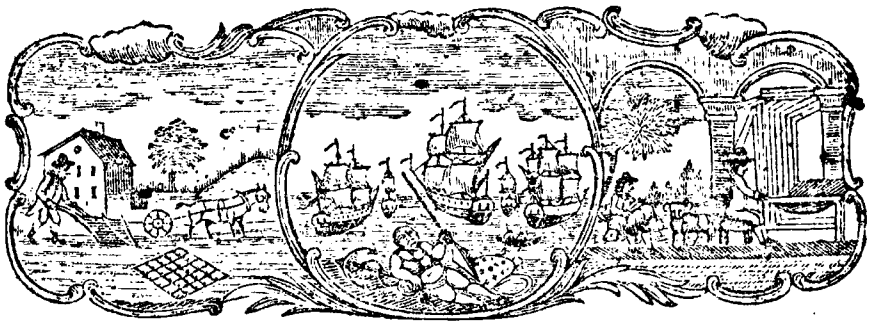


ANNO TRICESIMO TERTIO

Georgii III. Regis.

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CAP. CXVIII.

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*. [7th *June* 1793.]



WHEREAS the Powers granted by Law in Scotland, relative to Highways and Bridges, and the Services, and Work, and Money, which are thereby authorized to be exacted and levied, have been found, by Experience, inſufficient for making and keeping in Repair the Roads and Bridges within the Shire of Inverneſs, and further Powers are neceſſary, in order effectually to carry the Intention Preamble.

Intention of the said Laws into Execution: And whereas it would be a great Accommodation to the Inhabitants of the Royal Burgh of Inverness, and of Publick Utility, if Powers were granted for improving, widening, and lighting the Streets within the said Burgh: 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,

Commissioners of Supply and Justices of Peace to be Trustees.

That the Commissioners of Supply and Justices of the Peace of the said Shire of Inverness for the Time being shall be Trustees for making and repairing the Highways, Roads, and Bridges, within the said Shire, and for executing all other Powers by this Act given and granted.

First Meeting.

II. And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall, in order to carry this present Act into Execution, meet at Inverness upon the First Tuesday of June in the Year One thousand seven hundred and ninety-three, and thereafter yearly, upon the same Day, and at the like Place, that the Commissioners of Supply for the said Shire of Inverness shall be directed, by the Land Tax Act of the Year then current, to assemble, for the Purposes of assessing the Land Tax, and of chooſing Convenor, Collector, and Clerk; and that it shall be competent for the Trustees so assembled, at the aforesaid annual General Meeting, to divide the Shire into such a Number of Districts as to them shall seem expedient for the more easy and effectual Execution of the Powers hereby granted; which Division of Districts shall continue till altered by a General subsequent Meeting of the Shire; and the Trustees assembled as aforesaid shall also have Power, and are hereby empowered, to adjourn to the next, or any after lawful Day, if they shall see Cause so to do, and to name a Preses or Chairman of their Meeting, and a Clerk, during Pleasure, who shall attend the Meetings of the said Trustees, and shall enter their whole Proceedings regularly in a Book to be kept for that Purpose; and likewise shall, as often as required by any Person or Persons having an Interest in the same, make and give out Copies or Extracts of the Orders or Proceedings of the Trustees, at such moderate Fee for the same as shall be fixed by the said Trustees in a General Meeting assembled; and that such Extracts or Copies shall contain the Warrant for putting those Orders into Execution; and that the said Trustees,

General Meeting to divide the Shire into Districts, &c.

in their First General Meeting, or adjourned Meeting aforesaid, and in all their subsequent annual General Meetings, or adjourned Meetings assembled, shall have Power, and they are hereby empowered and required to nominate and appoint early and convenient Times and Places for the First Meeting of the Trustees in each Year within the respective Districts; and that the Trustees, at such District Meetings assembled, shall have Power afterwards to adjourn as they shall see Cause; and it is declared sufficient to constitute any Justice of Peace or Commissioner of Supply, of the said Shire, a Member of a District Meeting that he has Landed Property within said District, or has his ordinary Domicil within the same, or has resided there Six Months of the Year preceding the said Meeting. Qualification of Members of District Meetings.

III. And be it further enacted by the Authority aforesaid, That if any Person not qualified as aforesaid, or not of the Descriptions aforesaid, shall nevertheless presume to act as a Trustee, such Person shall, for every such Offence, forfeit and pay the Sum of Ten Pounds Sterling, besides the Expence of Prosecution, to be recovered by any of the Trustees duly qualified in Manner after directed, and to be applied for the Use and Repair of the Roads in the said County, as a General Meeting shall direct.

IV. And be it further enacted by the Authority aforesaid, That the Six Days Statute Work, or Personal Labour, now exigible by Law from Tenants, Subtenants, and Heritors, in the natural Possession of their own Grounds, and their Men Servants, Cottars, and other labouring Men, shall be exchanged or commuted, and in Place thereof, that there shall be levied yearly a Sum not exceeding Two Shillings Sterling from each Person by the present Law liable in Statute Labour, excepting Apprentices under the Age of Eighteen Years; which Sums shall be levied by the Collector or Collectors to be appointed by the District Meetings of Trustees, and shall be laid out and employed in making, maintaining, and repairing, cleansing, widening, and extending, the several Roads and Bridges lying within the District within which the Person or Persons liable therein do reside, and for erecting Mile Stones and Guide Posts thereon. Commutation of Statute Labour.

V. And be it further enacted by the Authority aforesaid, That the said Collector or Collectors shall keep a distinct and separate Account of the Money levied in each District, and shall not allow any Person liable in the Commutation Money aforesaid to run in Arrear, but shall punctually Collectors to keep distinct Accounts, &c.

punctually execute the Orders given by the General Meetings of Trustees, or those of District Meetings as aforesaid, with respect to levying the said Commutation Money, under the Penalty of being made personally liable and answerable for the Deficiency, in case he or they shall fail to do Diligence for Recovery thereof, in Manner as herein-after directed.

Persons deficient to be liable in Double Payment.

VI. And be it further enacted by the Authority aforesaid, That every Person liable in Payment of the said Commutation Money, who shall neglect or refuse to make Payment thereof when required, betwixt the First Day of June and First Day of October yearly, or within Six Days after such Requisition, either personally or at their Dwelling Places, shall be liable in Double Payment for that Year in which he or she shall be so deficient; and the Whole of those Conversions and Money shall be levied in virtue of a Warrant under the Hands of any Two or more Justices of the Peace or Commissioners of Supply of the said Shire, proceeding upon Certificates under the Hands of the Collector that such Person has not paid: And the Justices of the Peace and Commissioners of Supply are hereby authorized and required to grant such Warrants, which shall contain Authority for seizing the said Person's Effects, and for poinding and distraining the same; and that the Officer to whom the same shall be directed shall summarily seize and distrain the readiest Goods or Effects of the said Person, and shall, at the End of Three Days after such Distress, sell the same, by publick Roup or Auction, to the highest Offerer, at the nearest adjoining Village, or nearest Place proper for a publick Sale, next convenient to the Grounds upon which such Distress was made, for Payment of the Sum for which such Person or Persons shall be respectively liable, and of the necessary Charges, rendering the Overplus, upon Demand, to the Owner; and in case sufficient Distress cannot be found, or such Payment and Charges shall not be forthwith made, it shall be lawful for any Two or more Justices of the Peace for the District where the Person or Persons liable have resided, and they are hereby authorized and required, by Warrant under their Hands, to cause such Offender or Offenders to be committed to the Common Jail of the County or District where the Offence shall have been committed, there to remain for any Time not exceeding One Calendar Month, and that no Suspension, Appeal, Complaint, or Action, shall stop the Execution of said Warrants.

VII. Pro-

VII. Provided always, That in case the said Collectors shall wrongously charge, poind, or distrain, any Person as a Defaulter, and be convicted thereof before any Two or more Justices of the Peace within the said District, or at the Quarter Sessions, the said Justices shall award against the said Collector to the Person so aggrieved double the Sum for which he or she shall be so poinded or distrained. Collectors wrongously poinding to be liable in double the Sums so poinded.

VIII. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, at their Meetings in Districts, to appoint proper Persons in the different Parishes or Districts for surveying and directing such of the said Roads and Bridges as shall be committed to their Charge; and the Persons so appointed shall be obliged to accept the Office of Surveyor or Director as aforesaid, under the Penalty of Five Pounds Sterling each, to be levied in case of Refusal, upon a Complaint against him or them at the Suit of any Heritor in the said Shire, at the Quarter Sessions, or before the Sheriff Depute of the County, or any of his Substitutes. Appointment of Surveyors.

IX. Provided always, That the Trustees, at their next Annual General Meeting, shall have Power, and they are hereby impowered to name and appoint a Collector or Collectors for uplifting and receiving the unuplifted or unapplied Money of such deficient District; the Sums to be so uplifted to be at the Disposal of the said Annual General Meeting, for the Purposes specified in the present Act. Appointment of Collectors.

X. And be it further enacted by the Authority aforesaid, That the Trustees of the different Districts shall superintend and have the Direction and Cognizance of the several Roads and Bridges within their respective Districts, and shall have Power to appoint the Order in which the same shall be made and repaired; and to appropriate the Monies to be exacted and raised by virtue of this Act for the Purposes thereby intended, (but subject always to the Controul of the General Annual Meeting); and that the said Trustees, in District Meetings assembled, shall be and are hereby impowered to appoint a Preses or Convenor and Collector for each District, who shall also be Clerk to the District, and who shall grant sufficient Security for his Intromissions, and to adjourn from Time to Time; and that the Preses or Convenor of such respective District Meetings shall have Power, and he is hereby impowered and required to call Meetings of the Trustees for the said District, as often as he shall be required so to do by any Two Trustees within such District, (upon Powers of the Trustees of the different Districts.

Six Days previous Notice to be given by the said Preses or Convenor, at the several Church Doors within the District, or personally, or by a Writing left at the Dwelling Houses of such Trustees); and that all Questions arising among the said Trustees, in such District Meetings as aforesaid assembled, shall be carried and determined either unanimously, or by a Majority consisting of Two Thirds of the Members present at such Meeting; and when any Question shall not be so determined at a District Meeting, that then such Question or Matter shall stand referred, and the same is hereby declared to be referred to the Determination of the next General Meeting of the Shire; and that it shall be lawful for any One Trustee to act at the aforesaid District Meetings, in case the other Trustees do not attend: Provided always, and it is hereby declared, that it shall not be in the Power of any Meeting thus called by the Convenor or Preses to alter the Orders and Appointments of any former Meeting of said District, without the Consent and Approbation of Two Thirds of the Members present at such previous Meetings.

Meetings to be held at Mid-day.

XI. And be it further enacted, That all Meetings under the Authority of this Act shall begin to be held at Noon, and not earlier, and that each Member shall defray his own Expence, but without disabling or restraining the said Trustees from making and giving a reasonable Allowance to Collectors, Clerks, and Overseers, or other Officers, for their Trouble, liable to the Examination and Controul of the General Meeting.

Appointment of Overseers.

XII. And be it further enacted by the Authority aforesaid, That the said Trustees, in District Meetings assembled, shall have Power, and are hereby impowered to appoint Overseers within their respective Districts; and that the said Overseers may, by the Trustees of their respective Districts, or any Two of them, be made Constables for the special Purpose of acting as Constables in the Business of the Highways and Roads, and for that Purpose only.

State of the Streets, &c. within the Burgh of *Inverness*.

XIII. And whereas the several Streets within the Burgh of Inverness are in great Disrepair, and the Entries leading to and from a Street called The New Street, wherein a Building for a new established Academy has lately been erected, are so narrow and confined as not to admit of Carriages passing each other, and it will be highly beneficial to the Town and County that the Causeways of these Streets be properly amended and repaired, and that the Passages leading to and from the said New Street be widened and extended: Be it therefore enacted by the Authority aforesaid, That the Annual General

General Meetings to be held as aforesaid are hereby authorized and impowered to pay over the whole Commutation Money to be collected within the Town of Inverness to the Magistrates of the said Burgh, or Collector to be appointed by them for the Time being, to be by them employed in repairing and amending the said Causeways, and the several Roads within the Jurisdiction of the said Burgh, as the said Roads shall be fixed and ascertained by the first General Meeting to be held in virtue of this Act; the said Magistrates being always obliged to render an Account of the Expenditure of the Money so paid over to them to the General Annual Meetings to be held from Time to Time as aforesaid.

Annual Meetings may pay over the Commutation Money to the Magistrates, &c.

XIV. And be it further enacted by the Authority aforesaid, That the Magistrates of Inverness shall have Power, and are hereby impowered and directed to treat with the several Proprietors of the Houses and Tenements contiguous to the Passages leading to and from the said New Street for the Purchase of the Three Rows or Lines of Thatched Houses projecting upon that End of the New Street which enters from the East Street, with the vacant Ground contiguous to them, and which Three Rows and vacant Ground are bounded at the West by another Row of Houses, beginning at the End next the East Street with the House said to belong to John Macdonald Vintner and Farmer, in Inverness, and running in a Line with the West Side of the said New Street, and bounded at the East by another Row of Houses, beginning at the Head or End immediately next the East Street with a House the Property of the Widow and Heirs of the deceased Andrew Macpherson Shoemaker, in Inverness, and running in a Line with the East Side of the said New Street; as also the Two small Houses projecting upon the East Side of the said New Street, near the Bottom thereof, the Property of Kenneth Cameron and Donald Shaw, Carters, in Inverness, with the vacant Ground contiguous to them; and in like Manner such Parts of the Houses and Garden Grounds as project upon the said New Street beyond the Line of the East Wall of the Hospital Garden, and lying betwixt the said Hospital Garden and the Bottom of the said New Street, where it runs into the Church Street.

The Magistrates authorized to treat with Proprietors of Houses, &c. for opening the Passages to the new Street.

XV. And be it further enacted by the Authority aforesaid, That in case the said Magistrates and Heritors cannot agree as to the Purchase Money of such Houses and vacant Ground, that then, and in that Case, the said Magistrates shall and may apply by Petition to His Majesty's Sheriff Depute of the said Shire of Inverness, or his Substitute, setting forth this Act of Parliament,

Damage to be ascertained.

and the true Circumstances of the Case, and praying that the true Value of the Houses and Ground, and the Damage arising from taking or pulling down the same for the Purposes aforesaid, should be ascertained; and on receiving such Petition, such Sheriff Depute, or Substitute, is hereby empowered and required to cause the same to be served on such Heritor or Heritors, by delivering a full Copy thereof to him, her, or them, personally, or at their Dwelling Places, with an Order to give in Answers within Five Days after such Service; and when that Time is elapsed, such Sheriff Depute, or Substitute, is hereby authorized and required to issue his Precept or Precepts for summoning and impannelling of a sufficient Number of substantial and disinterested Persons, not less than Twenty-one in Number, One Third whereof to be Heritors within the said Burgh, and the other Two Thirds to be Burgesses within the same; which Persons so to be summoned are hereby required to come and appear before the said Sheriff, or his Substitute, at the Time and Place in the said Precept or Precepts directed and appointed, of which Time and Place the said Heritors respectively, and Magistrates, shall have due Notice given them at least Ten Days before; and out of such Persons so to be summoned, the said Sheriff Depute, or his Substitute, shall appoint a Jury of Fifteen Persons, One Third Heritors within the said Burgh, and the other Two Thirds Burgesses within the same; before whom the said Magistrates and Heritors may, upon the Warrant of such Sheriff Depute or Substitute, summon and call Witnesses, and bring other legal Evidence, and cause the said Jury to view the Places in Question, if there be Occasion; and the said Sheriff Depute, or Substitute, is hereby empowered and required, before proceeding to take the Evidence, to administer an Oath to the Jury to return a true Verdict according to the Evidence, and to take down in Writing the Evidence of the Witnesses to be given by them upon Oath; and thereupon the Jury shall return their Verdict in Writing, ascertaining the Value of such Houses and Ground, and Damage aforesaid, as to them shall seem just; which Verdict or Determination shall be final and binding upon all Parties, and a Copy thereof shall be signed by the Foreman of the Jury and the said Sheriff Depute or Substitute, and entered in the Records of the Sheriff Court; and the same, or Extracts thereof, shall be deemed good and lawful Evidence in all Courts of Law or Equity; and upon the Magistrates making Payment to such Heritor or Heritors of the Sums so ascertained or

by a Jury;

agreed for as herein-before mentioned, or in case that such Payment is refused, or that a sufficient Title to such Houses or Ground is not produced, or that there is any Doubt to whom such Payment should be made upon Consignation thereof, with the Approbation and by Warrant of the said Sheriff Depute, or his Substitute, in the Royal Bank, or Bank of Scotland, there to remain until it shall be issued by Order of such Sheriff Depute or Substitute; and upon Notice of such Consignation, left in Writing at the Dwelling House of such Heritor, or of some Tenant or Occupier of the Premises, and lawful Evidence thereof being laid before such Sheriff Depute, or his Substitute, then, and in any of these Cases, it shall be lawful for the said Sheriff Depute, or his Substitute, to adjudge and decern the full Right and Property of the said Houses and Ground to appertain to the said Magistrates; and that it shall be lawful for the said Magistrates to take and pull down the said Houses and Tenements, for the sole Purpose of extending and widening the said Streets or Passages, in Manner above mentioned; and that they shall be exonerated and discharged of the Price of such Houses and Ground, and Damage done as aforesaid: Provided always, and it is hereby declared, that every Occupier, or other Person, having an Interest in any of the Houses or Ground to be taken or pulled down as aforesaid, besides the real Proprietor of the same, shall be deemed and taken to be a Proprietor or Heritor in the Intendment of this Statute, to the Effect of securing to such Occupier, or other Person, a full Recompence for any Damage which he, she, or they may sustain by pulling down such Houses, and taking such Ground, to be ascertained either by Agreement with the said Magistrates, or by the Verdict of a Jury, in Manner above provided for: Provided also, that in all Cases where a Verdict shall be given for no more, or for a less Sum, than had been previously offered by or on Behalf of the said Magistrates, as the Price of the said Houses and Ground, or for the Damage that may be sustained as aforesaid, then, and in every such Case, the Cost and Expence of summoning such Jury, and taking such Inquest, shall be borne and paid by the Person or Persons with whom the said Magistrates shall have such Controversy or Dispute; but if a Verdict shall be given or made for a higher Sum than had been offered by the said Magistrates for such Houses and Ground, or for the Damage that may be sustained as aforesaid, then, and in any such Case, the Expences of summoning such Jury, and taking such Inquest, shall be defrayed by the said Magistrates;

and, on Payment or Consignation, Subjects to be adjudged to Magistrates.

Expence of Jury.

Magistrates; and in case a Verdict shall be given for a higher Sum than has been offered by the said Magistrates, but for a less Sum than has been condescended upon by the said Heritor or Heritors, then, and in such Case, the Expence of summoning such Jury, and taking such Inquest, shall be defrayed by the said Magistrates and the said Heritor or Heritors equally.

To sell the Materials, &c.

XVI. Provided always, and it is hereby enacted and declared, That the said Magistrates and Town Council of Inverness are hereby authorized to sell the Materials of the Houses to be pulled down as aforesaid, in such Manner as they shall think proper, and to apply the Proceeds, from Time to Time, in paying the Sums which shall be expended by them in purchasing the said Subjects and making the Streets, and to reimburse themselves, from Time to Time, of the remaining Part of their Advances out of the Overplus (if there shall be any) of the Commutation Money for the Town, after making the Roads and paving the Streets of the said Burgh.

To levy from the Inhabitants 80 *l. per Annum* for lighting the Streets.

XVII. And be it further enacted by the Authority aforesaid, That the Magistrates of Inverness shall be authorized, and they are hereby authorized and empowered to levy from the Inhabitants of the Burgh of Inverness only, any Sum not exceeding Eighty Pounds Sterling per Annum, to be by them applied towards lighting the Streets of the said Burgh; and which Sum, so to be levied, is to be laid on in the same Manner, and levied by the same Means, as the Cess or Stent of the said Burgh is in use to be laid on and levied.

Commutation of Labour of Horses and Carts, &c.

XVIII. And whereas the Exaction of Six Days Labour of the Horses and Carts, Wains, Sledges, and Tools, belonging to Tenants, Sub-tenants, and Heritors, in the natural Possession of their own Grounds, authorized by the present Laws, must frequently prove a manifest Obstruction to Agriculture; be it therefore further enacted by the Authority aforesaid, That the said Exaction shall, during the Subsistance of this Act, be discontinued, and the same is hereby dispensed with accordingly; and in place thereof it shall be lawful to, and in the Power of the said Trustees, at their Annual General Meetings assembled, to assess the Heritors in the whole Shire aforesaid in any Sum not exceeding One Shilling Scots upon every Pound Scots of valued Rent in each Year, over and above the Commutation Money aforesaid; and that such Assessment shall be levied by the Collector of the Land Tax in the same Manner and along with the Cess imposed upon the said Shire, or by such other Collector or Collectors, and at such other Times, or in such other Manner,

Manner, as the said Trustees at their General Meeting in each Year shall appoint and direct, with Power to the Heritor, or landed Proprietor, to reimburse himself by levying from his Tenants the Commutation for the Labour of their Horses, Carts, Mains, Sledges, and Tools, in Proportion to the Valuation of the Lands occupied by them.

Assessment for the same to be paid to Collector of Districts.

XIX. Provided always, and it is hereby enacted and declared, That the said Assessment shall, by the Collector or Collectors appointed to levy the same, be paid or accounted for to the Collector or Collectors of the respective Districts of the Shire, as the said Annual General Meetings shall appoint and direct; and shall be laid out and appropriated, and the Expenditure thereof be under the same Management, and continue for the like Purposes, as the Commutation Money levied within the respective Districts, in Manner above directed.

Lands of *Dunmaglass* to pay in *Invernesshire*.

XX. And whereas the Lands of Dunmaglass, within the united Parishes of Daviot and Dunlichity, though valued and paying Land Tax in the County of Nairn, are situated in the Heart of Lands in the Shire 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 on this Account it would be convenient and of publick Utility that an Exchange or Excambion should take place with respect to those Lands as after mentioned; be it therefore enacted by the Authority aforesaid, That the said Lands of Dunmaglass shall, in future, pay the Commutation Money, and its Proportion of Assessment as aforesaid, in the Shire of Inverness, under the same Conditions and Penalties as by this Act affects the said Shire; and the said Lands of Budgate shall in like Manner perform Statute Labour in the Shire of Nairn; and each of said Lands shall be subject to the Jurisdiction of the Justices of the Peace, and Commissioners of Supply, of the respective Shires to which they are so transferred, so far as regards the Statute Labour, and Commutation Money, and Assessment, to be levied under this Act; but in every other Respect to remain, as before the Passing of this Act, Parts of the Shire to which they now respectively belong.

District Meetings to make up regular Reports annually.

XXI. And be it further enacted by the Authority aforesaid, That the respective District Meetings shall annually, on or before the last Tuesday in March, make up an exact and regular Report, containing an Account of the whole Money received and expended on the Highways, Roads, and Bridges, and the Work performed, and the

Offences committed, for the preceding Year, within the Districts under their Direction respectively; and that such Report, signed by the Clerk of the respective District Meetings, shall be transmitted by the said Clerk to the Clerk of the Annual General Meeting, at least Eight Days before the said General Meeting, and shall, by the Clerk of the General Meeting, be entered in his Book, and laid before the Trustees at their said Meeting; and that in case of Failure to make and transmit such Report, or in case of such Report not being satisfactory to the General Meeting, either with regard to the levying or applying of the said Money, the District so failing shall not receive any Portion of the Monies to be levied on it the next Year; but these Monies shall be at the Disposal of the General Meeting to any other more meritorious District, and such General Meeting is hereby empowered to dispose of the same accordingly, and for that Purpose to appoint Collectors for levying the same, who shall have the like Power, and be subject to the same Regulations and Penalties as if appointed by the District Meeting.

Ditches to be kept clean.

XXII. And be it further enacted by the Authority aforesaid, That where any Ditches have been, or shall in Time coming be made along the Side of any of the Roads or Highways within the said Shire, then the Proprietors thereof shall be bound to keep those Ditches properly scoured; and in case of their Failure so to do when required, the Overseer of the said Roads may, and he is hereby authorized to order the said Ditches to be cleaned and scoured at the Cost and Expence of the Occupiers or Possessors of the Grounds through which these Ditches are made; and upon their refusing Payment of the Expences thereby incurred, it shall and may be lawful for the Justices of the Peace of the Bounds, or any Two of them, upon the Application of said Overseer for the Time being, to grant Warrant for levying such Expence by Distress and Sale as aforesaid.

Overseers empowered to take Materials out of the adjacent Lands;

XXIII. And be it further enacted by the Authority aforesaid, That the said Overseer (having first obtained Warrant for so doing under the Hands of Two or more Trustees of the District) shall be, and he is hereby impowered to take out of any adjacent Lands, other than Gardens, Orchards, and planted Walks, the necessary Materials for making and repairing the said Roads and Bridges, doing as little Damage as may be to the Owner or Occupier of the Ground, and making to him such Satisfaction as to the said Trustees, or any Two of them, shall seem reasonable.

XXIV. And

and to turn the Course of Rivulets, and cut Branches of Trees.

XXIV. And be it further enacted by the Authority aforesaid, That upon obtaining Warrant as above mentioned, it shall be in the Power of the said Overseer to turn the Course of any Rivulet, or any other running Water, off from the said Roads, reserving to the Proprietor of such Water, or any other Person injured by the turning thereof, to carry it across and under the Road, by means of a substantial Arch of Stone and Lime, to the Satisfaction of the Trustees of the District; and for so doing they shall allow him a reasonable Sum; and in like Manner it shall be competent to the Overseers in Manner aforesaid to cut and remove any Branches of Trees growing or planted within Three Feet thereof, reserving always the Use of such Branches of the Trees so cut to the Owner of the same.

No Person to lay Timber, Stones, Dung, &c. on the Roads;

XXV. And be it further enacted by the Authority aforesaid, That no Person shall lay, or cause to be laid, any Timber, Stone, Lime, Dung, Soil, Compost, Ashes, or other Materials, upon any of the aforesaid Roads, Highways, or Bridges, or shall cut and carry away any of the Materials forming them, or turn or dam Water thereon, or commit any Nuisance whatever thereto; and that any Person or Persons so offending, shall not only forfeit the Materials so laid down, but also the Sum of Ten Shillings Sterling for each Offence, besides Charges, to be levied and recovered in the same Manner as the Commutation Money aforesaid, the One Half thereof to be paid to the Informer, and the other Half to be applied for making and repairing the Roads and Bridges within the District; and in case it shall not appear who laid down the said Materials, or committed such Nuisance, that the Possessors or Occupiers of the Grounds next adjacent, for the Time in which the same shall have been laid down or committed, neglecting or refusing to remove such Nuisances, after Twenty-four Hours Notice in Writing given for that Purpose under the Hand of the said Overseer, shall be deemed and held, jointly and severally, to be the Persons guilty thereof.

nor to haul Trees or Logs, &c.

XXVI. And be it further enacted by the Authority aforesaid, That if any Person or Persons shall haul or draw, or cause to be hauled or drawn, upon any Part of the said Roads, or Highways, or Bridges, any Tree, Log, or Piece of Timber, or any Stone, or other Thing whatsoever, without being on a proper Wheel Carriage, whereby the said Roads or Bridges shall be injured, every such Person shall, for every such Offence, forfeit the Sum of Five Shillings Sterling, to be recovered and levied in Manner aforesaid; reserving to the Trustees to

give such Indulgence to Highland Districts of the said Shire where the Roads shall not have been completed as to them shall seem meet.

Sums in Collectors Hands to be applied for the Expence of this Act.

XXVII. And be it further enacted by the Authority aforesaid, That any Sums in the Hands of the Collector of the Land Tax unexpended, of the Assessment of former Years, shall be applied in the first Place to defray and pay the Expence of obtaining and passing this present Act, and the Deficiency shall be made up from the Sum to be raised and levied by virtue hereof, as the same shall be determined by a General Meeting of the Trustees; but the Remainder, and all future Assessments in virtue hereof, shall be wholly and solely applied to the Uses and Purposes above mentioned, and to no other Purpose whatever.

Powers to District Trustees in case of sudden Damage.

XXVIII. Provided always, and be it further enacted by the Authority aforesaid, That in case of any sudden Damage being done to Bridges or Drains, or any Part of the Roads within the said Shire, which may require an immediate Support or Repair, that it shall be in the Power of the Trustees of the District, or any Two of them, and they are hereby empowered to order and execute such Support or Repair, but so as the Sum expended thereon shall not exceed Ten Pounds Sterling in any One District over and above the Proportion of Commutation Money and Assessment, and that the Money so expended shall be provided for in the Proportion which the Annual General Meeting of Trustees in the following Year shall grant to that District; provided that the Expediency and Necessity of such Support and Repair, and the proper Expenditure of the Monies laid out thereon, be proven in the Report of that District to the Satisfaction of the Trustees in their General Meeting.

Forfeitures and Penalties to be recovered before Two Justices.

XXIX. And be it further enacted by the Authority aforesaid, That all Forfeitures and Penalties by this Act inflicted or authorized to be imposed in relation to any Matter or Thing in this Act contained (the Manner of levying and recovering whereof is not otherwise particularly directed), shall, upon Proof of the Offence before any Two or more Justices of the Peace for the Shire or Place where the same shall be committed, either by the Confession of the Party or other legal Evidence, be levied by Distress and Sale, in Manner above directed.

Subject to Appeal to Quarter Sessions.

XXX. And be it further enacted by the Authority aforesaid, That if any Person or Persons shall consider himself, herself, or themselves, aggrieved by any Order, Procedure, Sentence, or Judgement, of the said Trustees or Justices of the Peace, with respect to any of the

Matters

Matters or Things by this Act referred to their Determination, it shall and may be lawful to and for such Person or Persons to appeal for Redress to the Justices of the Peace for the said County, at their next General Quarter Session, who are hereby authorized to hear and determine the Matter in Dispute.

No Objection to a Justice that be a Trustee.

XXXI. Provided always, That it shall be no Objection to any Person acting as a Justice of the Peace, in any Matter or Thing relating to this Act, that he is thereby appointed or has officiated as a Trustee, excepting such Cases only in which he shall be personally interested.

Appeal to the Circuit Court of Justiciary.

XXXII. And be it further enacted by the Authority aforesaid, That if any Person or Persons shall consider himself, herself, or themselves, aggrieved by any Sentence or Judgement of the said General Quarter Sessions in any Matter relative to this Act, it shall be lawful to and for such Person or Persons to appeal for Redress to the then next Circuit Court of Justiciary to be holden at Inverness; and the said Circuit Court of Justiciary is hereby authorized and required to hear and determine the Matter in Dispute, in such and the like Manner, and subject to such and the like Regulations as are specified and described in an Act passed in the Twentieth Year of the Reign of His late Majesty King George the Second, intituled, An Act for taking away and abolishing the Heritable Jurisdictions in that Part of *Great Britain* called *Scotland*, and for making Satisfaction to the Proprietors thereof, and for restoring such Jurisdictions to the Crown; and for making more effectual Provision for the Administration of Justice throughout that Part of the United Kingdom by the King's Courts and Judges there, and for obliging all Persons acting as Procurators, Writers, or Agents, in the Law in *Scotland*, to take the Oaths; and for rendering the Union of the Two Kingdoms more complete, with respect to the Appeals to the Circuit Courts of Justiciary therein mentioned in Section the Thirty-fourth.

Preses to have a casting Vote.

XXXIII. And be it further enacted, That in all General Meetings of the Trustees, or Meetings of Districts, in case of an Equality of Numbers, the Preses shall have Two Votes, but otherwise he shall be only entitled to One Vote.

Commencement of the Act.

XXXIV. And be it further enacted by the Authority aforesaid, That the aforesaid Commutation Money, and the Powers by this Act given and granted, shall take Place from and after the First Tuesday of June in the Year One thousand seven hundred and ninety-three.

Limitation of Actions.

XXXV. And be it further enacted by the Authority aforesaid, That all Actions and Complaints of all and any of the Penalties and Forfeitures imposed by this Act, and for any Wrong or Injury committed in any Matter relative to, or in consequence of, any of the Powers by this Act given and granted, shall be commenced within the Space of Twelve Calendar Months after the Penalties or Forfeitures are incurred, or Wrong done, or Injury suffered; and that no Penalty or Forfeiture imposed by this Act shall be exigible, unless the same is sued for within the Space of Twelve Calendar Months.

Endurance of this Act: and to be a Publick Act.

XXXVI. And be it further enacted by the Authority aforesaid, That this Act shall commence and have Continuance from the said First Tuesday of June, in the Year One thousand seven hundred and ninety-three, for and during the Space of Fourteen Years, and from thence to the End of the next Session of Parliament; and that the same shall be deemed a Publick Act, and shall be judicially taken Notice of by all Judges, Justices, and others, without specially pleading the same.

FINIS.