ANNO TRICESIMO TERTIO

Georgii III. Regis.

CAP. CXX.

An Act for making effectual the Statute Labour, and for levying Converſion Money in lieu of Labour in certain Caſes, and for otherwiſe regulating, making, and repairing High Roads and Bridges in the County of *Caithneſs*.

[11th *June* 1793.]

WHEREAS the Powers granted by Law in Scotland, relative to Highways and Bridges, and the Services, and Work, and Monies, which are thereby authorized to be exacted and levied, have been found by Experience inſufficient to make, amend, and keep in repair, the Roads and Bridges neceſſary within the County of Caithneſs; and that other and further Powers are requiſite to be given effectually to carry the Intention of the ſaid Laws into Execution; and as this cannot be obtained without the Aid of Parliament; may it therefore pleaſe Preamble.

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 every Person who is at present, or hereafter shall be, in his own Right, or in Right of his Wife, in the actual Possession and Enjoyment, as Proprietor or Liferenter, of Lands lying within the said County of Caithness, valued in the Tax Roll or Valuation Books for the said County, to the Extent of One hundred Pounds Scots per Annum, and all and every the eldest Sons of such Heritors being Heirs of said Property, and also the Sheriff Depute of the said County for the Time being, and the Provost or eldest Baillie of the Royal Borough of Wick, and the eldest Baillie of the Town of Thurso for the Time being, shall be, and they are hereby nominated and appointed, Trustees and Commissioners for directing, making, repairing, widening, and keeping in Repair the Highways, Roads, and Bridges within the said County, and for executing all the other Powers by this Act to them given and granted: And no Person shall be entitled to act as a Commissioner or Trustee, in respect of any Right of Superiority over Land, unless he is also in Possession of the dominium utile.

Trustees.

Qualification.

Penalty on acting without Qualification.

II. Provided always, That if any Person, not qualified as aforesaid, shall presume to act as a Trustee, every such Person shall, for such acting, forfeit the Sum of Ten Pounds Sterling, besides the Expence of Prosecution, to be recovered by summary Complaint, at the Instance of any Heritor within the said County, before the Justices of the Peace at their Quarter Sessions, or before the Sheriff Depute of the said County, or his Substitute, which Penalty shall be paid to the Trustees aforesaid, to be by them applied for making or repairing the said Roads; and in case any such Complaint shall be made, the Proof of Qualification shall be upon the Defendant; and if the Defendant is assoilzied, he shall be intitled to full Costs from the Party bringing such Complaint.

Commutation of Statute Labour.

III. And whereas it hath generally been found, that a reasonable Composition in Money, in place of Labour, is more useful and effectual for the purpose of making and repairing Roads, than the actual Service required by the Laws now in force relative to Highways; be it therefore enacted by the Authority aforesaid, That, from and after the passing of this Act, the whole Statute Labour of the said County, excepting as herein-after provided, shall be converted by an Assessment on the valued Rent, not exceeding

ceeding Thirty Shillings Sterling for each Hundred Pounds Scots of Valuation.

But may be exacted in Kind.

IV. Provided nevertheless, That it shall be lawful to the Trustees or Commissioners, at any of their General Meetings after-mentioned, to dispense with the Payment of the said Conversion in any particular District or Place, on an Application to that Effect, subscribed by a Majority of the Heritors of such District, and to authorize the Exaction of the Statute Labour in Kind.

First Meeting of Trustees,

V. And, for the more easy and effectual Execution of this Act, and the Powers herein-after granted, be it enacted by the Authority aforesaid, That the said Trustees or Commissioners, or any Three or more of them, shall hold their First Meeting at Twelve of the Clock Midday within the Town House of Wick, upon the Thirtieth Day after passing this Act, or the First lawful Day following, and shall thereafter hold Two Annual Meetings at the same Place, the First on the Day appointed for the Commissioners of Supply to assemble for assessing the Land Tax, and the Second on the Day when the Freeholders assemble at their Michaelmas Head Court; with Power to them, or the Majority of those present at the said fixed or General Meetings, to adjourn to the next lawful Day if necessary; with Power to each Meeting to choose their Preses, and to the First General Annual Meeting to choose their Clerk for the ensuing Year, and with Power also to make such Orders, Regulations, and Appointments as they shall judge proper, for carrying this Act into Execution.

And Two Annual Meetings afterwards.

Division into Districts, and their Places of Meeting.

VI. And be it enacted by the Authority aforesaid, That the said County of Caithness shall be divided into Five Districts; the First to consist of the Parishes of Reay and Thurso, and the Place of Meeting to be the Kirk of Thurso; the Second to consist of the Parishes of Olrig and Dunnet, and the Place of Meeting to be the Kirk of Dunnet; the Third to consist of the Parishes of Bower and Wattin, the Place of Meeting to be the Kirk of Wattin; the Fourth to consist of the Parishes of Canisbay and Wick, the Place of Meeting to be the Kirk of Wick; and the Fifth to consist of the Parishes of Halkirk and Latheron, the Place of Meeting to be the Kirk of Latheron; and the Heritors and Liferenters of Lands within each District affording a Qualification to act as Trustees or Commissioners under this Act, and the eldest Sons of such Heritors, being Heirs of the said Property, shall, under the Regulations and Restrictions herein-after mentioned, have the Direction and Superintendence of the Roads within such Districts respectively, and of the Appropriation

of the Statute Labour, and of the Money to be collected under this Act from the said Districts: Provided always, That the Provost or eldest Bailie of the Burgh of Wick, and eldest Bailie of the Town of Thurso, shall be entitled to sit and vote in all Meetings of those Districts, under which the said Boroughs are classed.

Allowing Proxies.

VII. And be it enacted by the Authority aforesaid, That it shall be lawful for any absent Trustee, being an Heritor, or the eldest Son and apparent Heir of an Heritor, to delegate to a Proxy, by a Writing under his Hand, all the Powers with which he is by this Act vested, both in the General and District Meetings.

Preses to have a Casting Vote, besides his individual Vote.

VIII. And be it enacted, That in case of an Equality of Votes for the Election of a Preses in any of the said General Meetings, the Trustee present having the greatest valued Rent within the County shall be intitled to a Casting Vote; and in case such Equality shall occur in any District Meeting, the Trustee present at such Meeting having the greatest valued Rent within that District, shall, in like Manner, have the Casting Vote in the Election of a Preses for such District Meeting; and that in all the After-Proceedings at such General and District Meetings, the Preses shall, besides his single Vote, have the Casting Vote in case of an Equality.

Times of District Meetings.

IX. And be it further enacted, That the said Trustees shall hold their First District Meeting on a Day to be appointed for that Purpose by the First General Meeting of the Trustees and Commissioners under this Act; and thereafter the said Trustees shall hold an annual District Meeting on the First Tuesday of September, on which Day they shall prepare Reports of the Roads and Bridges proper to be made or repaired within their respective Districts for the following Year, specifying the Lines of Direction of such Roads, and the Money requisite to be applied thereon; which Reports they shall, within the Space of Ten Days thereafter, lodge in the Hands of the Clerk to the General Meetings, who is hereby required to attend at the Town House of Wick, upon the Twentieth Day of the said Month of September, or if this happens on a Sunday, upon the First lawful Day thereafter, from the Hour of Twelve at Noon, till Three of the Clock in the Afternoon, and to bring with him the Whole of the said Reports, for the Inspection of such of the Trustees as may then attend; and the said Trustees shall, at their next General Meeting to be held at Michaelmas, take the said Reports under their Consideration, and approve, alter, or amend the same, as they shall see Cause; or if it shall appear necessary, they are

hereby authorized to direct a Survey of any of the said Roads, with all other requisite Evidence, to be laid before them at their next General Meeting in the following Year, when they are to determine finally on the said Reports.

Power of Adjournment.

X. And be it further enacted, That the said Trustees, in their District Meetings, may appoint a Preses and Convener, and also a Clerk, who shall find Caution for the faithful Discharge of his Office; and the said Trustees may adjourn their District Meetings from Time to Time, and from Place to Place, as they see Cause; it being lawful in all such District Meetings for One Trustee to act, in case of the Non-attendance of his Colleagues: Provided always, That the said Trustees in their District Meetings shall not proceed to any Business under this Act before the Hour of Twelve Mid-day; and in case no more than One Trustee shall attend, such Trustee shall not proceed to act singly before the Hour of Two in the Afternoon.

One Trustee may act.

Extraordinary District Meetings may be called.

XI. And be it further enacted, That the Convener of each District may at any Time call a District Meeting, upon Eight Days Notice thereof, and of the Purpose and Business of such Meeting; and in such Cases the Convener shall always intimate, by Circular Letters to the Trustees resident in the District for which the Meeting is called, the Day, Place, and Purpose of such Meeting; it being always declared, That at such pro re nata Meetings, there shall be at least Three Trustees present to constitute a Quorum.

Trustees to bear their own Expences.

XII. And be it enacted by the Authority aforesaid, That the said Trustees, at all their General and District Meetings, shall defray their own Expences.

In Default of District Meetings proceeding, General Meetings may direct the Work to be done.

XIII. And be it enacted by the Authority aforesaid, That if the Trustees of any District shall fail to meet on the First Tuesday of September yearly as aforesaid, or shall not at such Meeting prepare their Report, so as the same be lodged with the Clerk of the General Meetings, as before directed, or shall fail to execute any of the other Powers committed to them by this Act, it shall be lawful for the Trustees, at any of their General Meetings, to fix and determine what Roads and Bridges ought to be made and repaired in such District, and to direct the Application of the Statute Labour or Commutation Money of such District, in the same Manner as if a Report had been regularly made by the District Trustees; and further, to nominate and appoint any Three or more of their own Number, whether possessing Lands within the said District or not, to meet at such Time and Place as

as the said General Meeting shall direct, for the Purpose of carrying this Act into Execution within the District; and the Trustees so appointed shall have all the Powers and Privileges belonging to the Trustees of the District for the current Year.

Mode of assessing Tenants or Occupiers of Lands.

XIV. And, in order that the aforesaid Assessment may be fairly proportioned upon the different Descriptions of Persons liable to perform Statute Services, be it enacted, That the Proprietors of Land, in the said County, or their Factors, shall, and they are hereby required, within Forty Days after the passing of this Act, and thereafter yearly, on or before the First Tuesday of July, to deliver to the Clerk appointed by the General Meeting of Trustees, a State of Valuation of their Lands according to which they are in use to pay the Land Tax and other Publick Burdens, subscribed by them, which State shall specify all the Farms belonging to each Heritor, whether in his own natural Possession, or let to Tenants, the Parishes wherein they are situated, the Names of the respective Possessors, and, where the said Farms are not separately valued in the Cess Book, the Proportion of valued Rent falling upon each Farm suitable to the yearly Rent thereof: Provided always, That no Part of the said Valuation shall be applied to Householders or Cottagers paying a less Rent than Twenty Shillings yearly; and in case any Heritor shall fail so to do, the Trustees, or any Person authorized by them, may compel such Heritors to pay for their whole Estates according to their valued Rents in the Cess Books of the County, and may cause the same to be levied in Manner herein-after mentioned, and such Heritors may recover from their Tenants such Sums as they shall be obliged to pay.

Heritors to give in Schemes of their Valuations.

To be repeated annually, in so far as Variations have happened.

XV. Provided always, That after such States shall have once been given in by any Heritor or Heritors to the Clerk of the General Meeting of Trustees, in Manner before directed, it shall be sufficient in any subsequent Year, for such Heritors to specify the Variations that have occurred therein, in such a Manner as to enable the Clerk to make up for each succeeding Year a correct State of the Assessment falling upon each individual Tenant or Possessor of Land.

Mode of assessing Inhabitants of Boroughs, Villages, &c.

XVI. And whereas the above Rule for Payment of the Composition Money will not properly apply to Inhabitants of Boroughs or Villages, or to the Occupiers of Houses not having any cultivated Land annexed thereto, or to Cottagers possessing small Crofts for which they pay a yearly Rent not exceeding Twenty Shillings Sterling; there-

therefore be it enacted, That all Persons of the forementioned Description shall, in Place of their Statute Labour, pay a yearly Composition in Money; and it shall be lawful for the said Trustees to assess all such Persons in a Sum of Money, by Way of Conversion for their Statute Labour; provided always, That the said Conversion shall not exceed the ordinary Price or Rate of Labour in that Part of the Country where the Services ought to be performed: And the Trustees at their First General Meeting shall fix and determine what shall be the Rate of Conversion for the following Year, which shall continue to be the Rule, until altered by the Determination of a subsequent General Meeting.

Heritors to give in Lists of them;

XVII. And, in order to ascertain the Persons liable in the Composition for Personal Labour on the Highways, be it enacted, That the Proprietors of Land in the said County shall, and they are hereby required, within Forty Days after the passing of this Act, and thereafter yearly, on or before the First Tuesday of July, to deliver to the Clerk appointed by the General Meeting of Trustees, a full and complete List of the Inhabitants of Villages, and of the Occupiers of Houses having no cultivated Ground annexed thereto, and of the Cottagers possessing a House and Land upon their Estate, for which a yearly Rent is paid not exceeding Twenty Shillings Sterling; and the Provost, or eldest Bailie of the Borough of Wick, and the eldest Bailie of Thurso, shall, in like Manner, deliver to the said Clerk a full and complete List of the Inhabitants of the said Boroughs liable, as herein-after described, in the Performance of Statute Work; which Lists shall be subscribed by the said Proprietors or their Factors, and by the Provost or Bailies of the said Boroughs; And on the Failure of the said Proprietors of Land, and Provost or Bailies aforesaid, to give in such a List as before directed, it shall be lawful for the Clerk of each of the District Meetings herein-after mentioned, to make up such Lists, for the Purpose of assessing the said Composition, and to demand a full Recompence for his Trouble therein from the Proprietors of Land, or Provost or Bailies of the said Boroughs refusing or failing to give in such Lists.

and the Magistrates of *Wick* and *Thurso*, for their Towns.

Variations to be annually reported.

XVIII. Provided always, That after such Lists shall have been once given in to the Clerk of the General Meeting of Trustees, in Manner before directed, it shall be sufficient in each subsequent Year to specify the Variations that have occurred therein, in such a Manner as to enable the Clerk to make up for each succeeding Year a correct List of the Persons liable in the Payment

of a Compoſition for Perſonal Service on the Highways.

Clerk of the General Meeting to make up States of Aſſeſſments from theſe Liſts,

XIX. And be it further enacted by the Authority aforeſaid, That as ſoon as States of the Valuations of the different Farms, and Liſts of the Perſons liable in a Compoſition for Perſonal Labour, ſhall have been given in to the Clerk of the General Meeting, in Manner before mentioned, he ſhall forthwith proceed to make up therefrom an exact Statement of the Sums due by each Individual liable in Statute Work or Services within each of the foreſaid Diſtricts; and ſhall, on or before the First Tueſday of September yearly, deliver to the Clerk of each Diſtrict an exact State of the Compoſition Money due in that Diſtrict; and the Clerk of the Diſtrict ſhall forthwith proceed to levy the ſaid Compoſition, ſo as the whole Money ariſing therefrom may be in his Hands againſt the First General Meeting of the following Year, ſubject to the Diſpoſal of the Truſtees.

and to deliver ſame to Clerks of Diſtricts, who ſhall proceed to levy, &c.

To be alone applicable to Roads, &c.

XX. Provided always, That it ſhall not be lawful for the ſaid Truſtees or Commiſſioners (after the Expence of obtaining and paſſing this Act ſhall be paid) to apply the Money ſo levied to any other Purpoſe, than the making and repairing of Roads and Bridges within the County, the Purchaſe of Road Tools, and the Payment of reaſonable Salaries to their Clerks; and that the Sums levied in each Pariſh, or the Statute Labour, if exacted in Kind, ſhall be applied, in the firſt Inſtance, upon the Highways and Bridges of ſuch Pariſh, and not elſewhere, until the Roads and Bridges of ſuch Pariſh are completed, after which they ſhall be applied to complete the Roads and Bridges of the Diſtrict in which ſuch Pariſh is ſituated, before they can be transferred to any other Roads or Bridges within the County of Caithneſs.

Recovery to be by poinding of Deficiencies.

XXI. And, in order the better to enable the Clerks of the Diſtricts to collect, with Diſpatch, the Compoſitions for Statute Labour, be it further enacted by the Authority aforeſaid, That all Perſons who ſhall neglect or refuſe to make Payment of their Compoſition within Ten Days after Requiſition made to them perſonally, or at their Dwelling Houſes, or by Advertiſement at the Pariſh Churches on a Sunday, ſhall be liable in Double the Sum at which their Service or Labour ſhall be converted; and the whole of theſe Converſions and Penalties may be levied, in virtue of a Warrant under the Hand of any One of His Majeſty's Juſtices of the Peace for the ſaid County, proceeding upon the Oath of the Clerk, that ſuch Perſon has not paid his Compoſition after

after due Notice; and the Warrant shall contain Authority for arresting such Person's Effects, and for pointing the same; and the Officer to whom the same shall be directed, shall summarily seize and distrain the readiest Goods and Effects of the said Person, and shall at the End of Three Days thereafter, sell the same by Auction, at the next Town or Village, rendering the Surplus to the Owner; and no Suspension, Appeal, Complaint, or Action, shall stop the Payment of the said Composition for that Year in which they have been appropriated, saving to the Parties their Redress, either from the Persons by whom they have been aggrieved, or out of their several Conversions for the next Year after the Determination of the Cause.

Penalty on Clerks for false Charges.

XXII. Provided always, That it shall be lawful for the Persons aggrieved by any such Warrant to apply for Redress to any Two of His Majesty's Justices of the Peace for the said County; and in case it shall appear that the Clerks have made a false or improper Accusation, such Justices shall award to the Complainer a Sum equal to Triple the Damages.

Books to be kept of the Proceedings of Districts;

XXIII. And be it further enacted by the Authority aforesaid, That the said Trustees, in their District Meetings, shall enter their Proceedings, and an exact Account of the Money received by virtue of this Act, and of the Application of it, in a Book to be kept by their Clerk, which all Heritors in the County shall be allowed to inspect gratis.

and their Clerks to deliver States of the Money levied, &c.

XXIV. And be it further enacted by the Authority aforesaid, That the Clerk of each District Meeting shall yearly, on or before the Fifteenth Day of April, deliver to the Clerk of the General Meeting an Account of the Monies that have been levied within such District by virtue of this Act, and of the particular Way and Manner in which the Commutation Money of the preceding Year has been expended and applied, in order to be laid before the Trustees at their General Meeting on the Day appointed for the Commissioners of Supply to assemble for assessing the Land Tax; the said Account shall be subscribed by One or more of the Trustees of the District, and certified by the Clerk upon Oath; and in case of the Clerk of any District Meeting not rendering an Account in Manner before described, he shall be liable in a Penalty of Five Pounds; and if it shall appear to the General Meeting of Trustees, that any Part of the Money has been embezzled, or applied otherwise than as directed by this Act, they shall fine and amerciate the Clerk in a Sum

Penalty on Default,

a Sum equal to Double the Money so embezzled or misapplied.

unless he acted by Order of a legal Meeting.

XXV. Provided always, That it shall be a sufficient Justification against the Charge of Misapplication, that the Clerk has obeyed the Orders of a legal Meeting of Trustees; and in this Case the acting Trustees shall be liable in the Penalty.

Who liable to pay for or perform Statute Labour.

XXVI. And, for the better explaining who shall be liable in the Performance of Statute Labour, or the Payment of a Composition for the same, be it further enacted and declared, That all Heritors in the natural Possession of their own Lands, and all Lessees and Occupiers of Land, and Householders and Cottagers, and all Labourers, (Servants hired by the Year or Half Year, and continuing in Service throughout the Year, excepted), and all Tradesmen, Carters, and Carriers, and other Persons keeping Horses for Hire or Labour, shall be obliged to assist in making and repairing the Highways and Bridges within the said County, or to pay a Composition for their Labour, in Terms of the Enactments of this Statute: Provided always, That no Person who shall be assessed as a Lessee or Occupier of Lands shall be liable to any separate Assessment as a Composition for Personal Labour on the Highways.

Clergymen exempted,

XXVII. Provided also, That no Clergyman shall be subjected to perform any Service, or pay any Conversion, on Account of his Manse or Glebe.

and indigent Persons,

XXVIII. And be it further enacted, That it shall and may be lawful for a Quorum, consisting of Three at least of the said Trustees, to exempt and free from the Performance of Statute Work, or the Payment of any Composition, all such Persons as shall appear to them to be in indigent Circumstances, and unable to pay for the same.

Trustees may borrow Money, &c.

XXIX. And, for the more speedy Reparation of the High Roads within the said County, or any particular Parts of the same, that may be deemed necessary; be it further enacted by the Authority aforesaid, That it shall be lawful to and for the Trustees of each of the said Districts, at the Request of Two Thirds of the Heritors of any Parish or District, to borrow upon the Credit of the Conversion, or Sums by this Act appointed to be paid for the Purpose aforesaid, any Sum or Sums of Money that from Time to Time shall be deemed necessary for repairing the said Highways, (so as the same do not in all, at any One Time, exceed Three Years gross Income of the Duties arising from the Parish or District for which the

the same is to be borrowed), and to assign the said Conversions and Sums so appointed to be paid, or any Part thereof, for such a Term of Years as shall be necessary to repay the Sum or Sums that shall be borrowed, with Interest: Provided, That such Sum or Sums so to be borrowed shall be expended within the particular Parish or District upon which the Assignment to the Conversion is granted; and that the Conversion or Funds of no other Parish or District, nor of the County at large, shall be liable for such Debt so borrowed by any particular Parish or District: And the said Trustees are hereby directed to enter Copies of all such Securities and Assignments in a Book or Books to be kept for that Purpose, which shall be open to the Inspection of all the Heritors.

May give a Salary to Clerk of General Meeting.

XXX. And be it further enacted, That it shall be lawful for the said Trustees, at either of their General Meetings, to settle a Salary upon their Clerk, not exceeding Twenty-five Pounds Sterling yearly, which shall be paid out of the Composition hereby appointed to be levied within the said County, each District being liable in a Proportion of the said Salary corresponding to the valued Rent thereof: And it shall be lawful for the Trustees of the Districts, in like Manner to settle Salaries upon their respective Clerks not exceeding Ten Pounds per Centum of the Sums levied in the respective Districts.

District Meetings may direct the Line of Roads, &c.

XXXI. And be it further enacted by the Authority aforesaid, That the said Trustees, in their General Meetings, shall have Power to fix and determine the Line of Direction of such new Roads as may be necessary within the County, and to alter the Direction of those already established; as also to shut up all Roads of Communication which are prejudicial to the general Improvement of the County.

May widen Roads,

XXXII. And be it further enacted by the Authority aforesaid, That the said Trustees, in their General Meetings, may, and they are hereby empowered, to widen such Roads as are not of sufficient Breadth, and to extend the same to a Breadth not exceeding Ten Yards: Provided, That in such Cases they follow in every Particular the Method prescribed in the General Act of the Eleventh Year of His present Majesty's Reign, for widening of Roads in Scotland, excepting in so far as varied or altered by this Act.

cut Drains, dig for Gravel, &c.;

XXXIII. And be it further enacted, That the said Trustees, in their District Meetings, or any such Person or Persons as they shall appoint, shall, and they are hereby

hereby empowered to cut and make Drains through any Grounds lying contiguous to the Roads, for the Purpose of carrying off the Water, and to dig, gather, take, and carry away Gravel, Heath, Stones, or other such like Materials, out of the several Grounds of any Persons where such Materials may be found, (not dug or raised by the Proprietors or others authorized by him for his or their own private Use), for making, repairing, and amending said Roads, and for building Arches and Bridges thereon, and to open convenient Accesses for carrying off the said Materials; which Accesses, and the Places from which the said Materials are proposed to be taken, must be marked out by Three Trustees, if so required by the Owner or his or her Factor, or by the Occupier; and in all such Cases a reasonable Compensation shall be made to the Owners or Occupiers of the Grounds respectively from which such Materials shall be taken; but if the Owner or Occupier shall not be satisfied with the Damages offered by the Trustees, Application may be made to the Sheriff, to have the same ascertained by a Jury, in the same Manner as prescribed in the aforesaid Act of the Eleventh of George the Third.

But to recompence Proprietor or Occupier of the Grounds therefor.

Not to injure Houses, &c. thereby.

XXXIV. Provided always, That in altering, widening, or making the Roads aforesaid, or in digging or taking away the aforesaid Materials, nothing shall be done that may in anyway prejudice any House or Building, or any Garden or Orchard; and that before taking any Materials as aforesaid, previous Notice shall be given to the Owner of the Lands, that he may have an Opportunity to state all reasonable Objections thereto.

Ditches along the Road to be scoured by the Proprietors thereof, &c.

XXXV. And be it further enacted by the Authority aforesaid, That where any Ditches have, or shall in Time coming be made along the Side of any of the Highways or Roads in the said County by the Proprietors or Occupiers of the Grounds, then they shall be bound to keep such Ditches properly scoured, so as no Water may stagnate therein; and in case of their failing to do so after Ten Days Notice previously given, the Trustees of Districts, or any Person appointed by them as Overseers of the Roads, may, and are hereby authorized to order them to be cleaned, opened, and scoured at the Cost and Expence of the Occupiers or Possessors of the Ground 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, or any Two or more of them, to order such Expences to be levied by Distress and Sale, which shall proceed in the same Manner as directed for levying the Composition

Money

Money as aforesaid: And where any Passage for Cattle or Carriages across any Roads for the Occupiers of the adjacent Ground shall be made, the Persons making or causing to be made such Passages shall, and they are hereby required to cover the Drains along the Sides of the Roads with sufficient Stones, and in such a Manner as that the Course of the Water in the Drains may not be interrupted, and the Road thereby prejudiced. and Cross Passages to be covered by them.

XXXVI. And, for preventing Annoyances on all or any of the said Roads, be it enacted, That every Person, in ploughing any Field contiguous to any of the Roads, shall make Head Ridges along the Side of the said Roads, which, in whole or together, shall be Twenty-four Feet in Breadth at least; and that no Person shall erect, or cause to be erected, any Styles or Gates across any of the said Roads, or shall lay, or cause to be laid, any Timber, Stones, Lime, Dung, Soil, Compost, Ashes, Rubbish, or other Matter, upon any of the said Roads, or in the Trenches or Drains along the Sides of the same, excepting Materials for inclosing of Ground adjoining to the said Roads; which nevertheless shall be laid down so as not to intercept a free and easy Passage for Two Carts or Carriages, and shall be used, or removed off the said Roads, within Two Months at farthest from the Time at which they are laid down; and all and every Person so offending shall not only forfeit the Materials so laid down, but also the Sum of Ten Shillings Sterling, to be levied and recovered in Manner herein-after directed, One Half thereof to be paid to the Informer, and the other Half to be applied for making and repairing the said Roads. Head Ridges to be made along the Roads, &c. Penalty on Transgressors.

XXXVII. And be it further enacted by the Authority aforesaid, That the said Trustees, at their General Meetings, may cause any of the said Roads to be measured, and Stones or Posts to be erected at the Sides thereof, denoting the Distance at each Mile, and also to cause to be erected Guide Posts upon such Parts of the Roads where the same are joined or crossed by other Roads, as they shall judge proper; and if any Person or Persons shall break down, destroy or deface any such Mile Stones or Guide Posts, or shall break down the Cap Stones on the Parapet Walls of any of the Bridges on the said Roads, or shall turn any Stream of Water on any Part of the said Roads, without having previously made a sufficient covered or arched Drain or Passage, for conveying the same across the Road, every Person so offending in any of the Premises, or being accessary thereto, shall not only be liable in full Damages and Expences, but shall also forfeit Roads to be measured, and Mile Stones to be put up.

forfeit a Penalty not exceeding Five Pounds nor less than Twenty Shillings Sterling, to be recovered and applied in Manner herein-after directed.

Assessments for Bridges.

XXXVIII. And whereas it has been found by Experience, that the Sum of Ten Shillings Scots on each One hundred Pounds Scots of valued Rent, authorized to be levied in each County in Scotland, by an Act made in the Second Parliament of King Charles the Second, intituled, An Act for repairing Highways and Bridges, is insufficient for keeping the Bridges within the said County in proper Repair; and that it is expedient to transfer the said Fund under the Management of the Trustees appointed by this Act: Be it therefore enacted, That the said Statute, in so far as it authorizes the aforesaid Assessment within the County of Caithness, shall be, and the same is hereby repealed; and that it shall be lawful for the said Trustees, at any of their General Meetings, to assess the Heritors of the said County, comprehending the Heritors of the Burgh Lands therein, in the aforesaid Sum of Ten Shillings Scots on each One hundred Pounds Scots of valued Rent; and also (if Need be) in any further Sum, not exceeding Two Pounds Scots on each One hundred Pounds Scots of Valuation, for the Purpose of making and repairing of Bridges within the said County; which Assessment shall be paid to the Trustees, or any Person appointed by them to collect the same, such Person always finding sufficient Caution to account for his Intromissions; and in case any Person liable in the said Assessment shall refuse or fail to pay the same within the Space of Three Months after the Assessment is laid on, it shall be lawful for the Justices of the Peace of the said County, or any One of them, to grant Warrant for poinding the Effects of the Defaulter for Payment of the same, and One Third Part more; which Warrants shall be granted, and the Justices aforesaid are hereby authorized and required to grant the same, upon the Application of the Collector appointed by the Trustees as aforesaid; and the said Trustees shall, and they are hereby bound to report an Account of the Application of the Monies so assessed and levied yearly, at their First General Meeting, and to enter the said Report in the Minutes of their Proceedings, for the Inspection of the whole Heritors of the County; declaring always, That until such Account shall be rendered as aforesaid, it shall not be lawful for the said Trustees to impose any new Assessment.

To be levied *gratis* by Collector of Land Tax, if required.

XXXIX. And be it further enacted, That the Collector of the Land Tax for the said County shall, if required by the said Trustees, be obliged to collect the said Assess-

ments along with the Land Tax of the County, without Fee or Reward, and to pay the same to the Trustees, or such Person or Persons as they shall appoint, for the Purpose of making and repairing of Bridges as aforesaid; and the Collector of the Land Tax, or any other Collector appointed by the said Trustees to levy the said Assessments, shall at any Time when required by the Trustees, or any Three of them, render an Account of the Sums so levied by him, and pay away the same as directed by the Trustees at their General Meetings, under the Penalty of Twenty Pounds Sterling.

Penalties to be recovered before Justices of Peace when not otherwise provided for.

XL. 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 One or more of the Justices of the Peace for the County, either by the Confession of the Party, or other legal Evidence, be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand of such Justice or Justices of the Peace, which Warrant is hereby authorized and required to be granted, and Oaths to be administered gratis; such Sale being always made by Publick Auction to the highest Offerer, at such Place as shall be directed in the said Warrant, within Three Days after such Distress shall have been made; and the Surplus Money arising from such Sales, after such Penalties are recovered, and the Charges of recovering the same deducted, shall be returned, on Demand, to the Owner or Owners of such Goods and Chattels; and all Penalties and Forfeitures shall be paid to the Trustees of the respective Districts, or their Clerk, to be laid out and applied in repairing the Roads of the Parish or District in which the Penalties or Forfeitures shall be incurred: And in case sufficient Distress cannot be found, or such Penalties or Forfeitures shall not forthwith be paid, it shall be lawful for any One or more of the said Justices, by Warrant under his or their Hands, to cause such Offenders to be committed to the Common Gaol of the County or Place where the Offence shall be committed, there to remain for any Time not exceeding Three Calendar Months, unless such Penalties and Forfeitures and all reasonable Charges shall be sooner paid and satisfied.

And in Default of Distress, Transgressors to be imprisoned.

Parties aggrieved may appeal to Quarter Sessions.

XLI. Provided always, That any Person or Persons thinking himself or themselves aggrieved by any Order, Procedure, Sentence, or Judgement of such Justice or

Justices of the Peace, with respect to any Matter or Thing by this Act referred to their Determination, may appeal or apply for Redress to the Justices of the Peace for the said County, in their next Quarter Session, giving Fourteen Days previous Notice to the Parties interested or complained of; and the Judgement of the said Justices in their Quarter Session, Three always being necessary to constitute a Quorum, shall be final and conclusive.

Trustees may act as Justices in executing this Act.

XLII. Provided always, That it shall be no Objection to any Person acting as a Justice of the Peace, in any Matter or Thing relative to this Act, that he is hereby appointed a Trustee, excepting where a Complaint shall be against him personally, and in that Case he shall not sit nor act as a Justice of the Peace.

Determinations of Trustees to be final.

XLIII. And be it further enacted by the Authority aforesaid, That the Determination of the Trustees in their General Meetings upon all Matters and Things by this Act committed to their Cognizance, shall be final and conclusive.

All Actions to be commenced in Six Months.

XLIV. And be it further enacted by the Authority aforesaid, That all Actions or Complaints, for all and every the Forfeitures and Penalties imposed by this Act, or for any Wrong done, or Injury suffered in any Matter relative thereto, or in consequence of any of the Powers by this Act given and granted, shall be commenced within the Space of Six Calendar Months after the Penalty or Forfeiture is incurred, or Wrong done, or Injury suffered, and not afterwards.

Expence of this Act to be defrayed out of the first Levies.

XLV. And be it further enacted by the Authority aforesaid, That the Expence of obtaining and passing this Act shall be defrayed out of the First and readiest of the Sums to be raised and levied by virtue thereof.

Publick Act.

XLVI. And be it further enacted by the Authority aforesaid, That this Act shall be deemed a Publick Act; and all Judges and Justices, and others, are hereby required judicially to take Notice thereof as such, without the same being specially pleaded.

FINIS.