

ANNO QUADRAGESIMO TERTIO

GEORGII III. REGIS.

CAP. LXXX.

An Act for granting to His Majesty the Sum of Twenty thousand Pounds, to be issued and applied towards making Roads and building Bridges in the Highlands of *Scotland*; and for enabling the Proprietors of Land in *Scotland* to charge their Estates with a Proportion of the Expence of making and keeping in Repair Roads and Bridges in the Highlands of *Scotland*. [4th *July* 1803.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland*, in Parliament assembled, having granted to Your Majesty the Sum of Twenty thousand Pounds, for this present Year, toward defraying the Expence of constructing such Roads and Bridges in the Highlands of *Scotland*, as shall appear to be most immediately necessary for opening extensive Communications through that Part of the United Kingdom, whereby its Fisheries may be encouraged, and the Industry of its Inhabitants greatly promoted; do most humbly beseech 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

On or before *Dec.* 3, 1803 there shall be issued out of the Exchequer 20,000 *l.* to be applied by the Commissioners herein-after named, towards making Roads and Bridges in the Highlands of *Scotland*.

the Authority of the same, That out of any Monies granted for the Supply of the present Year, there shall be issued and paid at the Receipt of His Majesty's Exchequer in *Great Britain*, on or before the Thirty-first Day of *December* One thousand eight hundred and three, the Sum of Twenty thousand Pounds, without any Deduction whatever, to the Commissioners herein-after named; which Sum shall be applied by the said Commissioners towards making such Roads, and erecting such Bridges in the Highlands of *Scotland*, as shall be judged proper, in the Manner herein-after directed, and to no other Use or Purpose whatsoever: Provided always, that the said Commissioners may invest the said Sum of Twenty thousand Pounds in Exchequer Bills, or *India* Bonds, to be lodged in the Bank of *England*, until the same shall be applied in Manner herein directed.

Treasury shall order Surveys to be made.

II. And be it further enacted, That the Lords Commissioners of His Majesty's Treasury for the Time being, shall order and direct some fit and proper Person or Persons to make a Survey or Surveys of the Roads and Bridges which it shall be deemed most adviseable to make and erect in the Highlands of *Scotland*; which Person or Persons shall report upon Oath his or their Opinion thereupon, together with an Estimate of the Expence of the making and erecting respectively each of such Roads and Bridges, to the said Lords Commissioners of His Majesty's Treasury, who, or any Three or more of them, shall thereupon refer such Survey, Opinion, and Estimates to the said Commissioners herein-after named, which said Commissioners shall then consider and determine which of the said Roads and Bridges so surveyed and reported upon, and estimated, shall be made and erected in the Manner herein directed, and shall cause a List and Description thereof, referring to such Survey, to be published in the *London* and *Edinburgh* Gazettes; and such List and Description shall also be sent to the next General Quarter Sessions of the Peace for every and each County through which the said Roads, or any of them, is or are intended to pass, or in which the said Bridges or any of them are intended to be erected: Provided always, that if the said Lords Commissioners of His Majesty's Treasury, shall be satisfied with any Survey or Surveys, and Estimate or Estimates already made of any such Road or Roads, or Bridge or Bridges, it shall and may be lawful for them to refer the same to the said Commissioners herein-after named, who shall advertize and send Lists and Descriptions of the same in the Manner herein directed, and such Road or Roads, Bridge or Bridges, may be thereupon made and erected pursuant to this Act.

Commissioners to determine thereon.

Surveys and Estimates already made may be adopted.

When Half of the estimated Expence of any Road or Bridge shall be engaged for, the Commissioners shall open an Account for the other Half.

III. And be it further enacted, That so soon as a Sum equal to One Half of the Expence so estimated of any such Road, or any such Bridge shall be paid (or secured to be paid) to the Satisfaction of the Commissioners appointed by this Act; and also Security given to the Satisfaction of the said Commissioners, that such Person or Persons will further bear and defray all such further Sum or Sums of Money, beyond such estimated Expence, as shall be necessary to make and complete such Road or Bridge, the said Commissioners shall direct an Account to be opened in the Books of the said Commissioners, for such Road or Bridge, and shall place to such Account a Sum equal to One Half of the said estimated Expence; and it shall and may be lawful for any Person or Persons contributing to the Expence of such Road or Bridge, to pay the Money to

Conntributed

contributed to the Governor and Company of the Bank of *Scotland*, upon an Account to be opened in the Name of the ſaid Commiſſioners for ſuch Road or Bridge.

Commiſſioners.

IV. And be it further enacted, That the Right Honourable the Speaker of the Houſe of Commons, the Right Honourable the Chancellor of the Exchequer, His Majeſty's Advocate for *Scotland*, all for the Time being, the Right Honourable *William Dundas*, Sir *William Pulteney* Baronet, *Iſaac Hawkins Browne* Equire, *Nicholas Vanſittart* Eſquire, *Charles Grant* Eſquire, *William Smith* Eſquire, and *Charles Dundas* Eſquire, ſhall be, and they are hereby appointed Commiſſioners for the Purpoſes of this Act, and they are hereby directed to meet from Time to Time in *London* or *Weſtminſter*, for the Purpoſes of this Act; and at all ſuch Meetings, in caſe of an Equality of Voices, the Chairman ſhall have a caſting Vote.

His Majeſty to appoint Commiſſioners in caſe of Vacancy.

V. And be it further enacted, That in caſe of a Vacancy or Vacancies, by Death or Reſignation, of any One or more of the ſaid Commiſſioners, it ſhall and may be lawful for His Majeſty, to nominate and appoint ſuch Perſon or Perſons as He may think proper, to ſupply ſuch Vacancy or Vacancies, and that every Perſon ſo nominated and appointed, ſhall be held and conſidered to be inveſted with all the ſame Powers, as are delegated to the Commiſſioners appointed by this Act, in whoſe room ſuch Perſon is ſo nominated.

When Expence is provided for, Roads or Bridges to be proceeded with according to Plans.

VI. And be it enacted, That One Half of the Expence of ſuch Road or Bridge being ſo paid or ſecured to be paid to the Satisfaction of the ſaid Commiſſioners, and a Sum equal thereto transferred in the Accounts of the ſaid Commiſſioners to the Account of ſuch Road or Bridge in Manner above directed, ſuch Road ſhall be forthwith directed to be made, and ſuch Bridge ſhall forthwith be directed to be erected, agreeably to the Plan and Survey herein directed to be made, or ſuch other Plan as may upon ſubſequent Conſideration be approved by the ſaid Commiſſioners, ſo that the Execution thereof ſhall not exceed the ſaid eſtimated Expence.

Commiſſioners and Truſtees to make Contracts.

VII. Provided always, and be it enacted, That each and every ſuch Road ſhall be made, and each and every ſuch Bridge ſhall be erected, in conformity to the Plan and Survey thereof approved of in the Manner herein directed; and the ſaid Commiſſioners, and the Perſon or Perſons advancing and paying or ſecuring One Half of the Expence thereof as aforeſaid, who are hereby conſtituted Truſtees, or ſuch Committee of the ſaid Truſtees as they ſhall appoint in Manner herein directed, are hereby empowered and required to make ſuch Contracts or Agreements with ſkilful Perſons and their Sureties for the making of ſuch Road or Roads, and the erecting ſuch Bridge or Bridges, and to appoint ſuch Perſon or Perſons as they ſhall think proper, who may, from Time to Time, under ſuch Regulations as the ſaid Commiſſioners ſhall direct, draw for the neceſſary Sums to defray the Expence thereof; and ſuch Payments from Time to Time ſhall be placed to the Account of the ſaid reſpective Roads or Bridges.

Exceſs of Eſtimate to be paid by the Contributors.

VIII. Provided always, and be it enacted, That if the actual Expence of making any ſuch Road, or erecting any ſuch Bridge, ſhall exceed the eſtimated Expence, all ſuch Exceſs of Expence ſhall be defrayed by the ſeveral Perſons who ſhall have given the Security herein directed, and ſhall have contributed

contributed towards raiſing One Half of the ſaid eſtimated Expence, according to the reſpective Proportions which they may have contributed thereto.

Commiſſioners, &c. may take Ground on making Satisfaction to the Owners.

IX. And be it further enacted, That the ſaid Commiſſioners and Truſtees ſhall be, and they are hereby empowered to take and acquire all ſuch Ground as may be neceſſary for the making of the ſaid Roads, and erecting the ſaid Bridges, making ſuch Satisfaction to the Proprietor or Proprietors, and Occupier or Occupiers, as can be agreed upon by and between the ſaid Commiſſioners and Truſtees, and ſuch Proprietor or Proprietors, Occupier or Occupiers; and in the Event that they cannot agree, then upon Payment of ſuch Sum or Sums of Money as ſhall be awarded by a Jury of Fifteen Perſons, ſummoned and choſen by the Sheriff of the County, in ſuch Manner as Juries are ſummoned and choſen by Sheriffs of Counties in *Scotland*, whoſe Determination is hereby declared to be final; and in the Event that ſuch Jury ſhall award a larger Sum than may have been offered by ſuch Commiſſioners and Truſtees, the Expence attending ſuch Jury ſhall be paid by the ſaid Commiſſioners and Truſtees out of the Monies paid and transferred for ſuch Road or Bridge, in Manner herein directed; and if ſuch Jury ſhall award no more, or any Sum leſs than that offered by the ſaid Commiſſioners and Truſtees, the Expence of ſuch Jury ſhall be defrayed and borne by the Perſon or Perſons who ſhall not have agreed with ſuch Commiſſioners and Truſtees: Provided always, that after having offered to any Proprietor or Proprietors of any Lands, ſuch Sum as ſuch Commiſſioners and Truſtees ſhall think reaſonable, it ſhall be and may be lawful for them to enter into and upon ſuch Lands for the Purpoſes of this Act.

Application of Compenſation Money when amounting to 200 *l.*

X. 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 Life-rents, Annuities, or other Incumbrances, or ſhall belong to any Corporation, married Woman, Infant, Lunatick, or Perſon or Perſons under any Diſability or Incapacity, ſuch Money ſhall, in caſe the ſame ſhall amount to the Sum of Two hundred Pounds, or ſo much thereof as ſuch Corporation, the Huſband of ſuch married Woman, Tutor or Curator of ſuch Infant or Lunatick, or of any other Perſon under any Diſability or Incapacity, ſhall think proper, not being more than One Year's free Rent of the Eſtate of ſuch Perſon or Perſons, with the Conſent of the ſaid Commiſſioners, be either paid to the ſaid Governor and Company of the Bank of *Scotland*, to be placed to the Account of any Road or Bridge under the Proviſions of this Act, to the Expence of which ſuch Corporation or Huſband of ſuch married Woman, Tutor, or Curator of ſuch Infant, Lunatick, or other Perſon, under any Diſability or Incapacity, ſhall wiſh to contribute, and the Balance thereof, or the Whole, in caſe the ſame ſhall amount to the Sum of Two hundred Pounds or more, ſhall, in the Option of ſuch Corporation, Huſband, Tutor, or Curator, 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*, 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

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 the like Uſes, Intents, or Purpoſes; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted under the like Directions and Approbation of the ſaid Court, in the Purchaſe of other Meſſuages, Lands, Tenements, or Heritages, which ſhall be conveyed and ſettled to, for, and upon ſuch and the like Uſes, Truſts, Intents, and Purpoſes, and in the ſame Manner as the Meſſuages, Lands, Tenements, and 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 mean Time, 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, and Heritages ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

When under 200*l.* and above 20*l.*

XI. 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 Perſons under Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds, and ſhall exceed the Sum of Twenty Pounds, 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 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, be either paid with the Conſent of the ſaid Commiſſioners to the ſaid Governor and Company of the Bank of *Scotland*, to be placed to the Account of any Road or Bridge under the Proviſions of this Act, to which ſuch Perſon or Perſons, or his, her, or their Tutors or Curators, ſhall wiſh to contribute, or ſhall, under the Direction and Authority of the Court of Seſſion aforeſaid, 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 herein-before 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 Commiſſioners (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 herein-before directed, ſo far as the Caſe be applicable.

When under 20*l.*

XII. Provided alſo, and be it further enacted, That where ſuch Money ſo agreed or awarded to be paid as next before mentioned, ſhall be leſs than Twenty Pounds, 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 Heritages ſo purchaſed, taken,

ken, or used for the Purposes of this Act, in such Manner as the said Commissioners, 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.

Power to dig for Materials, paying for Damages.

XIII. And be it further enacted, That it shall and may be lawful for the said Commissioners and Trustees, and such Person or Persons as shall be appointed by Order of any Three or more of the said Trustees, to dig, gather, take, and carry away, any Gravel, Furze, Heath, Sand, Stones, and other Materials for making or repairing the said Roads, out of the several Grounds of any Person or Persons, not being the Ground whereon any Houses stand, the Side Walls of which are Twelve Feet high, nor a Garden, Orchard, planted Walk or Walks, Lawn, or any Avenue to any House, nor any Piece or Parcel of Ground set apart and used as a Nursery for Trees, except such Gravel Pits as have been opened and used for the Purpose of repairing the Roads, within Three Years previous to the passing of this Act, where such Materials are or may be found, and from Time to Time to cause the same to be carried away, or so much thereof as the Person or Persons so to be appointed shall judge necessary for making, repairing, and amending the Roads aforesaid, paying only the Damage done to the Owners and Occupiers of the said Grounds respectively, where and from whence the same shall be digged, gathered, taken away, or over which the same shall be carried.

Damages to be determined by the Sheriff Depute or Two Justices.

XIV. And be it enacted, That in all Cases where the Owners and Occupiers of Houses and Grounds do not agree with the said Trustees concerning the Amount of Damages done by digging Gravel and other Materials necessary to be taken for the making and repairing the said Roads, the same shall be determined by the Sheriff Depute, or by any Two Justices of the Peace of such Counties respectively; but such Difference between the Trustees and Owners or Occupiers shall not in the mean Time hinder the carrying off and using any Gravel, Stones, Sand, or other Materials, and applying the same towards making and repairing the said Roads; and the Determination of such Sheriff Depute, or of such Justices, is hereby declared to be final.

Incapacitated Persons may borrow Money not exceeding One Year's Rent of their Estates, for defraying the Expence of making Roads and Bridges.

XV. And whereas, by reason of the Communications to be opened by such Roads and Bridges, great Benefit is expected to accrue to the Proprietors of Estates in the Highlands of *Scotland*, and that the annual Value of such Estates will be thereby greatly encreased, and it being therefore expedient to enable Heirs of Entail, or other Persons under any legal Disability or Incapacity, to contribute to the making of such Roads and erecting such Bridges; be it enacted, That it shall and may be lawful for any Corporation, or the Tutor or Curator of any Infant or Lunatick, or other Person under any Disability or Incapacity, possessed or entitled to a Real Estate, or any Heir of Entail in Possession of an entailed Estate in any County of *Scotland*, through which any such Road shall pass, or in which any such Bridge shall be situated, his or her Tutor or Tutors, Curator or Curators, with the Consent of the said Commissioners, to contribute towards the making of such Road or erecting of such Bridges respectively, any Sum not exceeding One Year's free Rent of such Estate, and for that Purpose it shall and may be lawful for such Corporation, Tutor,

Tutor, or Curator, or Heir of Entail, or his or her Tutor or Curator, to charge ſuch Eſtate with any Sum not exceeding One Year's free Rent thereof, to be borrowed for the Purpoſe of contributing towards the Expence of making any Road, or erecting any Bridge in ſuch Counties reſpectively, under the Proviſions of this Act, which Sum ſo contributed or borrowed ſhall be paid as herein-before directed, to be placed to the Account of the ſaid reſpective Roads or Bridges.

Intereſt of the Money ſo borrowed to be kept down.

XVI. Provided always, and be it enacted, That ſuch Corporation, Tutor and Curator, Heir of Entail, his and her Tutor or Tutors, Curator or Curators, and every Heir of Entail ſucceeding to ſuch entailed Eſtate, his Tutor or Tutors, and Curator or Curators, ſhall be obliged to keep down the Intereſt upon ſuch Sum ſo borrowed; but it ſhall not be lawful for the Creditor or Creditors in the Right of any ſuch Debt charged upon an entailed Eſtate, to adjudge or otherwiſe evict the entailed Eſtate for Payment thereof, or any Part thereof: Provided always, that it ſhall and may be competent to ſuch Creditor or Creditors to proſecute ſuch Remedy or Remedies againſt the Rents thereof, as are given and allowed by the Law of *Scotland* to heritable Creditors.

Sinking Fund eſtabliſhed for Repayment of the Money ſo borrowed.

XVII. Provided alſo, and be it further enacted, That as ſoon as the Road or the Bridge, to the Expence of making which ſuch Sum ſo borrowed, ſhall have been contributed by any Heir of Entail, or his or her Tutor or Tutors, Curator or Curators, ſhall be completed, the Heir of Entail in Poſſeſſion of ſuch Eſtate, his and her Tutor and Tutors, Curator or Curators, ſhall be bound and obliged in every ſucceeding Year to pay to the ſaid Commiſſioners a Sum at leaſt equal to Three Pounds *per Centum* of the Amount of ſuch Sum ſo borrowed, as a Sinking Fund to pay off the ſame, and diſcharge the ſaid entailed Eſtate thereof; and upon Failure of ſuch Payment for Forty Days after the Term of *Martinmas* yearly, ſuch Heir of Entail, or his or her Tutor or Tutors, Curator or Curators, ſhall for each Omiſſion forfeit and pay a Sum equal to Twice the Amount of the Sum hereby directed to be annually paid, to be recovered by way of Suit, Action, or Complaint, before the Sheriff Depute of any of the ſaid Counties reſpectively, or before the Court of Seſſion or the Court of Exchequer in *Scotland*, with Double Coſts of Suit, and the Deciſion of ſuch Courts reſpectively ſhall be final; One Half of which Penalty or Forfeiture ſhall be paid to the Perſon or Perſons ſuing for the ſame, and the other Half ſhall be paid as herein-before directed, to be placed to the Account of ſuch Sinking Fund; and ſuch yearly Payments ſhall be continued until a Sum ſhall be accumulated, which, with the Intereſt thereof, ſhall be ſufficient to repay the ſaid Principal Sum ſo borrowed; and when ſuch Sum ſhall be ſo applied, the ſaid entailed Eſtate ſhall be thereupon freed and diſencumbered thereof; and if any Surplus ſhall remain after the ſaid Sum ſo borrowed ſhall have been ſo diſcharged, ſuch Surplus ſhall be repaid to the Heir of Entail, his or her Tutor or Tutors, Curator or Curators, by whom the laſt yearly Payments of ſuch Sinking Fund was made: Provided always, that the Heir of Entail in Poſſeſſion may apply, from Time to Time, to the ſaid Commiſſioners for an Order to apply ſuch Part of the ſaid Sinking Fund as may be ſo accumulated, in diſcharging ſuch Part of the Sum borrowed as the Creditor or Creditors ſhall be willing to receive in Part.

Corporations, *etc.* may sell or feu Lands for contributing to the Expence of Roads and Bridges.

XVIII. And be it further enacted, That it shall and may be lawful for any such Corporation, Tutor, or Curator of any Infant or other Person under any legal Disability or Incapacity, or Heir of Entail, or his or her Tutor or Tutors, Curator or Curators, to sell or feu, with the Consent of the said Commissioners and Trustees, any Part of such entailed Estate, for the Purpose of contributing any Sum, not exceeding One Year's free Rent of such Estate, towards making any Road, or erecting any Bridge, in the County in which such Estate is directed.

When they shall be desirous of contributing a larger Sum than One Year's Rent by Sale of Part of their Estates, *&c.* they may apply to the Court of Session in Manner directed by 42 Geo. 3. c. 116.

XIX. Provided always, and be it further enacted, That if any such Corporation, Tutor, or Curator, or Heir of Entail, or his or her Tutor or Tutors, Curator or Curators shall be desirous of contributing a larger Sum than One Year's free Rent of such Estate towards the Expence of any such Road or Bridge, by Means of a Sale of a Part of such Estate, or if so small a Part of such Estate may be sufficient to raise any Sum not exceeding such free Year's Rent as aforesaid cannot be conveniently sold or feued, it shall and may be lawful for such Corporation, Tutor, or Curator, or Heir of Entail, or his or her Tutor or Tutors, Curator or Curators, to apply to the Court of Session in the Manner directed by an Act, passed in the Forty-second Year of the Reign of His present Majesty, intituled, *An Act for consolidating the Provisions of the several Acts, passed for the Redemption and Sale of the Land Tax, into One Act; and for making further Provisions for the Redemption and Sale thereof; and for removing Doubts respecting the Right of Persons claiming to vote at Elections for Knights of the Shire, and other Persons, Members to serve in Parliament, in respect of Messuages, Lands, or Tenements, the Land Tax upon which shall have been redeemed or purchased*; and all the Powers and Authorities, Rules and Directions, given and required to be followed by that Act, for the Sale of Real Estates for the Purposes of that Act, are hereby given and required to be observed in such Sales hereby allowed for the Purposes of this Act.

A Sum to be set apart yearly for the Purchase of Land equivalent to those sold.

XX. Provided always, and be it enacted, That so soon as the Road or the Bridge, to the Expence of making which such Sum for which the Sale or Feu hereby allowed of any Part of any entailed Estate, shall have taken place, the Heir of Entail in Possession of such Estate, his and her Tutor or Tutors, Curator or Curators, shall be bound and obliged in every succeeding Year, to pay a Sum at least equal to Three Pounds *per Centum* of the Sum contributed, until a Sum shall be accumulated equal thereto, in Manner and subject to the Penalties herein directed in the Case of a Charge on such Estates; which yearly Payments shall be continued and may be recovered as aforesaid, until a Sum equal to such Contribution shall be accumulated, when the same shall be laid out in the Purchase of Lands as near to the said entailed Estate as may be, which shall be limited to the same Series of Heirs, and in the same Manner as such entailed Estate is limited, and subject to all the Conditions of the Entail of such Estate.

Heirs of Entail may feu or lease Lands on which to build Inns and Offices;

XXI. And be it further enacted, That it shall and may be lawful for such Heir of Entail, with the Consent of the said Commissioners and Trustees, from Time to Time, to feu or to grant in Lease for such Duration, and renewable upon such Terms as may be agreed on, such Land as may be necessary for the Erection of an Inn and Offices near to any such Road, to

to any Perſon who ſhall contract, within a limited Time, to erect ſuch Inn, and ſhall find proper Security for the Execution of a Contract, to be made for that Purpoſe; and it ſhall alſo be lawful for any ſuch Heir of Entail, with Conſent aforeſaid, to feu or grant in Leaſe as aforeſaid, ſufficient Ground for the encouraging the erecting Villages, with an Allotment of Land to each Houſe, not exceeding One Fourth Part of a *Scotch* Acre, which ſhall be therein erected, which Villages ſhall be ſituated as near as may be to ſuch Roads, or any of them: Provided always, that in the Contract made for every ſuch Feu or Leaſe, a Feu Duty or Rent ſhall be reſerved at leaſt equal to the higheſt Rent which ſhall have been paid for the Ground ſo feued or leaſed, within Three Years previous to the Date of ſuch Feu, Contract, or Leaſe.

and alſo for the erecting of Villages.

XXII. And be it enacted, That a Committee not exceeding Five Perſons, ſhall be annually choſen by the ſeveral Perſons contributing to each Road and Bridge, to act with the ſaid Commiſſioners in carrying this Act into Execution, for which Purpoſe each of ſuch Contributors, to the Extent of Ten Pounds and upwards, ſhall Once in every Year, *videlicet*, on the Fifteenth Day of *April*, ſend to the Clerk of the Commiſſioners of Supply in each County or Stewartry in which any Road is to be or ſhall be made, or any Bridge is to be or ſhall be erected purſuant to this Act, a Liſt, ſigned by him, of Perſons not exceeding Five in Number, whom ſuch Perſon chooſes to appoint a Committee for the enſuing Year; and the Clerk of Supply of ſuch County or Stewartry ſhall, upon the Day in which the Commiſſioners of Supply ſhall annually aſſemble to aſſeſs the Land Tax, notify to ſuch Commiſſioners of Supply ſo aſſembled, the Five Perſons who have the greateſt Number of Votes according to ſuch ſigned Liſts, and ſhall tranſmit a Liſt, containing the Names of the Perſons ſo choſen, to the Commiſſioners appointed by this Act; and all the Powers and Authorities given by this Act to the ſaid Truſtees ſhall and may be exerciſed by the ſaid Committee.

Committee of Contributors to be choſen to act with the Commiſſioners.

XXIII. And be it further enacted, That any Three or more of the ſaid Commiſſioners, at any Meeting aſſembled for the Purpoſes of this Act, and the Concurrence of a Majority of the aforeſaid Committee of Truſtees, ſigned in Writing, ſhall be ſufficient; and any Three of the ſaid Commiſſioners acting purſuant to a Reſolution of ſuch Meeting, and a Majority of ſuch Committee, are hereby empowered to do and perform all Matters and Things directed or required to be done or performed by the ſaid Commiſſioners and Truſtees in purſuance of this Act.

Number of the Commiſſioners and Committee neceſſary to act.

XXIV. Provided always, and be it enacted, That if any ſuch Road ſhall paſs through Two or more Counties, the Committee appointed by the Truſtees in each County ſhall be the Committee for ſo much of the Road as ſhall paſs through ſuch County; and where any ſuch Bridge ſhall be ſituated partly in One County and partly in another, the Committees ſeverally appointed in each County for ſuch Bridge ſhall be the Committee of the ſame; and a Majority of each ſuch Committee are hereby required and empowered to act for each and every Matter or Thing directed to be done by Truſtees under this Act relative to ſuch Road or Bridge.

Committees how to be appointed when the Road ſhall paſs through Two or more Counties, *etc.*

Committee Once chosen to continue to act on Failure of new Appointments.

XXV. Provided always, and be it enacted, That a Committee of Truſtees Once choſen in the Manner herein directed, ſhall continue and have Power to act beyond the Year for which they ſhall be ſo choſen, if the ſaid Truſtees ſhall fail to appoint a Committee in any Year; and if the Number of any ſuch Committee ſhall diminiſh below the Number of Three, or if the ſaid Truſtees ſhall fail to appoint any Committee whatever, in the Manner herein directed, then and in ſuch Caſe, the Concurrence of the Five largeſt Contributors, or any Three of them, ſhall be ſufficient to direct or perform any Act, Matter, or Thing, to be done by virtue of this Act, for which Power is given to the ſaid Truſtees; and if there ſhall be Two or more ſuch Perſons who have contributed an equal Sum, the Perſon or Perſons firſt ſubſcribing are hereby empowered to concur with the ſaid Commiſſioners in carrying this Act into Execution.

Commiſſioners to appoint Clerks, *etc.* and allow them Salaries.

XXVI. And be it further enacted, That the ſaid Commiſſioners ſhall, and any Three or more of them are hereby empowered to appoint and employ ſuch Clerks, Meſſengers, and Officers as they ſhall think fit; and to pay and allow to each and every of ſuch Clerks and Officers, ſuch Sum or Sums of Money as the ſaid Commiſſioners ſhall think proper, in Compenſation of their Services; which Clerks and Officers are hereby required faithfully to execute the Truſt ſeverally and reſpectively to be repoſed in them, without taking any Thing for ſuch their Service, other than ſuch Salary or Reward as the ſaid Commiſſioners, or any Three of them, ſhall think proper to direct and appoint in that Behalf; which Sums ſo to be paid to ſuch Clerks or Officers, and all other neceſſary Charges in or about the Execution of this Act, ſhall and may be defrayed out of the Monies hereby granted.

Commiſſioners ſhall by *June* 1, 1804, report their Proceedings to the King, and to both Houſes of Parliament.

XXVII. And be it further enacted that the ſaid Commiſſioners ſhall, on or before the Firſt Day of *June* One thouſand eight hundred and four, report their Proceedings in Writing, together with ſuch Obſervations as they ſhall think proper, under the Hands and Seals of them, or any Three of them, to the King's moſt Excellent Majeſty, and to both Houſes of Parliament.

Limitation of Actions.

XXVIII. And be it further enacted, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done by virtue or in purſuance of this Act, until Ten Days Notice thereof in Writing ſhall have been given to the ſaid Commiſſioners, nor after a ſufficient Satisfaction, or a Tender thereof, hath been made to the Party or Parties aggrieved, nor after Six Calendar Months next after the Fact committed; and every ſuch Action to be had in *England* ſhall be brought in any of His Majeſty's Courts of Record at *Weſtminſter*, and ſhall be laid in the County of *Middleſex*, and not elſewhere; and the Defendant or Defendants in ſuch Action or Suit ſhall and may plead the General Iſſue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act; and if the ſame ſhall appear ſo to be done, or if ſuch Action or Suit ſhall be brought after the Time herein-before limited for bringing the ſame, or ſhall be brought without Ten Days Notice thereof, or ſhall be brought in any other County or Place, or after a ſufficient Satisfaction made or tendered as aforeſaid, that then the Jury ſhall find for the Defendant or Defendants, or if the Plaintiff or Plaintiffs ſhall become

General Iſſue.

come nonſuited, or ſuffer a Diſcontinuance of his, her, or their Action or Actions, or if a Verdict ſhall paſs againſt the Plaintiff or Plaintiffs, the Defendant or Defendants ſhall have Treble Coſts, and ſhall have ſuch Remedy for recovering the ſame, as any Defendant or Defendants hath or have for Coſts of Suit in any other Caſes of Law; and every ſuch Action to be had in *Scotland* ſhall be brought before the Court of Seſſion in *Scotland*, and the Defender or Defenders in ſuch Suit or Action ſhall and may deny the Libel, and give this Act and the Special Matter in Evidence, and that the ſame was done in purſuance and by the Authority of this Act; and if the ſame ſhall appear ſo to be done, or if ſuch Action and Suit ſhall be brought after the Time herein-before limited for bringing the ſame, or ſhall be brought without Ten Days Notice thereof, or after a ſufficient Satisfaction made or tendered as aforeſaid, that then the Defender or Defenders ſhall be aſſoilzied; or if the Action ſhall be found to be irrelevant or be otherwiſe diſmiſſed, or the Purſuer ſhall not proſecute the Action, or ſuffer the ſame to fall aſleep, or if Judgement ſhall be given againſt the Purſuer or Purſuers, the Defender or Defenders ſhall have Treble Coſts, and ſhall have ſuch Remedy for recovering the ſame, as any Defender or Defenders hath or have for Coſts of Suit in any other Caſes of Law. Treble Coſts.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's moſt Excellent Majeſty. 1803.