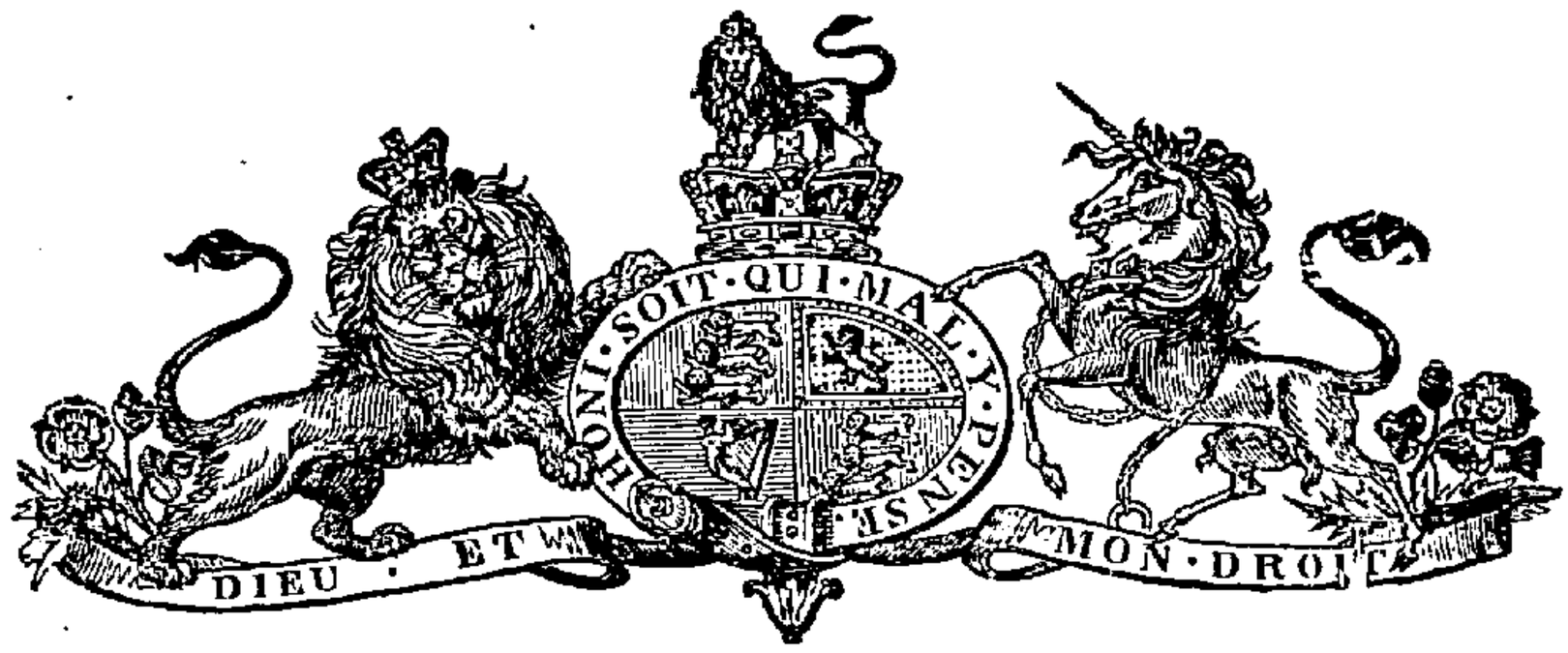


ANNO VICESIMO TERTIO & VICESIMO QUARTO

VICTORIÆ REGINÆ.

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and effectually maintained and kept in repair unless further Provision be made for these Purposes: And whereas an Act was passed in the Eighth and Ninth Year of the Reign of Her present Majesty, intituled *An Act for amending the Laws concerning Highways, Bridges, and Ferries in* Scotland, *and the making and maintaining thereof by Statute Service, and by the Conversion of Statute Service into Money*: And whereas the Amount of the Conversion Money leviable in the said County under the last-recited Act is insufficient for the Purposes of the first and second recited Acts, and the Mode in which the Statute Labour or Service is commuted, levied, and applied in the said County, under the Provisions of the first-recited Act, is unequal and inconvenient: And whereas a separate Assessment for the Purpose of making and keeping in repair Bridges within the said County is now levied under the first-recited Act on the Heritors of the said County, including the Heritors of the Burgh Lands therein, in extension of an Assessment of Ten Shillings *Scots* on each One hundred Pounds *Scots* of valued Rent authorized by an Act of the Parliament of *Scotland* passed in the Year One thousand six hundred and sixty-nine, intituled *An Act for repairing Highways and Bridges*: And whereas certain Roads and Bridges in the said County have been made and are maintained by the Commissioners for Highland Roads and Bridges, and certain Tolls are collected, and certain Sums are annually assessed and levied in the said County, towards the Expense of maintaining and keeping in repair such Roads and Bridges, under the Authority of the Public Acts Fifty-ninth *George* the Third, Chapter One hundred and thirty-five, Fourth *George* the Fourth, Chapter Fifty-six, Fifth *George* the Fourth, Chapter Thirty-eight, Third and Fourth *William* the Fourth, Chapter Thirty-three, and Fourteenth and Fifteenth *Victoria*, Chapter Sixty-six, or of some of the said Acts: And whereas it is expedient that the Mode in which the Statute Labour or Service in the said County is commuted, levied, and applied should be altered, that the separate Assessment for Bridges in the said County should be discontinued, that further Provisions should be made for the Payment of the Sums annually payable as aforesaid to the said Commissioners for Highland Roads and Bridges, that further Provision should be made and additional Funds provided for extinguishing the existing Debts, and for completing, maintaining, managing, and keeping in repair the Roads and Bridges in the said County, that new or additional Assessments should be levied for the Purposes of this Act, that during the Continuance of this Act, and until the Tolls leviable under this Act can be abolished, a lower Rate of Assessment should be levied for the Purposes of this Act within the Burghs of *Wick* and *Thurso* than within the rest of the said County, and that the first and second recited Acts should be amended or repealed; but these Objects cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty,

8 & 9 Vict. c. 41.

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, as follows; (that is to say,)

Recited Acts of 11 G. 4. and 1 & 2 Vict. repealed.

I. On the passing of this Act, the recited Acts of the Eleventh Year of the Reign of His Majesty King *George* the Fourth, and of the First and Second Year of the Reign of Her present Majesty, shall be and the same are hereby repealed, but subject to the Provisions contained in this Act.

Recited Acts not to apply to the County of Caithness.

II. On the passing of this Act, the recited Act of the Parliament of *Scotland* passed in the Year One thousand six hundred and sixty-nine, and the recited Public Acts Fifty-ninth *George* the Third, Fourth *George* the Fourth, Fifth *George* the Fourth, Third and Fourth *William* the Fourth, and Fourteenth and Fifteenth *Victoria*, shall, so far as relates to the Power and Mode of Assessment under such Acts, not extend or apply to the said County of *Caithness*, or to the Trustees acting in pursuance of this Act.

Short Title.

III. In citing this Act for any Purpose whatever it shall be sufficient to use the Expression "The *Caithness* Roads Act, 1860."

Interpretation of Terms.

IV. The following Words and Expressions in this Act shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

The Expression "the Trustees" shall mean the Trustees for the Time being acting in the Execution of the recited Acts and this Act:

The Expression "the County" shall mean the County of *Caithness*, and shall extend to and comprehend as Part thereof all the Towns and Villages situated within the same, except the Royal Burgh and Town of *Wick* and the Burgh of Barony and Town of *Thurso*:

The Expression "the Roads" shall, subject to the Provisions of this Act, mean and include all the Roads and Bridges made or maintained under the Provisions of the first and second recited Acts and this Act:

The Words "Clerk" and "Treasurer" shall respectively mean the Clerk and Treasurer to the Trustees for the Time being:

The Word "*Wick*" shall extend to and include the Town or Burgh of *Wick*, according to the Parliamentary Boundaries thereof as defined in an Act passed in the Second and Third Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to amend the Representation of the People in* Scotland: 2 & 3 W. 4. c. 65.

The Word "*Thurso*" shall extend to and comprehend the Ancient Burgh of Barony of *Thurso*, the contiguous new Town thereof, and the Space within the following Limits; namely, the River of *Thurso* from the Bridge of *Thurso* to the Line of the Southern Boundary of

shall also be liable to such Actions as the Trustees may commence for the Recovery of the Money, Books, Deeds, Papers, Writings, or Effects so refused or neglected to be paid or delivered up as aforesaid.

Persons owing Debts under repealed Acts to be liable to Trustees.

X. Every Person who at the Time of the Commencement of this Act shall be liable to the Payment of any Assessment to the Trustees acting in the Execution of the first and second recited Acts or either of them, or who shall be liable for Tolls and Duties leviable under the same, shall, notwithstanding the Repeal thereof, be liable to the Payment of such Assessment or of such Tolls and Duties to the Trustees, in like Manner as every such Person would have been liable to the Payment thereof to the Trustees acting in the Execution of the first and second recited Acts or either of them if this Act had not been passed, and the same shall be paid, with all Interest due or to accrue due thereon, to the Trustees, and the Payment thereof may be enforced by them in the like Manner as the same might have been enforced by the Trustees acting in the Execution of the first and second recited Acts or either of them if this Act had not been passed, or in the same Manner as any Assessment leviable under this Act; and the said last-mentioned Trustees, whether General or District Trustees, shall pay over to the Trustees all Sums of Money in their Hands received by them either for General or District Purposes, under the Powers of the first and second recited Acts or either of them, and applicable to the Purposes thereof, and the Payment thereof may be enforced by the Trustees by Proceedings in any Court of competent Jurisdiction.

Contracts may be enforced by and against the Trustees.

XI. All Contracts, Bonds, Engagements, Acts, and Proceedings entered into, made, done, or transacted by or with the said Trustees, acting by virtue and under the Power and Authority of the first and second recited Acts or of either of them, and whether as General or District Trustees, previous to the Commencement of this Act, shall, upon and from the Commencement of this Act, be binding on and enforceable by and against and be incumbent on the Trustees, as fully as they would have been binding on or enforceable by and against and be incumbent on the said first-named Trustees or any of them if this Act had not been passed, and the several Rates and Assessments made or payable previously to the Commencement of this Act may be levied and recovered by the Trustees in the same Way and with the same Powers as they might have been levied and recovered by the said first-named Trustees or any of them if this Act had not passed, or in the same Manner and with the same Powers as any Assessment under this Act may be levied and recovered.

Books under former Acts

XII. All Books containing the Accounts and Proceedings of the Trustees for executing the first and second recited Acts, and made Evidence

Evidence thereby, shall and may be given in Evidence in all Cases of Appeal, and in all Prosecutions, Suits, and Actions whatsoever, in such and the same Manner as if the said Acts had not been repealed. to be Evidence.

XIII. The Clerk, Treasurer, Surveyors, Collectors, and all other Officers appointed and employed in the Execution of the first and second recited Acts shall continue to exercise their Offices under this Act until they shall respectively be displaced or removed by the Trustees, or be disqualified or incapable of executing their Offices, and shall be subject to the like Rules and Regulations, Pains and Penalties, in all respects whatsoever, as if they had been appointed under and by virtue of this Act. Former Officers to continue.

XIV. No Action, Suit, Prosecution, or other Proceeding whatsoever, commenced by or against the said Trustees or any of them acting in the Execution of the first and second recited Acts or either of them, shall abate, cease, or be discontinued or prejudicially affected by this Act, but the same shall continue and take effect both in favour of and against the Trustees, in the same Manner in all respects as the same would have continued and taken effect in relation to the said Trustees or any of them under the first and second recited Acts if this Act had not passed: Provided always, that, notwithstanding the Repeal of the first and second recited Acts, and except only as it is by this Act otherwise expressly provided, everything before the Commencement of this Act done or suffered under the first and second recited Acts shall be as valid as if such Acts were not repealed, and the Repeal thereof and this Act respectively shall accordingly be subject and without Prejudice to everything so done or suffered, and to all Rights, Liabilities, Claims, and Demands, both present and future, which, if the first and second recited Acts were not repealed, and this Act were not passed, would be incident to or consequent on any and everything so done or suffered; and with respect to all such Rights, Liabilities, Claims, and Demands, the Trustees shall to all Intents and Purposes represent the existing Trustees: Provided also, that the Generality of the Provisions contained in this Enactment shall not be confined or restricted by any Provision contained in this Act. Actions not to abate, and Liabilities under former Acts continued.

XV. All Persons qualified, otherwise than *ex officiis*, in Terms of the Nineteenth Section of the said Valuation of Lands Act, Seventeenth and Eighteenth *Victoria*, Chapter Ninety-one, to act as Commissioners of Supply in the County, and actually placed on the List of Commissioners, under the Provisions of an Act passed in the Nineteenth and Twentieth Year of the Reign of Her present Majesty, Chapter Ninety-three, intituled *An Act to constitute all legally qualified Persons in* Scotland *Commissioners of Supply without being named in an Act of Supply*, subject to the Provisions herein-after contained, the Provost and eldest Bailie of *Wick*, Appointment of Trustees. 19 & 20 Vict. c. 93.

Wick, and the eldest Bailie, or if there be no eldest Bailie the Senior Commissioner of Police, of *Thurso*, the Trustee or Trustees (but only One of them at a Time) or the legal or judicial Guardian of the Estates of every Person who, if of full Age, and under no legal Disability, would be entitled to be placed on the List of Commissioners by the Provisions of the said Act, Nineteenth and Twentieth *Victoria*, or who, being a Female Infant, would, if a Male, have been entitled to be so placed, and all Persons holding a Commission of Factory from any Proprietor or Proprietors, or Trustees or Trustee as aforesaid for any Minor or other Person under legal Disability as aforesaid, infeft either in Liferent or in Fee not burdened with a Liferent in Lands or Heritages within the County of the yearly Rent or Value of Eight hundred Pounds, in the Absence of such Proprietor or Proprietors, or Trustee or Trustees as aforesaid, and One or more of the Tenants of each of the Parishes of the County holding Property rented at not less than One hundred Pounds *per Annum*, and under Leases of not less than Fifteen Years Endurance from their Commencement, within such Parishes respectively, and resident in the said County, to be elected within the said respective Parishes, in manner herein-after provided, shall be and they are hereby nominated and appointed Trustees for carrying this Act into execution, and shall be called "The Road Trustees of the County of *Caithness*," and by that Name may sue and be sued, and shall be a Body Corporate, with perpetual Succession and a Common Seal, with Power to purchase, take, hold, and dispose of Lands and other Property for the Purposes but subject to the Restrictions of this Act: Provided always, that when and so soon as the Roads within *Wick* or *Thurso* respectively shall be transferred by the Trustees under the Powers herein-after contained, the Persons qualified to act as Commissioners of Supply under the Provisions of the said last-mentioned Acts, in virtue of Lands and Heritages situated within *Wick* or *Thurso* respectively, and also the Provost and eldest Bailie of *Wick* and the eldest Bailie and Senior Commissioner of Police of *Thurso*, as the Case may be, shall cease to be Trustees.

Election of Trustees in Parishes.

XVI. The First Meeting of the Tenants in each of the Parishes within the County for the Election of Trustees under this Act shall be held at some convenient Place within each Parish on the First *Tuesday* in *September* One thousand eight hundred and sixty at Twelve o'Clock Noon; and an Intimation shall be given by the Clerk, by public Advertisement in One of the County Newspapers, and by Notice affixed on the Church Doors in each such Parish for Two consecutive *Sundays* before the Date of such Meeting, requiring all Tenants occupying Lands or other Heritages entered in the Valuation Rolls as of the annual Value of Ten Pounds and upwards to repair to the Places named, and there to elect to be Trustees under this Act the Tenants qualified as aforesaid, in manner following; (that is to say,) for each Parish of which the gross Real

Real Rent, according to the Valuation Rolls as made up for the Year immediately preceding such Election, shall not exceed Ten thousand Pounds, One Tenant; and for each Parish of which the gross Real Rent as aforesaid for the Year immediately preceding such Election shall exceed Ten thousand Pounds, Two Tenants; and the Trustees so elected respectively shall continue in Office until the next Meetings of the Tenants qualified as aforesaid which shall be held within the respective Parishes on the First *Tuesday* in *September* One thousand eight hundred and sixty-one; and at such last-mentioned Meetings, and at all subsequent Meetings which shall be held within the respective Parishes on the First *Tuesday* in *September* in each Year, a new Election of Trustees for the Year then ensuing shall be made in place of the Trustees formerly elected, but the same Trustees may be re-elected; and in the event of any Vacancy arising through the Death, Resignation, or otherwise of any such Trustee before the Expiration of his Period of Office, the Tenants qualified as aforesaid shall meet and elect another Person to be a Trustee in place of the Trustee so resigning, dying, or otherwise ceasing to act: Provided always, that, subject to the Provision for Re-election herein-before contained, any Trustee elected to fill the Place of a Trustee retiring or ceasing to act before the Expiration of One Year from the Date of his Election shall only continue in Office for so long as the Trustee so retiring or ceasing to act would have been entitled to have remained in Office.

Commencement of Act.

XVII. This Act shall commence and take effect from and after the passing of the same, and the First General Meeting of Trustees shall be held at *Wick* on the First *Wednesday* in *September* One thousand eight hundred and sixty at Twelve o'Clock Noon.

Annual General Meetings.

XVIII. The Trustees shall hold General Meetings at *Wick* on the Thirtieth Day of *April* and the Thirtieth Day of *September* in every Year, and when any of such Days shall happen to fall on a *Sunday* then on the Day following; and the Trustees may also hold Special General Meetings from Time to Time, on the Requisition to that Effect of any Two or more of the Trustees, which Special General Meetings shall be convened by the Clerk on any such Requisition; and the Trustees shall at their said General and Special General Meetings have Power to adjourn from Time to Time, as they shall see Cause.

Trustees to appoint a permanent Auditor.

XIX. The Trustees shall from Time to Time appoint a permanent Auditor, who shall be a chartered Accountant; and they shall have Power from Time to Time to remove any Auditor so appointed as they may see fit, and to appoint another in his Place.

Abolition of Tolls and Disposal of Toll Houses.

XX. It shall be lawful for the Trustees at any of their said General Meetings to resolve that from and after the Twenty-sixth Day of *May* One

One thousand eight hundred and sixty-one, or from and after the Twenty-sixth Day of *May* in any subsequent Year, the Collection and levying of Tolls and Duties on the County Roads, under the Authority of any of the recited Acts, shall cease and determine, and the Toll Gates and Turnpikes erected for the Collection and levying of such Tolls and Duties shall thereafter be taken down and removed; and it shall be lawful for the Trustees to sell or otherwise dispose of the said Gates and Turnpikes, and also to sell by public Auction all or any of the Toll Houses erected under the Powers of any of the recited Acts, and the Sites thereof, with the Buildings and Ground connected therewith, at such Times and Places and on such Terms and Conditions as they shall think proper: Provided always, that before any such Sale or Disposition the Trustees shall first offer to sell and dispose of the Premises proposed to be sold or disposed of to the Person from whose Lands the same shall have been acquired or taken, or his Heirs or Successors in such Lands; and if such Offer shall be accepted the Price of the Premises so offered as at the Date of such Acceptance shall be fixed by the Award of Arbiters mutually chosen, or by an Oversman to be appointed by them in case of Difference; and the Expense of such Reference and Award shall be borne by the Parties equally, unless the Arbiters, or, in case of Difference between them, the Oversman, shall see Cause to order otherwise; and the Price fixed shall bear Interest at the Rate of Five Pounds *per Centum per Annum* from the Date of Acceptance of the said Offer until such Price and Interest shall be paid; and the Money to arise from such Sale shall be applied to the Purposes of this Act, but the Purchaser shall not be answerable or accountable for the Application or for any Misapplication of such Money: Provided also, that due Notice of the Purpose of such General Meeting shall be given by the Insertion of such Notice in One of the County Newspapers at least Three Weeks previous to such Meeting.

Present Tolls continued for a Term.

XXI. Notwithstanding the Repeal of the first and second recited Acts, the several Tolls thereby granted, and which may be payable at the Time of such Repeal shall continue to be payable at the Toll Gates which shall be standing or continued or erected upon or across the Roads or on the Sides thereof until *Whitsunday* next after the Commencement of this Act.

Tolls to be taken.

XXII. On and after the Date last mentioned the Trustees may demand and take or cause to be demanded and taken, at the several Toll Gates which shall be continued or erected upon, across, or on the Sides of the Roads, such Tolls as the Trustees shall from Time to Time direct, not exceeding the Sums following; (that is to say,)

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

For

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

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

For every Horse, Mule, or Ass, with or without a Rider, laden or unladen, and not drawing, the Sum of Twopence:

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

For every Drove of Calves, Hogs, Sheep, Lambs, or Goats, the Sum of Fivepence Sterling *per* Score, and so in proportion for any greater or less Number:

Which respective Tolls shall be paid before any Horse, Mule, Ass, Cattle, or other Animal, or Carriage whatsoever, in respect of which Toll is payable, shall pass through any such Toll Gate, and the Person in charge of the Drove (though not all the Property of One Individual) shall be bound to pay the whole Toll.

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

XXIII. If the Tolls hereby authorized to be taken shall have been paid at any of the said Toll Gates no further Toll shall on the same Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock of the succeeding Night) be again exigible, either at the same Toll Gate or at any other Toll Gate within Six Miles of the Gate at which such Tolls shall have been paid, for the same Horse or other Beast, or with the same Coach, Waggon, or other Carriage, for which such Tolls have been previously paid on the same Day.

Abolition of Assessment or Conversion Money for Statute Labour Roads and Bridge Money.

XXIV. Upon the Commencement of this Act, all Assessments or Conversion Money in lieu of Statute Labour leviable under the first and second recited Acts, and all Assessments leviable for the Maintenance of Bridges within the County under any of the recited Acts, shall cease and determine, except always as to such of the said Assessments theretofore duly made under the Authority of such Acts respectively.

Assessments on Lands and Heritages.

XXV. In order to provide for any Deficiency in the Funds coming into their Hands for the Purposes of this Act, it shall be lawful for the Trustees to impose and levy upon and from the Proprietors of all Lands and Heritages within the County an Assessment for the Year from *Whitsunday* One thousand eight hundred and fifty-nine to *Whitsunday* One thousand eight hundred and sixty not exceeding Fourpence Halfpenny on each Pound of the yearly Rent or Value of such Lands and Heritages, which Assessment shall be imposed by the Trustees at their First General Meeting to be held under this Act; and it shall also be lawful for the Trustees, for the general Purposes of this Act, to impose and levy an annual

annual Assessment not exceeding Ninepence on each Pound of the yearly Rent or Value of such Lands and Heritages; and the said annual Assessment shall be imposed by the Trustees at their Ordinary Meetings on the Thirtieth Day of *September* in each Year, commencing with the Ordinary Meeting to be held on the Thirtieth Day of *September* One thousand eight hundred and sixty; and all such Assessments shall be payable to the Trustees, or to their Treasurer or Collector, or any other Person appointed by them to receive the same.

Power to Magistrates and Town Council of Wick and Police Commissioners of Thurso to levy Assessments.

XXVI. It shall in like Manner be lawful for the Magistrates and Town Council of *Wick* and for the Police Commissioners of *Thurso* respectively, for the several Purposes herein-after expressed, to impose and levy an annual Assessment upon and from the Proprietors of all Lands and Heritages within *Wick* and *Thurso* respectively not exceeding Sixpence on each Pound of the yearly Rent or Value of such Lands and Heritages; and the said annual Assessments within *Wick* and *Thurso* respectively shall be imposed by the Magistrates and Town Council of *Wick* and by the Police Commissioners of *Thurso*, as the Case may be, at a Meeting to be held by them respectively in the Month of *September* annually, the first of such Meetings to be held in the Month of *September* One thousand eight hundred and sixty; and all such last-named annual Assessments shall as respects *Wick* be payable to such Person or Persons as the Magistrates and Town Council of *Wick* shall appoint, and as respects *Thurso* to such Person or Persons as the Police Commissioners of *Thurso* shall appoint.

As to Exemptions from Assessments.

XXVII. Provided always, That there shall be no Exemptions from any of the said Assessments by reason of Privilege or otherwise, except such as are expressly granted by the said recited Act of the Eighth and Ninth *Victoria*.

Trustees to make up Lists of Persons liable.

XXVIII. The Trustees shall as soon as may be after their said First General Meeting, and thereafter on or before the Thirty-first Day of *December* in each Year, make up or cause to be made up a List or Schedule of the Proprietors liable in Payment of the said Assessments within the County, and of the Sums payable by each of them; and in such List or Schedule it shall not be necessary to insert the several or particular Holdings, but only the gross Amount of the yearly Rent or Value of the Lands and Heritages belonging to each Person so liable, and the Amount assessed thereon; and such List or Schedule, or a Copy or Extract thereof, certified by the Clerk to the Trustees, may be the Ground of Action or of summary Warrant, Diligence, and Execution against the Persons so liable.

XXIX. In

Magistrates and Town Council of Wick and Police Commissioners of Thurso to make up Lists of Persons liable in Assessments within Wick and Thurso.

XXIX. In like Manner, the Magistrates and Town Council of *Wick* and the Police Commissioners of *Thurso* respectively shall, as soon as may be after their First Meetings in *September* One thousand eight hundred and sixty, and thereafter on or before the Thirtieth Day of *September* in each Year, make up or cause to be made up a List of the Proprietors within *Wick* and *Thurso* respectively liable in Payment of the annual Assessments hereby authorized, and of the Sums payable by each of such Proprietors; and in such List or Schedule it shall not be necessary to insert the several or particular Holdings, but only the gross Amount of the yearly Rent or Value of the Lands and Heritages belonging to each Person so liable, and the Amount assessed thereon; and such List or Schedule, or a Copy or Extract thereof, certified, in the Case of *Wick*, by the Town Clerk of the Burgh of *Wick*, and in the Case of *Thurso* by the Clerk or Treasurer of the Police Commissioners of *Thurso*, may be the Ground of Action or of summary Warrant, Diligence, and Execution against the Persons so liable.

Proprietors to have a proportionate Relief from Tenants.

XXX. The First Assessment by the Trustees of Fourpence Halfpenny on the Pound shall be paid exclusively by the Proprietors, but each Proprietor on whom the said subsequent annual Assessments shall be imposed as aforesaid, whether by the Trustees or by the Magistrates and Town Council of *Wick* or the Police Commissioners of *Thurso*, as the Case may be, shall be entitled to Relief in so far as regards the Lands and Heritages belonging to him which shall be let in a separate Occupation in Tenancy from the Tenants and Occupiers of such Lands and Heritages, to the Extent of One Half of the Assessments imposed upon the same respectively: Provided always, that Lands and Heritages let for less than Two Pounds yearly shall be held to be in the Occupancy of the Owners thereof, who shall be liable for and bound to pay the Assessments imposed on and payable in respect of such Lands and Heritages.

Assessment on Lands and Heritages, when payable.

XXXI. The Assessment to be imposed by the Trustees at the said First General Meeting shall be payable on or before the Thirtieth Day of *November* One thousand eight hundred and sixty; and the annual Assessments to be thereafter imposed by them at the Ordinary Meetings to be held on the Thirtieth Day of *September* in each Year shall be payable on the First Day of *March* in the Year following; and the annual Assessments to be imposed by the Magistrates and Town Council of *Wick* and by the Police Commissioners of *Thurso* respectively shall be payable on or before the said First Day of *March* in the Year following; and all such Assessments shall be levied, together with legal Interest from and after the Term of Payment upon and paid by the Proprietor for the Time being of the Lands and Heritages in respect of which the same shall be imposed, without any new or amended Assessment, notwithstanding

ing any Change during the Year in the Ownership or Occupancy of such Lands and Heritages.

How Assessments in Wick and and Thurso to be levied.

XXXII. All Assessments to be levied by the Magistrates and Town Council of *Wick* and by the Police Commissioners of *Thurso* respectively, under the Provisions of this Act, may be levied and recovered in the same Manner as any Assessments to be levied by the Trustees under this Act.

Certain Portions of Roads to be transferred to the Town Council of Wick and Police Commissioners of Thurso.

XXXIII. Immediately after the First General Meeting of the Trustees under this Act, the Management of the Roads and Bridges situate within the Boundaries of *Wick* and *Thurso* respectively, and now under the Management either of the Trustees or of the Commissioners for Highland Roads and Bridges, shall be transferred to the Magistrates and Town Council of *Wick* and to the Police Commissioners of *Thurso* respectively; and from and after such Transference of Roads as aforesaid the Magistrates and Town Council of *Wick* and the Police Commissioners of *Thurso* respectively shall have and exercise all the Powers, Rights, and Privileges in reference to the Roads and Bridges respectively so transferred (except the Right of taking Tolls on the same) which would have been competent to and might have been exercised by the Trustees or by the Commissioners for Highland Roads and Bridges previous to the Transference of such Roads and Bridges.

Roads within Boundaries of Wick and Thurso to be kept in good Repair.

XXXIV. After such Transference of Roads as aforesaid, it shall be lawful for the Sheriff and he is hereby required, upon a Complaint in Writing under the Hand of the Clerk duly authorized at any General or Special Meeting of the Trustees, setting forth that any of the Roads within the Boundaries of *Wick* or *Thurso*, as the Case may be, are not in a proper State of Repair, to appoint some professional Road Surveyor to examine into the Condition of such Roads, and to report the same to him, with a Note of the Repairs, if any, required to be made thereon; and it shall thereupon be lawful for the Sheriff, upon Consideration of such Report, to make such Orders in the Premises for the Repairs of such Roads, if such are required, and to enforce such Orders by a daily Penalty for Nonfulfilment of such Orders, not exceeding Five Pounds for each Day of Failure, to be paid and applied in such Manner as he shall direct, by the said Magistrates and Town Council of *Wick* or by the Police Commissioners of *Thurso*, as the Case may be, or to pronounce such other Order as to him shall seem fit; and he shall have Power to decern for such Expenses to be paid in the Matter of such Complaint either by the Trustees or the said Magistrates and Town Council as the Justice of the Case may in his Opinion require.

XXXV. And

Provision for Payment of Portion of Trust Debt, &c. by Wick and Thurso.

XXXV. And whereas there appears from the Books of the Trustees to be due to their Treasurer on the First Day of *March* One thousand eight hundred and sixty the Sum of Five hundred and sixty-two Pounds Two Shillings and Sevenpence, and he has since then paid and received and will continue to pay and receive certain Assessments and other Sums of Money in respect of the Roads under the Management of the Trustees during the current Year: And whereas a Portion of a certain Road called the *Sybster and Rougie* Road, situated partly within the Parish of *Wick*, and also certain Roads within the Parish of *Thurso*, which were respectively authorized by the first and second recited Acts to be made, have not yet been completed or made, but it is intended forthwith to complete the same respectively: Therefore, as soon as conveniently may be after the passing of this Act, the Balance due to the Treasurer upon an Account of the Monies so received by him, and of the Expenditure lawfully made or incurred under the Powers of the first and second recited Acts, or otherwise, for and on behalf of the Trustees, for and previous to the current Year, including the said Balance appearing to be due upon the First Day of *March* One thousand eight hundred and sixty, shall be ascertained, and the Trustees shall also take whatever Steps may be necessary for ascertaining the Cost of making and completing so much of the said *Sybster and Rougie* Road as has not already been made, and of making the said Roads within the Parish of *Thurso*; and upon the Amount of the Balance due to the Treasurer, and of the Cost of making and completing the said several Roads, being so ascertained, the Trustees shall transmit to the Magistrates and Town Council of *Wick* an Account showing the Balance due or claimed to be due by the Treasurer, and also a Statement of the estimated Cost of completing so much of the said *Sybster and Rougie* Road as aforesaid, and they shall at the same Time transmit to the Police Commissioners of *Thurso* a Copy of the said Account, along with a Statement of the estimated Cost of making the said Roads within the Parish of *Thurso*; and the said Magistrates and Town Council and Police Commissioners respectively shall be bound, within One Calendar Month after receiving such Account and Statements respectively to lodge in Writing with the Clerk to the Trustees any Objections which they may have to the same or any or either of them, or any of the Items therein contained, with the Reasons for such Objections, and failing their so doing they shall not thereafter be entitled to dispute the Correctness of the said Account and Statements respectively; and if any Objections shall be so lodged, and the Parties so objecting and the Trustees cannot agree as to the Correctness of the said Account and Statements respectively within Three Weeks after such Objections shall have been lodged as aforesaid, the Matters in difference shall be determined, upon the Application of any of the Parties, by the Sheriff, whose Decision shall be final and binding; and the Magistrates and Town Council of *Wick* shall, out

of

of the annual Assessments which they are by this Act authorized to raise, pay to the Trustees a Proportion, computed as herein-after provided, of the Amount of the Debt to the Treasurer of the Trustees, and also of the Cost of completing the said *Sybster and Rougie* Road, as the same shall respectively be ascertained or determined as aforesaid; and the Police Commissioners of *Thurso* shall in like Manner, out of the Assessments which they are hereby authorized to raise, pay to the Trustees a Proportion, computed as herein-after provided, of the Amount of the said Debt, and of the Cost of making the said Roads within the Parish of *Thurso*, as the same shall be ascertained or determined as aforesaid; and the Sums to be so contributed by *Wick* and *Thurso* respectively as aforesaid shall be computed rateably in the Proportion which the yearly Rent or Value of the Lands and Heritages within *Wick* or *Thurso*, as the Case may be, bears to the yearly Rent or Value of the Lands and Heritages within the County.

Portion of Expenses of Act to be paid by Wick and Thurso.

XXXVI. The Magistrates and Town Council of *Wick* and the Police Commissioners of *Thurso* respectively shall also, out of the annual Assessments hereby authorized to be raised by them respectively, pay to the Trustees a Proportion, computed as aforesaid, of the Expenses of applying for, obtaining, and passing this Act, and incidental thereto.

Assessments not to be invalidated by Misnomer.

XXXVII. No Assessment under this Act shall be invalidated or affected by reason of any Mistake or Variance in the Christian Name, or Surname or Designation, of any Person chargeable therewith, but the same shall be valid and effectual against the Person or Persons intended to be charged, and *bonâ fide* liable in Payment of the same.

Mode of recovering Assessments.

XXXVIII. The whole Powers and Right of issuing summary Warrants and Proceedings, and all Remedies and Provisions enacted for collecting, levying, and recovering the Land and Assessed Taxes, or any of them, and other public Taxes, shall be held to be applicable to the respective Assessments authorized by the first and second recited Acts or by this Act; and all Sheriffs, Magistrates, Justices of the Peace, and other Judges may grant the like Warrants for the Recovery of the Assessments hereby authorized, in the same Form and under the same Penalties as is provided in regard to such Land and Assessed Taxes and other public Taxes: Provided that it shall nevertheless be competent to prosecute for and recover such Assessments by ordinary Action in any Court of competent Jurisdiction, and if not exceeding Twelve Pounds in Amount by Action in the Sheriff Small Debt Court.

Proceedings for Recovery of Assess-

XXXIX. It shall not be lawful to commence any legal Process or Proceeding for the Recovery of any Assessments authorized by this Act after

after One Year from the Time when the same shall have become leviable; and in all Cases previous Demand shall be made Thirty Days before commencing such Process or Proceeding. ments when to commence.

XL. All Monies arising from Tolls and from Assessments made by the Trustees, and all Monies acquired by the Trustees in pursuance of the Powers by this Act granted, shall be and the same are hereby vested in the Trustees for the Uses and Purposes in this Act mentioned, and for no other Purpose whatsoever. Tolls and Assessments to be vested in the Trustees.

XLI. The Provisions of the recited Act, Fifty-ninth *George* the Third, Chapter One hundred and thirty-five, with reference to the Assessments for the Maintenance and Repair of the Roads under the Charge of the Commissioners for Highland Roads and Bridges within the County, and therein directed to be imposed and levied according to the Income Tax Returns of the Year Eighteen hundred and fourteen, are hereby repealed, and the Assessments for maintaining and keeping the same in repair, payable, to the Commissioners shall from and after the passing of this Act be assessed upon the Lands and Heritages within the County, exclusive of *Wick* and *Thurso*, and the Assessments may be imposed and collected separately or along with the other Assessments thereby authorized, as the Trustees may from Time to Time direct. Altering Mode of Assessment for Roads underCharge of Commissioners for Highland Roads and Bridges.

XLII. In the event of any Representation being made to the Trustees by the Proprietor or Proprietors of the Lands or other Persons interested in any new Road in connexion with any existing public Road, setting forth that any such new Road in any Part of the County has been made at the Expense of such Proprietor or Proprietors or other Persons, and opened to the Public, or of any Representation being made that any new Road is required for the public Accommodation in any Parish or District, and that the Proprietors and other Persons interested therein are willing to contribute such Proportion of the Expense of making such Road as may be agreed on between them and the Trustees, it shall be lawful for the Trustees at any Ordinary Meeting to resolve that at the next ensuing Ordinary Meeting they will consider the Expediency either of adopting such Road, and the Bridges connected therewith, as shall have been made wholly at the Expense of the Proprietor or Proprietors of the Lands or other Persons interested, as a Portion of the Roads and Bridges to be maintained and kept in repair under this Act, or of contributing such Sums of Money as may, in addition to the Amount to be paid by such Proprietors and other Persons interested therein, be required to complete any such Road, and of adopting and maintaining the same thereafter as a Portion of the Roads and Bridges to be maintained and kept in repair under this Act; and at such next ensuing Ordinary Meeting it shall be lawful for the Trustees, Trustees may adopt and maintain new Roads.

tees, if they shall be of opinion that such Road and the Bridges connected therewith, made or proposed to be made as aforesaid, are of Advantage to the County, to resolve to adopt the same or any Part thereof accordingly, or to contribute out of the general Road Funds such Sums as they may consider proper in aid of the Expense of making such Road, and after such Resolution the Road and Bridges connected therewith so adopted shall form Part of the Roads and Bridges to be maintained under this Act, and the whole Clauses, Powers, and Provisions of this Act shall be applicable thereto, in the same Manner as if the said Road and Bridges had been originally made and maintained under the Authority of the first and second recited Acts: Provided that Intimation of such Ordinary Meeting, stating the Objects thereof, shall be given by a Notice inserted for at least Three Weeks previous thereto in a Newspaper published in *Wick*.

Trustees, &c. may borrow on Credit of Tolls and Assessments.

XLIII. It shall be lawful for the Trustees from Time to Time to borrow and take up at Interest on the Credit of all or any of the several Tolls and Assessments by this Act authorized to be levied by them any Sums of Money not exceeding in the whole the Amount of Two Years gross Produce of the said Tolls and Assessments, and to make and grant Mortgages and Assignations of the said Tolls and Assessments or any of them, in Security of the Payment of the Sums so borrowed; and it shall in like Manner be lawful for the Magistrates and Town Council of *Wick* and for the Police Commissioners of *Thurso* respectively from Time to Time to borrow and take up at Interest on the Credit of the annual Assessments by this Act authorized to be levied by them respectively any Sums of Money not exceeding in the whole the Amount of Two Years gross Produce of the said annual Assessments, and to make and grant Mortgages and Assignations of the said Assessments in Security of the Payment of the Sums so borrowed.

Power to borrow on Cash Credit Account.

XLIV. It shall be lawful for the Trustees and for the Magistrates and Town Council of *Wick* and for the Police Commissioners of *Thurso* respectively, instead of borrowing on Mortgage or Assignation in Security, as herein-before provided, to borrow or accept or take from any Bank or Banking Company on a Cash Credit Account, to be opened and kept according to the Usage of Bankers in *Scotland* with such Bank or Banking Company, in Name of the Trustees or of the said Magistrates and Town Council or Police Commissioners, as the Case may be, any Sums of Money not exceeding in the whole, together with any Sums which the Trustees or the said Magistrates and Town Council or Police Commissioners may have borrowed upon Mortgage or Assignation in Security, the Sums which they are respectively authorized to borrow as aforesaid, and to make and grant Mortgages and Assignations of the said Tolls and Assessments or any of them in Security and for Repayment of the Sums advanced

advanced from Time to Time upon such Cash Credit Account, and the Interest thereof; and such Account shall only be operated upon in the Case of the Trustees by Cheques or Orders signed by at least Two Members of a Committee of Trustees appointed for the Purpose, and countersigned by the Clerk to the Trustees, and in the Case of the said Magistrates and Town Council by Cheques or Orders signed by at least Two Members of the Town Council and by the Treasurer of the Burgh of *Wick*, and in the Case of the said Police Commissioners by Cheques or Orders signed by at least Two of the Commissioners appointed for the Purpose, and countersigned by the Clerk to the said Police Commissioners.

Form of Mortgages and Assignation in Security.

XLV. Every Mortgage or Assignation in Security to be granted under the Provisions of this Act, and every Transfer thereof, may be partly printed and partly in Writing, and may be in Terms of or to the Effect set forth in the Schedule to this Act annexed, or according to the Forms prescribed by "The Commissioners Clauses Act, 1847," or to the like Effect, or in such other Form as may be most convenient, and in accordance with Law and Usage in respect of Securities of a like Nature in *Scotland*, and every Mortgage or Assignation, in whatever Form granted, shall be registered in Terms of and subject to the Provisions contained in the said Commissioners Clauses Act.

Power to reborrow Sums paid off.

XLVI. If the Trustees, or if the said Magistrates and Town Council or Police Commissioners respectively, after having raised any Sum or Sums on Mortgage or Assignation in Security, or on Cash Credit Account, under the Authority of this Act, shall pay off the same or any Part thereof, it shall be lawful for them again to borrow the Sum or Sums so paid off, and so from Time to Time as Occasion may require.

No Reduction of Rates to be made until Repayment of Money borrowed.

XLVII. In the event of any such Mortgage or Assignation in Security being granted by the Trustees or by the said Magistrates and Town Council or Police Commissioners, no Reduction of the Rates of Assessment herein-before authorized, and leviable at the Time of granting such Mortgage or Assignation in Security, shall be made until the Money so borrowed shall have been fully paid and discharged.

Application of Assessments in Wick and Thurso.

XLVIII. All Assessments to be levied by the Magistrates and Town Council of *Wick* and by the Police Commissioners of *Thurso* respectively, under the Provisions of this Act, shall be applied exclusively to the Purposes following; that is to say,

In the Case of *Wick*:

First, in maintaining, keeping in repair, and improving the Roads and Bridges within *Wick* at present maintained and kept in repair by the Trustees and by the Commissioners for Highland Roads and Bridges

Bridges including as Part thereof the main Thoroughfare, Road, or Street through *Wick* from the Bridge of *Wick* to the Parish Church, and including a reasonable Sum for the Expenses of collecting the said Assessment, and of Management and other incidental Expenses:

Second, in paying the Proportion payable by *Wick* of the Expenses of applying for, obtaining, and passing this Act, and incidental thereto:

Third, in paying to the Trustees the Proportion payable by *Wick*, as herein-before provided, of the Expense of completing the said *Sybster and Rougie* Road, and of the Trust Debt:

And in the Case of *Thurso*:

First, in maintaining, keeping in repair, and improving the Roads and Bridges within *Thurso* at present maintained and kept in repair by the Trustees and by the Commissioners for Highland Roads and Bridges, including as Part thereof the Road from the Bridge of *Thurso* to the present Post Office, and including a reasonable Sum for the Expense of collecting the said Assessment, and of Management and other incidental Expenses;

Second, in paying the Proportion payable by *Thurso* of the Expenses of applying for, obtaining, and passing this Act, and incidental thereto; and,

Third, in paying to the Trustees the Proportion payable by *Thurso*, as herein-before provided, of the Expense of making the said Roads within the Parish of *Thurso*, and of the Trust Debt.

Application of Monies under Act.

XLIX. All Monies which shall be in the Hands of the Trustees at the Time of the passing of this Act, or which shall thereafter come into their Hands by virtue of this Act or otherwise, shall be applied as follows; (that is to say,)

First, in paying the Expenses of applying for, obtaining, and passing this Act, and incidental thereto:

Second, in maintaining, keeping in repair, and improving the Roads and Bridges at present maintained and kept in repair by the Trustees under the first and second recited Acts, including the necessary Expenses of erecting and repairing Toll Gates and Toll Houses, the Salaries of Officers and Servants, and other incidental Expenses:

Third, in the Payment to the Commissioners for Highland Roads and Bridges of the Sums annually payable to them by the County on account of such of the Roads and Bridges within the County as are maintained and kept in repair by them:

Fourth, in the Payment of the Interest of the several Debts affecting the Roads, and afterwards of the Principal thereof:

Fifth,

Fifth, in the Completion of the Roads and Bridges authorized to be made and maintained by the first and second recited Acts, and the putting into and keeping in repair such further Roads and Bridges within the County as the Funds at the Disposal of the Trustees may from Time to Time admit of, and as they may deem of Advantage to the County:

Sixth, in the carrying out, in manner herein-before mentioned, the other Objects of this Act.

Term of Act.

L. The whole Enactments, Powers, and Provisions of this Act shall be and continue in force for the Term of Twenty-one Years from and after the passing of this Act, and thence to the End of the then next Session of Parliament.

Act not exempt from present and future General Acts.

LI. Nothing herein contained shall be deemed to exempt this Act from and it is hereby made subject to the Provisions of any General Act relating to Turnpike Roads or other Highways in *Scotland* which may be passed during the present or any future Session of Parliament.

Yearly Rent or Value defined.

LII. In all Questions or Proceedings under this Act the yearly Rent or Value of any Lands or Heritages shall be held and taken to be the Amount specified in the Valuation Rolls in force for the Time being, or last in force.

Saving Rights of Commissioners for Highland Roads and Bridges.

LIII. Except as otherwise herein expressly provided, nothing herein contained shall prejudice or affect the Rights, Powers, and Privileges of the Commissioners for Highland Roads and Bridges.

SCHEDULE to which this Act refers.

Forms of Assignation in Security and Transfer.

1. ASSIGNATION IN SECURITY.

By virtue of "The Caithness Roads Act, 1860," we [*insert Names and Designations of the Granters*], being a Quorum of the Trustees for the Caithness Roads, acting in execution of the said Act (*or* the Magistrates and Town Council of Wick, *or* the Police Commissioners of Thurso, *as the Case may be*), in consideration of the Sum of
advanced and paid to the said Trustees (*or* the said Magistrates and Town Council, *or* the said Police Commissioners) for the Purposes of the said Act, by *A.B.* [*Name and Designation of Creditor*], (*or* of the Banking Company, having allowed to the said Trustees a Credit to the Extent of upon a current Account to be kept in the Books of the said Banking Company, in Name of the said Trustees (*or* the said Magistrates and Town Council, *or* the said Police Commissioners,) for the Time being, and to be operated on by them,) do hereby assign and make over to the said *A.B.*, his Heirs, Executors, or Assignees, (*or* to the said Banking Company and their Assignees,) all and sundry [*here describe the Assessments, or such of them as are proposed to be mortgaged*], and all the Right, Title, and Interest of the said Trustees (*or* the said Magistrates and Town Council, *or* the said Police Commissioners) in and to the same, to be held by the said *A.B.* and his foresaids (*or* the said Banking Company and their foresaids), until the said Sum of , with the Interest thereof at and after the Rate of per Centum per Annum, shall be fully satisfied and paid (*or* until the Balance which may become due upon the said Cash Credit Account shall be fully paid up).* In witness whereof [*insert Testing Clause, according to the Form of the Law of Scotland*].

* When the Security is made under any Qualifications or Conditions, these will be introduced immediately before the Testing Clause.

The Caithness Roads Act, 1860.

2. TRANSFER.

I *A.B.* [*Name and Designation of Granter*], in consideration of the Sum of now paid to me, do hereby assign and convey to and in favour of *C.D.* [*Name and Designation of Assignee*] an Assignation in Security, dated the for the Sum of , granted by the Trustees for the Caithness Roads (*or* by the Magistrates and Town Council of Wick, *or* by the Police Commissioners of Thurso, *as the Case may be*), acting in pursuance of "The Caithness Roads Act, 1860," (*or, if the Transfer be by Endorsement*, the within-written Assignation in Security,) and all my Right, Title, and Interest therein, and to the Sums of Money thereby secured, Interest due and to become due thereon, and Assessments thereby assigned in Security.* In witness whereof [*insert Testing Clause according to the Form of the Law of Scotland*].

* If the Granter of the Transfer is not the original Creditor, but One who has acquired Right to the Debt, specify shortly, immediately before the Testing Clause, the Title or Series of Titles by which the Granter acquired such Right.

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