

ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

****

CAP. CV.

An Act to transfer the Roads and Bridges under the Management of the Commissioners of Highland Roads and Bridges to the several Counties in which the same are situate, and to provide for other Matters relating thereto.

[7th *August* 1862.]

WHEREAS by the Act Forty-third *George* the Third, Chapter Eighty, the Sum of Twenty thousand Pounds was directed to be issued from His Majesty's Exchequer in *Great Britain*, to be paid and applied by the Commissioners thereby appointed in the making and erecting Roads and Bridges in the Highlands of *Scotland*: And whereas by the Act Fifty-ninth *George* the Third, Chapter One hundred and thirty-five, further Commissioners were appointed, and on a Recital that certain Roads and Bridges had been made in the Highlands of *Scotland*, and that various Grants of Monies had been made for that Purpose, Provision was made for the Appropriation of the Monies granted in manner therein mentioned, and for the Payment out of the Public Money of a Sum of Five thousand Pounds annually towards the Purposes of the said Act: And whereas by the Act Fourth *George* the Fourth, 43 G. 3. c. 80. 59 G. 3. c. 135. 4 G. 4. c. 56.

Chapter Fifty-six, Provision was made for eventually increasing the Assessments leviable under the recited Acts, or for erecting Toll Bars for the Collection of Rates and Duties or Tolls in aid or in lieu of such Assessments, and for the Purpose of maintaining in repair the several Piers and Quays erected by the said Commissioners under the Authority of the recited Acts, or One of them, Power was given to the said Commissioners to levy certain Tolls or Dues on Vessels or Boats using, and on Goods embarked from or landed at such Piers and Quays: And whereas by the Act Fifth *George* the Fourth, Chapter Thirty-eight, further Provision was made for the Execution of the recited Acts, and specific Allotments out of the said annual Grants of Five thousand Pounds were made to the Counties therein mentioned in aid of the Expense of repairing the Roads and Bridges within the same: And whereas by the Act Third and Fourth *William* the Fourth, Chapter Thirty-three, certain Powers were given to the said Commissioners to remove Doubts that had arisen in the Interpretation of the Two last-recited Acts in Cases where Tolls had been imposed upon Roads, for the Maintenance of which such Tolls had afterwards proved inadequate, and on a Recital that it had in some Cases appeared inexpedient to the said Commissioners to enforce the Provisions of the third-recited Act made for the Purpose of maintaining in repair the Piers and Quays erected by the said Commissioners, by levying Tolls or Dues thereon, the said Commissioners were empowered, in case they should deem it expedient, with the Consent of the Heritors and Commissioners of Supply of the County within which such Piers or Quays should be situate, to assume the Care of maintaining in repair, altering or improving the same, and such Piers and Quays were thenceforth to be maintained in repair by them in the same Manner and with and under the same Powers and Limitations as the Roads and Bridges whereon no Tolls were levied: And whereas under the Provisions of the recited Acts Roads and Bridges have been made, and Harbours, Ferry Piers, and Shipping Quays have been constructed, in several of the Northern Counties of *Scotland*: And whereas by the Act Fourteenth and Fifteenth *Victoria*, Chapter Sixty-six, on a Recital that the Stone Bridge over the River *Ness* at the Royal Burgh of *Inverness* had been destroyed by a Flood, and that there were no adequate available Means of defraying the Expenses of rebuilding the same, the said Commissioners were empowered to make a new Bridge over the River *Ness*, and Provision was made for the Appropriation of a Sum of Public Money, and also for an Advance of Ten thousand seven hundred Pounds out of the Consolidated Fund by way of Loan, and for the Repayment of the said Sum of Ten thousand seven hundred Pounds, with Interest, by means of certain Payments out of the Sums allotted by the fourth-recited Act, out of the annual Grant

5 G. 4. c. 38.

3 & 4 W. 4. c. 33.

14 & 15 Vict. c. 66.

Grant of Five thousand Pounds: And whereas by the Act Eighteenth and Nineteenth *Victoria*, Chapter One hundred and thirteen, the Provisions of the last-recited Act were extended, and on a Recital that the Expense of erecting the said Bridge had exceeded the estimated Amount thereof, Provision was made for an Advance of a further Sum of Three thousand Pounds out of the Consolidated Fund by way of Loan, to be repaid, with Interest, in the same Manner as is provided by the last-recited Act with reference to the said Sum of Ten thousand seven hundred Pounds: And whereas such Payments have hitherto been regularly made, pursuant to the Provisions of the Two last-recited Acts: And whereas by the Act Seventeenth and Eighteenth *Victoria*, Chapter Ninety-four, the annual Grant to the Commissioners charged by the second-recited Act upon the Public Revenues was directed to be thereafter paid out of such Aids or Supplies as might be from Time to Time provided by Parliament for the Purpose: And whereas the Payment of the said annual Sum of Five thousand Pounds has been discontinued by Parliament, and it is expedient that the Commission constituted by the first and second recited Acts should be dissolved, and that Provision should be made for winding up the Affairs thereof, and for the Maintenance of the Roads and Bridges, Harbours, Piers, and Quays made and erected under the Provisions of the recited Acts: And whereas by the Act Sixth and Seventh *Victoria*, Chapter Ninety-seven, the County of *Argyll* was for Road Purposes divided into Districts, which were placed under the Superintendence of District Road Trustees, and certain Provisions were made for the Purpose of maintaining the Roads under the Management of the said Commissioners: And whereas by the Act Twenty-third and Twenty-fourth *Victoria*, Chapter Two hundred and one, all the Roads in the County of *Caithness*, with the Exception of the Roads within the Boundaries of the Towns of *Wick* and *Thurso*, and of the Roads under the Management of the said Commissioners, were vested in Trustees for the whole County: Be it enacted by the Queen'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, as follows:

18 & 19 Vict. c. 113.

17 & 18 Vict. c. 94.

6 & 7 Vict. c. 97.

23 & 24 Vict. c. 201.

1. This Act may be cited for all Purposes as "The Highland Roads and Bridges Act, 1862." Short Title.

2. The following Expressions in this Act shall have the Meanings hereby assigned to them; that is to say, the Expression "the Commissioners" shall mean the Commissioners of Highland Roads and Bridges; and the Expression "the Roads" shall mean the Roads and Bridges at present under the Management of the Commissioners. Interpretation of Terms.

3. From

Dissolution of the Commission.

3. From and after the Thirty-first Day of *December* One thousand eight hundred and sixty-two the Powers of the Commissioners shall, so far as regards the Control and Management of the Roads, and the Appointment and Payment of Officers, cease and determine, but all other Powers now vested in the Commissioners shall, for the Purpose of winding up their Affairs, remain and be exerciseable until the Commissioners shall, in compliance with the Provision contained in the second-recited Act, present their next Report to Parliament, and upon the Presentation of such Report the Commission constituted by the first and second recited Acts shall be absolutely dissolved.

Transfer of Roads and other Property to Commissioners of Supply.

4. From and after the said Thirty-first Day of *December* One thousand eight hundred and sixty-two, the Roads which in any County are at present under the Management of the Commissioners, together with the Bridges, Lands, Toll Houses, Buildings, Works, Rights, Interests, Arrears of Assessments, Monies, Property, and Effects, Rights of Action, Claims, and Demands whatsoever pertaining thereto respectively, shall, except in the Case of the Counties of *Argyll* and *Caithness*, be and are hereby transferred to and vested in the Commissioners of Supply of such County, and in the Case of the said County of *Argyll* shall be and are hereby transferred to and vested in the Road Trustees of the respective Districts of such County within which the Roads are respectively situate, and in the Case of the said County of *Caithness* shall be and are hereby transferred to and vested in the Road Trustees of such County; and such Commissioners of Supply or Road Trustees (as the Case may be) may act in respect thereof as effectually as the Commissioners might have done if this Act had not been passed.

Roads to be maintained by Commissioners of Supply.

5. From and after such Transfer as aforesaid, the Management of the Roads shall be vested in the Commissioners of Supply, or in the Road Trustees (as the Case may be) of the Counties within which such Roads are respectively situate; and the Commissioners of Supply or Road Trustees respectively shall thereafter maintain in proper and efficient Repair the Roads so transferred to them, and shall respectively have and exercise with reference thereto as well all the Rights, Powers, and Privileges possessed and enjoyed by them in connexion with the Roads at present under their Jurisdiction and Control within their respective Counties or Districts, as all the Rights, Powers, and Privileges which would have been competent to and might have been exercised by the Commissioners previous to such Transfer: Provided always, that it shall not be lawful to demand and take more than One Penny *per* Mile for every Horse drawing any Mail Carriage,

6. After

Sheriff may make Orders for Repair of Roads.

6. After such Transfers as aforesaid it shall be lawful for the Sheriff of any County in which any Part of the Roads is situate, and he is hereby required, upon a Complaint in Writing under the Hand of any Four Heritors in such County, or in any Road District in the said County of *Argyll*, setting forth that any of the Roads in such County or District are not in a proper State of Repair, to hear such Evidence as to the Condition of such Roads, and as to what Repairs, if any, are required to be made thereon, as he shall deem necessary, and thereupon it shall be lawful for the Sheriff to make such Orders for the Repairs of the Roads, if any such are required, as to him shall seem fit, and to decern for such Expenses to be paid in the Matter of such Complaint, either by the Complainers or the Commissioners of Supply, or the Road Trustees, (as the Case may be,) as he may think fit, and the Orders and Decrees of the Sheriff shall be final, and not be subject to Revision or Appeal in any Court or by any Process whatsoever.

Contracts enumerated in Schedule (A.) may be enforced.

7. And whereas the several Contracts for the Maintenance and Repair of the Roads enumerated in Schedule (A.) to this Act have been entered into by or on behalf of the Commissioners, and are still in force: From and after the said Thirty-first Day of *December* One thousand eight hundred and sixty-two such Contracts shall cease and determine as regards the Commissioners or any Person or Persons acting on their Behalf, except in regard to any Claims due and payable by the Commissioners prior to the said Thirty-first Day of *December* One thousand eight hundred and sixty-two, but shall be binding on and enforceable by and against the Commissioners of Supply or the Road Trustees (as the Case may be) of the Counties to which the same may respectively relate, as fully as the same would have been binding on or enforceable by and against the Commissioners, or such Person or Persons as aforesaid, if this Act had not been passed.

Actions not to abate.

8. No Action, Suit, Prosecution, or other Proceeding whatsoever commenced by or against the Commissioners, or by or against any Persons acting on their Behalf, 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 Commissioners of Supply of the respective Counties or the Road Trustees (as the Case may be), so far as the same are applicable to the Roads to be transferred to such Commissioners of Supply or Road Trustees respectively as aforesaid, in the same Manner in all respects as if this Act had not been passed.

Power to abandon Portions of Roads.

9. The Commissioners of Supply or the Road Trustees (as the Case may be) to whom the Roads shall be transferred as aforesaid may

may abandon, alter, straighten, divert, or stop up, either temporarily or permanently, any Portions of the Roads so respectively transferred to them, should such Portions of Roads become, in the Opinion of such Commissioners of Supply or Trustees, unnecessary for general or local Traffic; and for the special Purposes aforesaid the Commissioners of Supply or the Road Trustees (as the Case may be) shall have and exercise all the Powers with respect to the Purchase of Lands by Agreement which are conferred upon the Promoters of Undertakings by "The Lands Clauses Consolidation (*Scotland*) Act, 1845:" Provided always, that at least Six Months Notice of the Resolution or Order to effect any of such Purposes shall be given in Writing to the Owners of the Lands adjacent to such Roads, and during that Time such Resolution or Order shall be inserted for Three successive Weeks in some One and the same Newspaper published in the County in which such Portions of Roads proposed to be affected may be situate, or if there be no such Newspaper, then in some One and the same Newspaper published in some adjoining or neighbouring County.

8 & 9 Vict. c. 19.

Persons aggrieved may appeal to the Sheriff.

10. Any Person who shall think himself aggrieved by such Resolution or Order may, within Ten Days after he shall have received such Notice as aforesaid, apply by summary Petition to the Sheriff of the County within which the Roads proposed to be affected are situate, setting forth specifically his Objections, which Petition shall be intimated to and served upon the Commissioners of Supply or the Road Trustees (as the Case may be), whose Resolution or Order may be objected to, and a Time and Place shall be appointed by the Sheriff for hearing the Parties thereon; and after hearing the Petitioner and the Commissioners of Supply or the Road Trustees (as the Case may be), and any other Persons who may be interested in such Petition, and taking such Evidence as he shall deem necessary, it shall be lawful for the Sheriff to suspend the Execution of such Resolution or Order, and to grant or refuse the Prayer of such Petition, in whole or in part, and to sustain or repel such Objections, and to pronounce such Judgment in reference thereto as he shall think fit.

If dissatisfied with Decision of Sheriff may appeal to the Lord Ordinary in the Court of Session.

11. If the Petitioners or Commissioners of Supply or the Road Trustees (as the Case may be), or any other Person interested in such Petition, and who made Appearance and was heard before the Sheriff, shall be dissatisfied with the Judgment of the Sheriff, it shall be competent to such Parties or any of them to appeal from such Judgment within One Month after the Date thereof, and to bring the same by Advocation under Review of any Lord Ordinary in the Outer House of the Court of Session; and the Judgment

to

to be pronounced by such Lord Ordinary in the Matter of such Petition shall be final, and shall not be subject to Review by the Inner House, or to Appeal to the House of Lords.

Assessment to be levied for the Purposes of this Act.

12. The Commissioners of Supply to whom the Roads shall be transferred as aforesaid shall annually impose and levy an Assessment in their respective Counties, either separately or as Part of a General Road Assessment, upon and from all Lands and Heritages within such Counties respectively, according to the yearly Rent or Value thereof, as established by the Valuation Rolls, made up under the Valuation of Lands (*Scotland*) Acts, Seventeenth and Eighteenth *Victoria*, Chapter Ninety-one, and Twentieth and Twenty-first *Victoria*, Chapter Fifty-eight, or any other Act relating to the Valuation of Lands in *Scotland*, or any Local Act relating to any of such Counties, which may be in force for the Time being, and that at such Rate in every Year as shall be necessary in order to provide sufficient Funds for the Purposes of this Act, including such Sum as may be requisite to cover the Expenses of Assessment and Collection, and such Assessments shall be imposed, levied, and recovered in the Manner provided by the recited Acts or any of them, and under the Provisions thereof, which are hereby incorporated with this Act, and made applicable to the Assessments to be levied under this Act; and for the Purposes of this Act such Parts of the Counties of *Cromarty* and *Nairn* as lie in the County of Ross shall be considered as belonging to the said last-mentioned County; and the first of such annual Assessments shall be imposed at any of the half-yearly Meetings of such Commissioners of Supply which shall take place after the passing of this Act for the Year from the First Day of *January* One thousand eight hundred and sixty-three to the First Day of *January* One thousand eight hundred and sixty-four.

Roads in the Counties of Argyll and Caithness to be maintained out of Assessments levied under existing Acts.

13. From and after the said Thirty-first Day of *December* One thousand eight hundred and sixty-two the Twenty-sixth and Twenty-seventh Sections of the recited Act of the Sixth and Seventh *Victoria* shall be and the same are hereby repealed; and so long as such Act shall continue in force the General Road Trustees of the said County of *Argyll* shall annually apportion among the several Districts of the said County of *Argyll*, according to the Amount of their respective Valuations for Assessment under the said last-mentioned Act, such a Sum as may be required for the Maintenance of the Military Roads and Bridges within the said County; and the Road Trustees of the several Districts within the said County of *Argyll* to whom the Roads are to be transferred as aforesaid shall apply the Assessments which they are authorized to levy by such Act, first,

first, in Payment to the County Collector in every Year of the Proportion falling to be paid by each District on account of the said Military Roads and Bridges as aforesaid, such County Collector paying to the Trustees of the Districts within which such Military Roads and Bridges are respectively situate the Monies which shall thus come into his Hands in proportion to the Length of such Military Roads within such last-mentioned Districts respectively; and, secondly, in or towards the Maintenance of the Roads within their respective Districts, in the same Manner in all respects as such Assessments are applicable to any Roads at present under the Jurisdiction and Control of the District Road Trustees; and from and after the said Thirty-first Day of *December* One thousand eight hundred and sixty-two the Forty-first Section of the recited Act of the Twenty-third and Twenty-fourth *Victoria* shall be and the same is hereby repealed; and so long as such Act shall continue in force the Road Trustees of the said County of *Caithness* shall apply the Assessments which they are authorized to levy by the said last-mentioned Act in or towards the Maintenance of the Roads so transferred to them as aforesaid, in the same Manner in all respects as such Assessments are applicable to any Roads at present under their Jurisdiction and Control.

Burghs to contribute to Repair of Roads within any Burgh.

14. When any Portion of the Roads is situate within any Burgh, the Commissioners of Supply or the Road Trustees (as the Case may be) who shall be entitled to levy Assessments in the County or District within which such Burgh may be situate shall take whatever Steps may be necessary for ascertaining the probable annual Cost of repairing and maintaining such Portion of the Roads, and they shall transmit to the Magistrates of such Burgh a Statement of such estimated Cost, and the Magistrates of such Burgh shall be bound within One Calendar Month after receiving such Statement to lodge in Writing with the Clerk of the Commissioners of Supply any Objections which they may have to the same, with the Reasons for such Objections, and failing to do so they shall not thereafter be entitled to dispute the Correctness of the Statement; and if any Objections shall be so lodged, and no Agreement can be come to as to the Correctness of the Statement within a Week 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 shall not be liable to Appeal or Suspension, Advocation or Reduction, or any other Form of Review; and upon the Statement being so agreed to or determined upon, the Magistrates of each Burgh shall annually enforce and levy such an Assessment upon and from the Lands and Heritages within such Burgh as shall be sufficient to defray

defray the annual Cost of repairing and maintaining such Portion of the Roads as aforesaid, and also the Cost of Assessment and Collection, and such Assessment shall be imposed and levied within such Burgh as like Assessments are imposed and levied therein, and such Magistrates as aforesaid may proceed in like Manner, and with the same Powers and Right of Action and Diligence, and of issuing summary Warrants and Proceedings for the Recovery of the same, as may be competent with respect to any Municipal or Police or General Assessment with which the said Magistrates may deem it most expedient the said Assessments should be laid on and collected, and any Board or other Public Body which may be directed by the Magistrates of any Burgh to levy and collect the said Assessments are hereby empowered and required to do so: Provided always, that in any Burgh in which there may be no Municipal or Police or other General Assessment, or in any Burgh in which it may appear to the Magistrates to be inexpedient to levy the Assessment, they may collect the same in such Manner and by means of such Collectors or other Persons as they shall from Time to Time appoint; and the Magistrates of each Burgh shall from Time to Time hand over to the Commissioners of Supply or to the Road Trustees (as the Case may be) the full Amount of such annual Assessment, after deducting the Cost of Assessment and Collection, and such annual Assessment shall be expended for the general Repair and Maintenance of the Roads within such Burgh in such Manner as they shall think fit.

Boundaries of Burghs for the Purposes of this Act.

15. The Boundaries of Burghs for the Purposes of this Act shall be the Boundaries thereof as the same are ascertained and fixed under the Provisions to that Effect contained in the following Acts; *viz.*, the Act Seventeenth and Eighteenth *Victoria*, Chapter Ninety-one, the Act Twentieth and Twenty-first *Victoria*, Chapter Fifty-eight, the Act Twentieth and Twenty-first *Victoria*, Chapter Seventy, and the recited Act Twenty-third and Twenty-fourth *Victoria*, Chapter Two hundred and one.

Warrants and Proceedings for Recovery of Land and Assessed Taxes applicable to Assessments under this Act.

16. The whole Powers and Rights 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 applicable to the collecting, levying, and recovering the Assessments under this Act, and all Sheriffs, Magistrates, Justices of the Peace, and other Judges may grant the like Warrants for Recovery of all such Assessments in the same Form and under the same Penalties as is provided in regard to such Land and Assessed Taxes, and other Public Taxes; and all Assessments imposed by virtue of this Act shall, in case of Bankruptcy or Insolvency, be paid out of the first Proceeds of the Estate, and shall be preferable to all other Debts of a private Nature due by the Persons assessed.

17. From

Appointment of Committees and Officers.

17. From and after the passing of this Act the Commissioners of Supply of the several Counties to whom the Roads shall be transferred by virtue thereof may nominate Committees of their Number, in such Manner and with such Powers and for such Periods as they may deem proper, to superintend the Management of the Roads; and the Commissioners of Supply or the Road Trustees (as the Case may be) may appoint a fit Person or fit Persons to be Surveyor or Surveyors, Clerk or Clerks, or such other Officers as they shall think necessary for the due Execution of this Act, either separately or in connexion with other Roads under their Management, with such Salaries or Allowances as such Commissioners of Supply or Road Trustees (as the Case may be) shall think proper, for which Provision shall be made by Assessment made pursuant to this Act, and from Time to Time to remove such Officers or any of them as they shall see Occasion, and to appoint others in their Room.

The Loans of 10,700*l.* and 3,000*l.* extinguished.

18. From and after the passing of this Act all future Payments which would have been made, pursuant to the Provisions of the Sixth and Seventh recited Acts, for the Repayment of the said Sums of Ten thousand seven hundred Pounds and Three thousand Pounds advanced on Loan as aforesaid, shall cease, and such Loans shall be considered as wholly repaid or extinguished.

Transfer of Piers and Harbours by Commissioners.

19. And whereas the Commissioners have, under Powers conferred upon them by the recited Acts or some of them, constructed several Harbours, Piers, and Quays: And whereas the Harbours enumerated in Schedule (B.) to this Act have, by various Local Acts or otherwise, been transferred to and are now vested in other Bodies or Persons, and the Piers and Quays enumerated in Schedule (C.) to this Act, though maintained out of Assessments made in the Counties in which they are respectively situate, are still the Property of the Commissioners, and the Harbours enumerated in Schedule (D.) to this Act have for some Time been and are now maintained by Rates and managed either by the Commissioners or by the Proprietors of the Lands in which such Harbours are situate: And whereas it is expedient that Provision should be made for the future Maintenance of the Piers, Quays, and Harbours in the said Schedules (C.) and (D.) to this Act: Such of the Piers and Quays enumerated in the said Schedule (C.) to this Act as are situate in the said County of *Argyll* shall on the said Thirty-first Day of *December* One thousand eight hundred and sixty-two be transferred to the Road Trustees within whose Districts such Piers and Quays are respectively situate, and all other Piers and Quays enumerated in the said Schedule (C.) to this Act shall on the said Thirty-first Day of *December* One thousand eight hundred and sixty-two be transferred to the Commissioners of Supply of the Counties within which such Piers and Quays

Quays are respectively situate, and from and after such Transfers such Piers and Quays shall be maintained by such Road Trustees or Commissioners of Supply respectively (as the Case may be), in the same Manner and under the same Conditions as they are respectively bound to maintain the Roads to be respectively transferred to them under the Provisions of this Act; and the Harbours enumerated in the said Schedule (D.) to this Act may be transferred by the Commissioners in such Manner and upon such Terms as they shall think fit to the Owners of the Lands in which such Harbours are respectively situate; and in case any of such Owners shall decline to accept such Transfer, then to such other Person or Persons as the Commissioners may in the Exercise of their Discretion think fit; and the Limits of any Harbour which may be transferred pursuant to this Act shall extend to Three hundred Yards, measured in a straight Line along the Coast, on either Side of such Harbour, and the same Distance Seaward, measured from the Mouth or Entrance thereof; and upon the Transfer of any Harbour as aforesaid the Person or Persons to whom such Transfer may be made shall have and exercise all the Powers and be subject to all the Liabilities which are conferred and imposed upon Undertakers by "The Harbours, Docks, and Piers Clauses Act, 1847," with the Exception of such Liabilities as are imposed by Sections Sixteen, Seventeen, Eighteen, Nineteen, Forty-nine, and Fifty of the said last-mentioned Act: Provided always, that the Road Trustees or the Commissioners of Supply (as the Case may be) to whom the said Piers and Quays shall be transferred as aforesaid may abandon any of such Piers and Quays as may in their Opinion be or become unnecessary for general or local Trade, but in the Exercise of this Power the Road Trustees or the Commissioners of Supply (as the Case may be) shall be subject and liable to similar Provisions and Conditions with regard to Notices, Applications to the Sheriff, and Appeals to the Lord Ordinary of the Court of Session, as are contained and prescribed in the Ninth, Tenth, and Eleventh Sections of this Act with reference to the Abandonment of Portions of Roads.

Power to levy Rates and to borrow Money.

20. The Persons to whom the several Harbours enumerated in the said Schedule (D.) to this Act may be transferred under the Powers of this Act respectively, and their respective Heirs and Assigns, may demand and receive in respect of the Vessels, Goods, Persons, and Things in Schedule (E.) to this Act described entering or using, or shipped or unshipped, landed or delivered in such Harbours respectively, any Sums not exceeding the Rates in the said Schedule (E.) to this Act specified; and such Persons respectively, and their respective Heirs and Assigns, may from Time to Time borrow on the Security of such Rates such Sums of Money as may be required to enlarge

enlarge and improve the Harbours which may be so transferred as aforesaid: Provided always, that the Interest accruing on the Money so borrowed shall be regularly kept down and not allowed to accumulate, and that the Principal Sums borrowed shall be respectively repaid within Fifty Years from the Time of borrowing.

Sheriff may make Orders for Repair of Piers, &c.

21. After any such Transfer of Piers, Quays, or Harbours as aforesaid (but subject to the Power of Abandonment contained in the Nineteenth Section of this Act) it shall be lawful for the Sheriff of any County in which such Piers, Quays, or Harbours are respectively situate, and he is hereby required, upon a Complaint in Writing under the Hand of any Four Persons being Heritors of such County, or ordinarily using such Piers, Quays, or Harbours, setting forth that any of the same are not in a proper State of Repair, to hear such Evidence as to the Condition thereof, and as to what Repairs, if any, are required to be made thereon, as he shall deem necessary, and thereupon it shall be lawful for the Sheriff to make such Orders for the Repair of the said Piers, Quays, or Harbours, if any such are required, as to him shall seem fit, and to decern for such Expenses to be paid in the Matter of such Complaint as he may think fit, and the Orders and Decrees of the Sheriff shall be final and not be subject to Revision or Appeal in any Court or by any Process whatsoever.

Endurance of Act.

22. The Powers and Provisions of this Act, so far as regards the Erection and Maintenance of all Gates, and the Imposition and levying of Tolls, 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.

SCHE-

SCHEDULES referred to in this Act.

SCHEDULE (A.)

CONTRACTS OF THE COMMISSIONERS STILL IN FORCE.

Roads or Districts of Roads.	Length of Roads under Contract.	Names of Contractors.	When Contracts expire.	Annual Amount of Contracts.	At what Periods payable.	Total Amount payable under Contracts.
COUNTY OF INVERNESS.	Miles. Yards.			£ s. d.		£ s. d.
Inverness and Nairn Road, Fort George Road and Branches, and North Part of North Boleskine Road.	31 0	James Mac Gillivray.	1st June 1863	306 13 0	Aug., Sept., Dec., and June.	919 19 0
Moy Badenock and Inverfarigaig Road.	42½ 0	John and Donald Grant.	Do.	429 10 0	Do.	1,288 10 0
Southern Portion of Badenock Road.	41 0	John and Donald Grant.	Do.	445 0 0	Do.	1,335 0 0
Eastern Portion of Fort William and Ardochy Branch Road.	23½ 0	John Cameron -	Do.	130 0 0	Do.	390 0 0
Western Portion of Port William Road.	22 0	Jas. Mc Gillivray and Peter Cameron.	Do.	155 0 0	Do.	465 0 0
South Boleskine and South Portion of North Boleskine Road.	26¼ 0	Duncan McDonald	Do.	106 0 0	Do.	318 0 0
Glenelg Road - -	7⅜ 0	Donald Cameron	Do.	45 0 0	Do.	135 0 0
Sconser and Ashiek Roads	27½ 0	Jno. Kennedy and Alex. Robertson.	Do.	130 0 0	Do.	390 0 0
Broadford Road - -	15¾ 0	Malcolm and Don[d] McInnes.	Do.	82 0 0	Do.	246 0 0
Stein, Macleod, and Dungevan Roads.	34 0	Don[d] and Ewen McInnon.	Do.	160 10 9	Do.	481 12 3
Portree Road - -	12½ 0	Do.	Do.	86 5 8	Do.	258 17 0
East Laggan and Carryarrock Road.	28¼ 0	John Macdonald	10th June 1864	137 0 0	Do.	411 0 0
Speyside Road - -	6 200	Duncan Cameron	Do.	35 0 0	Do.	106 10 0
Beauly and Strathglass Road.	38 0	John Forsyth -	1st June 1864	431 15 0	Do.	1,295 5 0
Glengarry 31 m. 1,113 yds. and Rhaebine Rd. 3 m.	34 1,113	Ewen Cameron -	Do.	175 0 0	Do.	525 0 0
West Laggan Road -	16 0	John Cameron -	Do.	88 0 0	Do.	264 0 0
Ballechernoch Road -	5 0	John McDonald	Do.	21 0 0	Do.	63 0 0
Invermorriston Road -	27 0	Alexr. Mackenzie	Do.	208 0 0	Do.	624 0 0
Snizort Road - -	18 0	Alexr. Maclean -	Do.	153 5 0	Do.	459 15 0
Total - -	456 1,313			3,325 9 5		9,976 8 3
COUNTY OF ROSS.						
Contin and Fearn Road -	30⅝ Miles	Donald Mann -	1st June 1863	388 1 4	Do.	1,164 4 0
Invergordon Road - -	17 „	John Munro -	Do.	324 11 4	Do.	973 14 0
Tain Road - - -	15 „	Donald Ross -	Do.	148 5 8	Do.	444 17 0
Glenshier Road and Glenelg Road.	20¾ „	Donald Cameron	Do.	104 10 0	Do.	313 10 0
Lochalsh and Ardelve Road	16½ „	Jno. Kennedy and Alex. Robertson.	Do.	80 0 0	Do.	240 0 0
Dingwall Fortrose and Kessock Branch Roads.	29½ „	Wm. and James Stewart.	1st June 1864	480 0 0	Do.	1,440 0 0
Eastern Division of Loch Carron Road.	25 „	John Fraser -	Do.	134 15 4	Do.	404 6 0
Western Division of Loch Carron Road and Kishorn Road.	37 „	Duncan Matheson	Do.	149 0 0	Do.	447 0 0
Rhaebine Road - -	7 „	Ewen Cameron -	Do.	35 0 0	Do.	105 0 0
Total -	198½ Miles			1,844 3 8		5,532 11 0

Highland Roads and Bridges.

Roads or Districts of Roads.	Length of Roads under Contract.	Names of Contractors.	When Contracts expire.	Annual Amount of Contract.	At what Periods payable.	Total Amount payable under Contracts.
COUNTY OF SUTHERLAND.				£ s. d.		£ s. d.
Sutherland Coast Road -	47 Miles	John Grant -	1st May 1864	508 19 6	Aug., Sept., Dec. & June	1,526 18 6
COUNTY OF CAITHNESS.						
Dunbeath Road - -	33 Miles	Donald Mackenzie	1st May 1863	485 2 0 for two yrs.	Do.	970 4 0
Thurso Road - -	21 „	George Gilchrist	1st May 1864	386 0 0	Do.	1,158 0 0
Total -	54 Miles			871 2 0		2,128 4 0
COUNTY OF NAIRN.						
Findhorn 11 Miles, and Bemuchlye Road 9¼ Miles.	20¼ Miles	Angus McDonald	10th June 1864	89 0 0	Do.	267 0 0
COUNTY OF MORAY.						
Grantown 20 Miles, and Duthel Road 6½ Miles.	26½ Miles	John and Donald Grant.	1st June 1863	229 0 0	Do.	687 0 0
Findhorn Road - -	3 „	Angus McDonald	10th June 1864	13 0 0	Do	39 0 0
Speyside Road - -	6 „	Duncan Cameron	„	35 10 0	Do.	106 10 0
Total -	35½ Miles			277 10 0		832 10 0
COUNTY OF BANFF.						
Speyside Road - -	1⅔ Miles	Duncan Cameron	10th June 1864	9 15 0	Do.	29 5 0
Total -	1⅔ Miles			9 15 0		29 5 0
COUNTY OF ARGYLL.						
Kilmelford Road - -	8¾ Miles	Neil Munro -	10th June 1864	40 0 0	Do.	120 0 0
Strachur Road - -	12 „	Don[d] and Peter Ferguson.	20th May „	58 4 0	Do.	174 12 0
Glendaruel Road - -	21 „	Archibald McDonald.	20th May „	123 0 0	Do.	369 0 0
Total -	41¾ Miles			221 4 0		663 12 0

SCHE-

SCHEDULE (B.)

HARBOURS NOT NOW THE PROPERTY OF THE COMMISSIONERS.

1. Burghead, in the County of Moray.
2. Fraserburgh, in the County of Aberdeen.
3. Peterhead, in the County of Aberdeen.
4. Kirkwall, in the County of Orkney.
5. East Tarbet, in the County of Argyll.
6. Fortrose, in the County of Ross.
7. Tobermory, in the County of Argyll.
8. Banff, in the County of Banff.
9. Macduff, in the County of Banff.
10. Dingwall, in the County of Ross.
11. Cullen, in the County of Banff.
12. Gourdon, in the County of Kincardine.
13. Inverfarigaig, in Lochness, in the County of Inverness.
14. Jura, Small Isles, in the County of Argyll.
15. Nairn, in the County of Nairn.

SCHEDULE (C.)

PIERS AND QUAYS MAINTAINED BY COUNTY ASSESSMENTS.

1. Invergordon and Inverbrakie Ferry Piers, in the County of Ross.
2. Chanonry Ferry Pier, in the County of Ross.
3. Keills and Lagg Ferry Piers, in the County of Argyll.
4. St. Catherine's Ferry Pier, in the County of Argyll.
5. Kylerhed Ferry Piers, in the County of Inverness.
6. Corran Ferry Piers, in the Counties of Inverness and Argyll.
7. Kylehakin Ferry Piers, in the Counties of Inverness and Ross.
8. Dornie Ferry Pier, in the County of Ross.
9. Strome Ferry Piers, in the County of Ross.
10. Feoline Ferry Pier, in Jura, in the County of Argyll.
11. Brodick Pier, in Arran, in the County of Bute.
12. Blackwater-foot, in the County of Argyll.

SCHEDULE (D.)

HARBOURS MAINTAINED BY RATES.

1. Avoch, in the County of Ross.
2. Ballintraid, in the County of Ross.
3. Portree, in the County of Inverness.
4. Portmahomack, in the County of Ross.

SCHEDULE (E.)

Rates on Vessels using the Harbours.

		s.	d.
For every decked or partly decked Vessel:			
Under the Burden of 20 Tons	per Ton	0	4
Of the Burden of 20 Tons and not exceeding 100 Tons	per Ton	0	6
Of the Burden of 100 Tons and upwards	per Ton	0	10

Rates on Herring Boats, &c.

For every Herring Boat and every undecked Boat coming to the said Piers with Herrings or fresh Fish, on landing or taking on board Goods or dried or salt Fish	each	0	6

Rates on Passengers.

For every Person landing from or embarking in any Vessel		0	3

Rates on Animals and Goods shipped or unshipped in the Harbours.

Ale, Beer, or Porter	per Hogshead	0	6
Beef, fresh or salted, or other Provisions	per Barrel	0	3
Bone Dust	per Ton	1	0
Bricks	per 1,000	0	8
Butter	per Cwt.	0	2
Carriages with Four Wheels	each	0	8
Carriages with Two Wheels	each	0	6
Cattle, Cows, Calves	each	1	0
Horses, Asses, and Mules	each	1	0
Pigs	each	0	0½
Sheep	each	0	0½
Coach or Cart Wheels	per Pair	0	3
Coal	per Ton	0	5
Copper, Lead, Zinc	per Cwt.	0	3
Cordage	per Cwt.	0	3
Dogs (Sporting only)	each	0	2
Fish, salted or dry	per Barrel Bulk	0	3
Flour	per Sack	0	2
Groceries	per Barrel Bulk	0	3
Guano and artificial Manures	per Ton	1	0
Hardware	per Barrel Bulk	0	3
Hay	per Ton	1	0
Hemp and Flax	per Cwt.	0	3
Herrings, fresh	per Cran	0	1
Ditto, cured	per Barrel	0	3
Hides	per Cwt.	0	1½

Iron,

		s.	d.
Iron, Pig or old	per Cwt.	0	1
Ditto, Bar, Bolt, or Rod	per Cwt.	0	2
Lime	per Boll	0	0½
Meal	per Bag of 280 lbs.	0	3
Oil	per Tun	1	0
Oilcake	per Ton	1	0
Potatoes	per Ton	0	6
Ropes and Rags (old)	per Cwt.	0	2
Salt	per Ton	0	10
Slates	per 1,000	0	10
Spirits	per Hogshead of 56 Gallons	0	8
Staves	per 1,000	0	4
Stones, paving or dressed	per Ton	0	4
Ditto, others	per Ton	0	3
Stucco	per Barrel	0	2
Sugar, &c.	per Cwt.	0	4
Tar	per Barrel	0	2
Tiles or Pipes for draining	per 1,000	0	8
Ditto, roofing	per 1,000	0	9
Timber, unwrought, of all Kinds	per Load of 50 Cubic Feet	0	10
Wheat, Barley, Bear, Peas, Beans, Oats, and all other Descriptions of Grain; Grass and Turnip Seeds	per Quarter	0	2
Wine in Cask	per Hogshead	0	8
Wool	per Cwt.	0	2

All other Articles not enumerated to pay at landing or shipping:

If by Measurement	per Barrel Bulk	0	3
If by Weight	per Ton	1	4

Articles which can be measured to pay by Barrel Bulk, all others by Weight.

In charging the Rates on Goods the gross Weight or Measurement of all Goods to be taken, and for any less Weights, Measures, and Quantities than those above specified a Proportion of the respective Rates shall be charged.

Five Cubic Feet, not exceeding Two and a Half Hundredweight, to be rated as a Barrel Bulk, but when the Weight of Five Cubic Feet is greater than Two and a Half Hundredweight, then Two and a Half Hundredweight to be rated as a Barrel Bulk.

RATES FOR THE USE OF SHEDS, CRANES, AND WEIGHING MACHINES.

1. *Sheds.*

For each Ton of Goods of Eight Barrels Bulk, or for each Ton of Goods of Twenty Hundredweight, which shall remain in any Shed or on any Pier in the Harbours for a longer Time than Forty-eight Hours, the Sum of Threepence, and the Sum of One Penny per Ton for each Day during which such Goods shall remain after the First Forty-eight Hours.

2. *Cranes.*

2. *Cranes.*

										s.	d.
All Goods or Packages not exceeding One Ton										0	3
Exceeding One Ton and not exceeding Two Tons										0	4
„	Two Tons	„	„	Three Tons						0	6
„	Three Tons	„	„	Four Tons						0	8
„	Four Tons	„	„	Five Tons						0	10
„	Five Tons	„	„	Six Tons						1	0
„	Six Tons	„	„	Seven Tons						1	2
„	Seven Tons	„	„	Eight Tons						1	4
„	Eight Tons	„	„	Nine Tons						1	8
„	Nine Tons	„	„	Ten Tons						2	0
„	Ten Tons									3	6

3. *Weighing Machines.*

For Goods weighed, One Penny for each Ton or Part of a Ton.

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