ANNO PRIMO & SECUNDO

VICTORIÆ REGINÆ.

****

Cap. lxxix.

An Act for altering and amending an Act of the Eleventh Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for making, repairing, widening, and keeping in repair certain Roads and Bridges in the County of* Caithness; *and for better regulating and rendering more effectual the Statute Labour in the said County, and Conversion Money in lieu thereof.* [4th *July* 1838.]

WHEREAS an Act was passed in the Eleventh Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for making, repairing, widening, and keeping in* 11 G. 4.
repair certain Roads and Bridges in the County of Caithness; *and for* c. 102.
better regulating and rendering more effectual the Statute Labour in the said County, and Conversion Money in lieu thereof, by which the Persons therein named and described were appointed Trustees for carrying into effect all and every the Purposes of the said Act: And whereas the Trustees in and by the said recited Act appointed have proceeded to put the same into execution, and great Progress

has been made in making and repairing several of the Roads therein described, and considerable Sums of Money have been borrowed on the Credit of the Assessments and Tolls by the said recited Act authorized to be levied, and on the personal Security of several of the said Trustees, which Sums of Money cannot be repaid, and the said Roads completed, made, amended, maintained, and kept in repair, unless the Terms and Powers of the said recited Act be enlarged and continued, and some of the Provisions thereof altered and amended, and other and further Powers granted in relation to the same: And whereas an Act was passed in the First and Second Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for amending and making more effectual the Laws concerning Turnpike Roads in* Scotland: May it therefore please Your Majesty that it may be enacted; and 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, That the said recited Act of the Eleventh Year of the Reign of His said Majesty King *George* the Fourth, and the said recited Act of the First and Second Year of the Reign of His said late Majesty King *William* the Fourth, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things in the said recited Acts or in either of them contained, (save and except such Parts thereof as are varied, altered, or repealed,) shall be as good, valid, and effectual for carrying this Act into execution as if the same had been repeated and re-enacted in this Act, and as if the said first-recited Act contained only One Turnpike Road.

1 & 2 W. 4. c. 43

Powers of recited Acts extended to this Act.

Annual Assessment of 2*l.* 5*s.* per 100*l.* Scots on Lands continued for 21 years; and additional Assessment of 2*l.* 5*s.* granted for the same Term.

II. And whereas by the said first-recited Act of the Eleventh Year of the Reign of His said Majesty King *George* the Fourth it was enacted, that to aid and enable the said Trustees thereby appointed to accomplish the Purposes of surveying, making, amending, improving, widening, altering, straightening, repairing, and keeping in repair the Roads and Bridges in the said Act specified, the whole Proprietors and Liferenters of Lands within the County of *Caithness* should be and they were thereby made liable to pay to the said Trustees or their Collector, or such other Person or Persons as they should direct and appoint to receive the same, an annual Assessment to the Extent and at the Rate of Two Pounds Five Shillings Sterling on each One hundred Pounds *Scots* of the Valuation of their Lands whereof they held the *Dominium utile*, as the same stood or might come to stand in the Books of Valuation according to which the Land Tax or Cess of the said County was assessed and levied, and that as long as the same should be necessary for the Purposes of the said Act: And whereas it has been found by Experience that the said Sum of Two Pounds Five Shillings Sterling on each One hundred Pounds *Scots* of the Valuation of the Lands within the said County is insufficient for the Purposes for which the same was by the said first-recited Act directed to be levied and applied, and that it is expedient to continue the said Assessment, together with the other Assessments imposed by the said first-recited Act, and also to make an additional Assessment upon

upon the said Proprietors and Liferenters of Lands; be it therefore enacted, That the said annual Assessment of Two Pounds Five Shillings Sterling on each One hundred Pounds *Scots* of valued Rent granted by the said first-recited Act shall be and the same is hereby continued for and during the Term of Twenty-one Years complete from and after the passing of this Act, as herein-after provided; and in addition to the said annual Assessment of Two Pounds Five Shillings Sterling on each One hundred Pounds *Scots* by the said first-recited Act granted and hereby continued, the whole Proprietors and Liferenters of Lands within the County of *Caithness* during the said Term of Twenty-one Years shall be and they are hereby made liable to and shall pay a further and additional annual Assessment also to the Extent and at the Rate of Two Pounds Five Shillings Sterling on each One hundred Pounds *Scots* of the Valuations of their Lands whereof they hold the *Dominium utile*, as the same now stand or may come to stand in the Books of Valuation according to which the Land Tax or Cess of the said County is assessed and levied; and such further and additional Assessment, as well as the Assessment granted by the said first-recited Act and continued by this Act, shall be laid on for the whole Period of Twenty-one Years, by the Commissioners of Supply of the said County, at a Special Meeting to be convened for that Purpose as soon as conveniently may be after the passing of this Act, and shall be payable, the said additional Assessment for the Year One thousand eight hundred and thirty-eight on the Tenth Day of *October* One thousand eight hundred and thirty-eight, and thereafter both the said Assessment granted by the said first-recited Act and continued by this Act, and the additional Assessment to be imposed in virtue of this Act, shall be payable on the First Day of *March* in each succeeding Year during the Continuance of the said Twenty-one Years; and both such Assessments shall be payable to the said Trustees within their respective Districts or Parishes, or to their Collector or Collectors, or to such other Person or Persons as they shall direct and appoint to receive or to whom they may assign the same, in manner herein-after mentioned; and the said Commissioners of Supply are hereby directed and required to impose such Assessments as before mentioned, and to issue their Decree for Payment of the same accordingly, on which Decree Execution shall be competent in the same Manner as on a Decree of the Sheriff; and such additional Assessment by this Act granted shall, in the first place, be applicable as a Security for all Monies to be borrowed on the Security thereof under the Provisions of this Act; and such Assessments, or the Monies to be borrowed on the Security thereof, shall afterwards be applied by the said Trustees to accomplish the Purposes of the said first-recited Act and this Act.

Assessments to be laid out in the Parishes in which raised, except in certain Cases.

III. And be it further enacted, That the Monies produced by the said farther and additional Assessment hereby authorized to be assessed and levied on the Proprietors and Liferenters of Lands, or the Monies which may be borrowed on the Security of such further and additional Assessment, shall (except in the Cases herein-after mentioned of any of the said Roads being taken under the Management of the Commissioners for Highland Roads and Bridges, and in the Case of

continuing

continuing any of the said Roads as herein-after mentioned and authorized,) be laid out upon Roads and Bridges within the Parishes in which the Lands or Houses on account of which they are levied are respectively situated.

Trustees may borrow on the Credit of Assessments and Tolls to the Extent of Fifteen Years gross Produce.

IV. And whereas by the said first-recited Act Power is given to the said Trustees in their respective Districts or Parishes from Time to Time to borrow Money to the Extent of Fifteen Years gross Produce of the said Assessment of Two Pounds Five Shillings as therein authorized to be imposed upon the Proprietors and Liferenters of Lands for each One hundred Pounds *Scots* of valued Rent, as also to the Extent of Fifteen Years gross Produce of the Assessments therein provided in lieu of Statute Labour, according to the Amount to be ascertained in manner therein provided, and also to the Extent of Fifteen Years gross Produce of the Toll Duties therein authorized to be levied, as the same shall be fixed on an Average of the Three Years preceding, by a Certificate of the Clerk of the Trustees; and it is expedient that in lieu of the Provisions therein contained Power should be given to the said Trustees for the County, or for the Trustees in Districts or Parishes, to borrow Money, in manner herein-after mentioned; be it therefore enacted and declared, That it shall and may be lawful for the said Trustees to borrow and take up at Interest, on the Security of the said several Assessments and Toll Duties, or any of them, granted by the said recited Act and this Act, or either of them, either from the Commissioners for the Issue of Exchequer Bills in aid of Public Works, or from any other Person or Persons, at such Rate of Interest not exceeding Five Pounds *per Centum per Annum*, and upon such Terms, as may be agreed upon, any Sum or Sums of Money not exceeding Fifteen Years gross Amount of the several Assessments leviable from the said several Districts or Parishes on behalf of which such Sums shall be borrowed, and not exceeding Fifteen Years gross Amount of the Toll Duties payable to such Districts or Parishes, such gross Amounts of Assessments and Toll Duties to be respectively ascertained by Certificates in Writing of the Clerk of the Peace of the County of *Caithness*, any thing in the said first-recited Act to the contrary notwithstanding; and such Amounts when so ascertained may either be borrowed by the said Trustees for the said County in General or Special Meetings assembled, when authorized so to do by the Trustees of the several and respective Districts or Parishes on behalf of which such Sums shall be borrowed, in manner herein-after mentioned, or such Sum or Sums of Money may be borrowed by the Trustees of the respective Districts or Parishes separately in manner herein-after mentioned.

How General Trustees may borrow.

V. And be it enacted, That in order to enable the said Trustees for the said County to borrow any Sum or Sums of Money for the Purposes of the said recited Acts and this Act, it shall and may be lawful for the Trustees for any of the Districts or Parishes within the said County, at any of their respective stated periodical Meetings, to authorize and empower the Trustees of the said County at any of their General or Special Meetings to borrow and take up at Interest on the Security of the several Assessments and Toll Duties,

Duties, or any of them, leviable within such District or Parish, or appertaining thereto, any Sum or Sums of Money not exceeding Fifteen Years gross Amount of such Assessments or Toll Duties; and the Power and Authority to be granted by the Trustees for such Districts or Parishes to the Trustees for the said County shall be in the Form following, or in Terms to a similar Effect; *viz.*

'County of *Caithness.*

'WE, the Trustees for the District [*or* Parish] of , at a stated periodical Meeting assembled, hereby authorize and empower the Trustees for the said County of *Caithness* acting under an Act made in the Eleventh Year of the Reign of his Majesty King *George* the Fourth, intituled *An Act for making, repairing, widening, and keeping in repair certain Roads and Bridges in the County of* Caithness; *and for better regulating and rendering more effectual the Statute Labour in the said County, and Conversion Money in lieu thereof*, and also of an Act of the Year of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act* [*here set forth the Title of this Act*], to borrow and take up at Interest on the Security of [*here state the Assessments of Toll Duties intended to be given in security for the Loan*] of any Sum or Sums of Money not exceeding Years gross Amount of such [Assessments *or* Toll Duties, *as the Case may be*]; such gross Amount to be certified in Writing by the Clerk of the Peace for the said County, and to mortgage or assign such [Assessments *or* Toll Duties, *as the Case may be*], in security for any Sum or Sums of Money so borrowed by them. In witness whereof we have subscribed these Presents, written by at , this Day of in the Year before these Witnesses, *C. D.* and *E. F.*' Sic.

Form of Authority by District and Parish Trustees to General Trustees to borrow Money.

And every such Power and Authority, when duly executed, shall be certified by the Clerk of the Peace to be valid and effectual, and when so certified shall be valid and effectual to all Intents and Purposes; and the said Trustees for the County shall thereafter, in virtue of such Power and Authority, be entitled, to the Extent thereof, to receive the Assessments and Toll Duties therein mentioned and referred to, and to borrow any Sum or Sums of Money, and to mortgage or assign such Assessments or Toll Duties, or any of them, in security for any Sum or Sums of Money so borrowed by them.

How District or Parish Trustees may borrow.

VI. And be it enacted, That in case the said Trustees in any of their respective Districts or Parishes shall deem it more expedient to borrow any Sum or Sums of Money separately on the Assessments leviable or Toll Duties receivable, or any of them, in such District or Parish, it shall and may be lawful for a Majority of the Trustees of any District or Parish assembled at any Meeting called for the Purpose by their Clerk, on the Requisition in Writing of any Two of the Trustees of such District or Parish, to borrow such Sum or Sums of Money as they shall think fit, and to mortgage or assign the said several Assessments and Toll Duties, or any of them, in security for any Sum or Sums of Money to be borrowed by them: Provided always, that

Intimation shall be given of the Day, Hour, and Place of such Meeting, by Notices affixed to the Parish Church or Churches of such District or Parish, and also by Notices addressed to the Trustees of such District or Parish, by Post, at least Ten Days before the Day on which such Meeting is to be held; and all Bonds or other Securities so granted shall be binding on the Trustees of such District or Parish.

Form of Bonds.

VII. And be it enacted, That Bonds for the Monies to be borrowed in manner herein-before mentioned may be in the Form following, or to a similar Effect; *viz.*

'BY virtue of an Act made in the Eleventh Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for making, repairing, widening, and keeping in repair certain Roads and Bridges in the County of* Caithness; *and for better regulating and rendering more effectual the Statute Labour in the said County, and Conversion Money in lieu thereof*, and also of an Act made in the Year of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act* [*here set forth the Title of this Act*], we Trustees of the County of *Caithness* acting under Authority of the said recited Acts, [*or* we Trustees of the District or Parish of in the said County, acting under Authority of the said recited Acts, present at a Meeting held on the Day of *as the Case may be*,] in consideration of the Sum [*here state the Amount for which the Bond is granted, and the Mode in which the same is paid*], instantly lent and paid to the said Trustees for the Purposes of the said Acts by [*here state the Names and Designations of the Lender or Lenders*], do hereby bind and oblige the said Trustees for the said County, [*or* the said Trustees for the District *or* Parish of , *as the Case may be*,] out of the [*here state the Assessments or Toll Duties intended to be mortgaged or assigned*], to pay to the said his *or* their Executors, Administrators, or Assignees, [or to their Successors in Office, *as the Case may be*,] Interest for the said Sum at the Rate of *per Centum per Annum* on the [*here state the Days or Terms of Payment of Interest as agreed upon*], and to repay such Principal Sum of on the [*here state the Term or Terms of Repayment of the Principal Sum as agreed upon*], and in security of such Payments, both of Principal and Interest, do hereby assign and make over to the said the said Assessments [*or* Toll Duties, *as the Case may be.*] In witness whereof we have subscribed these Presents, written by at this Day of in the Year before these Witnesses, *C. D.* and *E. F.*'

Securities how to be signed.

VIII. And be it enacted, That the Bonds and Securities to be granted for Monies to be borrowed by the said Trustees for the County shall be signed by a Majority of the Trustees present at any Meeting for the Purpose of executing such Bonds and Securities, such Majority to

to consist of Five at least; and the Bonds and Securities to be granted for Monies to be borrowed by the Trustees for Districts or Parishes, and also the Authorities to be granted by the Trustees for Districts or Parishes to the Trustees for the said County to borrow Money, shall be signed by all the Trustees present at the Meeting at which such Bonds or Securities, or such Authorities to borrow Money, shall be granted.

Securities not to be affected by Informality.

IX. And be it further enacted and declared, That no Security to be given to the said Commissioners for the Issue of Exchequer Bills in aid of Public Works, or others, by the said Trustees, shall be affected by any Informality on the Part of the said Trustees or of the said Commissioners of Supply, or their Clerk, or any other Person.

Securities to the Commissioners for the Issue of Exchequer Bills to have the Preference.

X. And be it further enacted, That the Securities to be given to the said Commissioners for the Issue of Exchequer Bills in aid of Public Works shall be entitled to Priority over all other Assignments, Bonds, Charges, and Incumbrances whatsoever on the said Assessments and Toll Duties granted and authorized by the said first-recited Act and this Act, or either of them, until any Sum or Sums which shall be advanced by the said Commissioners, and Interest thereon, and Charges relating thereto, be fully paid and satisfied.

In case of Nonpayment, Mortgagees and Assignees may enter into Possession of Assessments and Tolls.

XI. And be it enacted, That wherever any Monies shall be borrowed in manner before mentioned, either by the Trustees of the said County, or by the Trustees in Districts or Parishes, it shall and may be lawful for the Person or Persons by whom such Monies shall have been lent, and to whom any of such Assessments or Tolls shall have been so mortgaged or assigned, in case of Failure in the due and regular Payment of the stipulated Interest of such Money so lent, or of any Sum stipulated to be paid periodically as a Sinking Fund for the gradual Repayment of the Principal Monies, to enter, if they shall see fit, into Possession of such Assessments or Toll Duties so mortgaged or assigned in security, and to appoint their own Collector or Collectors to levy and receive the same, on giving Notice to the Clerk of the Trustees for the said County, or the Clerk of such District or Parish, as the Case may be, of such their Intention, and to apply such several Assessments and Toll Duties, or the Proceeds thereof, in Payment of the stipulated Interest of the Monies so lent, and of the stipulated periodical Payments for Repayment of the Principal, and also to the Payment of all Costs and Charges incurred by such Mortgagees or Assignees in levying, collecting, and applying such Assessments or Toll Duties, or in regard to the same, until the whole of the Principal Sums so lent, together with the stipulated Interest thereof, and all Costs and Charges, shall have been fully paid and extinguished.

Surplus Funds may be applied in other Parishes.

XII. And be it further enacted, That when the Roads specially defined in the said first-recited Act shall be completed in any Parish, the Majority of the Trustees of such Parish may, with the Sanction of any of the General stated or adjourned Meetings of Trustees in the said first-

first-recited Act authorized to be held, apply any Funds remaining in their Hands or afterwards accruing from the Assessments granted and authorized by the said first-recited Act and this Act, or either of them, towards the making and repairing of such other Roads or Bridges within their respective Parishes, or towards continuing and completing in any of the other Parishes such Lines of Road specified in the said first-recited Act, as may by them be deemed expedient, and that upon such Terms as may by them be arranged and agreed upon with the Trustees of such other Parishes; and the Trustees of such other Parishes in which Money shall be so laid out towards continuing and completing such Lines of Road shall and they are hereby required to make Repayment of such Advances so soon as the Funds of such other Parishes shall enable them so to do.

General Power of placing Roads and Bridges under the Management of the Commissioners for Highland Roads and Bridges.

XIII. And be it further enacted, That in case the Commissioners for maintaining and keeping in repair the Military and Parliamentary Roads and Bridges in the Highlands of *Scotland* shall at any Time, in virtue of the Powers to them granted, deem it expedient for the Public Service to assume to themselves the Care and Superintendence of any of the Roads or Bridges under the Superintendence of the said Trustees, it shall be lawful for the said Trustees, if they shall see fit at any Time so to do, at any of their stated General Meetings, or at any Special General Meeting to be called for the Purpose, which Special General Meeting shall be called by the Clerk to the said Trustees on the Requisition in Writing of any Five of the said Trustees, and Notice of such Special General Meeting, and of the Day, Place, and Purpose thereof, shall be given by affixing such Notice, printed or written, at each Parish Church of the said County, at least Twenty-one Days before the Day on which such Special General Meeting is to be held, to surrender and give up to the said Commissioners, during the Continuance of this Act, or for such Term as may be agreed on, the Care and Superintendence of such Roads or Bridges, or any of them, upon such Terms and in such Manner as may be agreed upon between the said Commissioners and the said Trustees; in which Case it shall be lawful for the said Trustees, instead of the several Assessments and Toll Duties authorized to be levied by the said first-recited Act and continued by this Act, and the additional Assessment by this Act granted and authorized, or the Monies borrowed on the Credit of the same, being applied within the several Districts or Parishes in which the same shall be received or receivable, annually to pay over to the said Commissioners, out of the general Amount of the said Assessments and Toll Duties, or of the Monies borrowed on the Credit of the same, as the Proportion to be paid by the said County of *Caithness* of the Expence of keeping in repair the Roads so surrendered and given up, such Sums of Money as may be agreed upon between the said Commissioners and the said Trustees: Provided always, that such Sums so to be paid to the said Commissioners shall not in any One Year exceed the Amount which may be fixed and agreed upon between the said Commissioners and Trustees at the Meeting of the said Trustees at which the said Trustees shall surrender and give up to the said Commissioners the Care and Superintendence

dence of such Roads or Bridges, or any of them; and that whatever Balance there may be of such several annual Assessments and Toll Duties, after Payment of the Interest and Sinking Fund upon any Sum or Sums of Money borrowed or to be hereafter borrowed on the Credit of the same, and after Payment to such Commissioners of such Sum as shall be so agreed upon, shall in the next place be applied to the Liquidation of any Debts incurred as herein-before or by the said first-recited Act authorized, and then, after Liquidation of such Debts, to the making and Maintenance of the Remainder of the Roads hereby authorized to be made and maintained; and such Balance shall be so applied within the several Parishes according to the Proportion in which each Parish shall have contributed to such annual Assessments, and be entitled to participate in the said Toll Duties in the Manner directed by the said first-recited Act: Provided also, that the general Amount of Assessments aforesaid shall not be deemed to include the Assessments granted and authorized by the said first-recited Act, so far as the same are received or receivable from the Parish of *Latheron*: And provided also, that the placing the said Roads under the Management of the said Commissioners for Highland Roads and Bridges shall not be construed in any Manner to prejudice or affect any Security to be given to the said Commissioners for the Issue of Exchequer Bills in aid of Public Works, as aforesaid, or any of their Rights and Remedies under the same.

Power to take Lands extended for Five Years.

XIV. Provided always, and be it further enacted, That all the Powers granted to the said Trustees, and to their Surveyors and others, to enter upon, purchase, or acquire Lands and Premises through which any of the Roads by the said first-recited Act authorized to be made, amended, improved, widened, altered, or straightened, is or are intended to pass, shall be continued for and during the Space of Five Years from and after the passing of this Act, any thing in the said first-recited Act contained notwithstanding.

Expences of Act.

XV. And be it further enacted, That the Expences of preparing, applying for, and procuring this Act shall be paid out of the first and readiest of the Assessments and Duties received and levied by the said Trustees under and by virtue of the said first-recited Act and of this Act, each Parish and each District contributing thereto proportionally.

Public Act.

XVI. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of by all Judges, Justices, and others.

Commencement and Endurance of Act.

XVII. And be it further enacted, That the said first-recited Act and this Act shall continue from and after the passing of this Act during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament, in so far as regards the said Two Assessments of Two Pounds Five Shillings Sterling each upon every Hundred Pounds *Scots* of the valued Rent of the Lands and Heritages of Proprietors and Liferenters; and during the Term of Thirty-one Years, and from thence to the End of the then next Session of Par-

liament, in so far as regards the Turnpike Roads and Toll Duties; and shall, in so far as regards the Conversion of Statute Labour, be perpetual.

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