ANNO VICESIMO SEPTIMO & VICESIMO OCTAVO

VICTORIÆ REGINÆ.

****

Cap. cxxxix.

An Act to make Provision for the Maintenance and Management of public Roads in *Zetland*.

[30th *June* 1864.]

WHEREAS the public Roads, Bridges, and Ferries in the County of *Zetland* have been heretofore repaired and maintained partly by voluntary Contributions and in part by Statute Service, but such Means have been found inadequate and unsuitable, and it is expedient that more effectual Provision should be made for such Purposes, and with that View that Powers should be given for levying Assessments, and other Powers and Provisions be enacted in regard to such Roads, Bridges, and Ferries; but the said Purposes cannot be effected without the Aid and 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, 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:

1. This Act may be cited for all Purposes as "The *Zetland* Roads Act, 1864." Short Title.

Interpretation Clause.

2. In this Act the following Words and Expressions shall have the Meanings hereby assigned to them respectively, unless there be something in the Subject or Context repugnant to such Construction:

"The County" shall mean the County of *Zetland* within the Limits of this Act:

"The Trustees" shall mean the County Road Trustees appointed and acting under this Act:

"The District Committee" shall mean the Road Trustees appointed and acting in any District under this Act:

The Expressions "Proprietor," "Tenant," "Occupier," and "Lands and Heritages" shall have the same Meaning as is attached to them respectively in and by the Act Seventeenth and Eighteenth *Victoriæ*, Chapter Ninety-one, intituled *An Act for the Valuation of Lands and Heritages in* Scotland; and the Expression "the Valuation Act" shall mean the Act last mentioned; and "the Valuation Roll" shall mean the Valuation Roll in force for the Time for the County of *Zetland*, within the Limits of this Act, made up under the Authority of the said Act, or any other Act relating to the Valuation of Lands and Heritages in *Scotland* which may be in force for the Time being:

The Word "Sheriff" shall include Sheriff Substitute.

Limits of the Act.

3. This Act shall extend and apply to the various Islands comprising the County of *Zetland*, excepting the Island commonly called *Fair Isle*, which is hereby for all Purposes excluded from the Limits of this Act.

Incorporation of General Statute Labour Act.

4. The Act of the Eighth and Ninth Year of the Reign of Her present Majesty, Chapter Forty-one, 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*, shall, in so far as regards Sections Six and Seven, Eighteen to Twenty-four, Twenty-six to Thirty-three, both inclusive, Thirty-five, Thirty-six, Thirty-eight to Forty-four, both inclusive, and Section Forty-six thereof, be incorporated with this Act, but the other Sections of the said Act, and all other Acts in reference to Statute Labour in *Scotland*, shall, excepting in so far as by this Act otherwise provided, cease to be applicable to the County of *Zetland* within the Limits of this Act.

Incorporation of Commissioners Clauses Act.

5. "The Commissioners Clauses Act, 1847," shall be incorporated with and form Part of this Act, with the Exception of the Clauses thereof with respect to the Election and Rotation of the Commissioners, where the Commissioners are to be elected by the Ratepayers

or

or other like Class of Electors, and with the Exception also of the Sixteenth, Fortieth, Forty-second, Forty-third, Forty-sixth, Fifty-fourth, Eighty-ninth to Ninety-fifth inclusive, and One hundred and fourth Clauses thereof: Provided that the Notices of Meetings under Section Forty-four shall not be less than Twenty-one clear Days and under Sections Forty-five and Forty-seven not less than Fourteen clear Days.

Appointment of Trustees.

6. The following Persons shall be Trustees for executing this Act, and shall be called the "County Road Trustees;" *viz.*,

(1.) All Persons being Commissioners of Supply in the County;

(2.) The Sheriff, and all Persons qualified and acting as Justices of the Peace in the County;

(3.) Four Members of the Town Council of the Burgh of *Lerwick*; that is to say, the Two Magistrates thereof *ex officiis*, and Two other Councillors, to be elected in the Manner herein-after provided;

(4.) One Member of the Parochial Board of each of the Twelve Parishes or Ministries within the County, to be elected in the Manner herein-after provided; and it shall be lawful for any Trustee having the Qualification of a Commissioner of Supply, in Terms of the Valuation Act, in respect of Property, by a general Deed of Factory, or by a special Mandate, to authorize any Person to attend and act and vote for him at any Meeting of the Trustees.

Election of Trustees named by Town Council and Parochial Boards.

7. Within One Month after the passing of this Act the said Town Council of *Lerwick* and Parochial Boards respectively shall meet, and shall elect from among their respective Bodies the Number of Members before prescribed respectively to be Trustees under this Act, and the Trustees so elected shall continue in Office for One Year from the Date of their Election, but shall be eligible for Re-election; and the said Town Council and Parochial Boards respectively, from Time to Time, so often as may be necessary for the Purpose of supplying any Vacancy which may arise either through the Expiration of the Year from the Date of the Election of any Trustee or from his Resignation, Death, or otherwise, shall meet and elect another Person to be a Trustee in the Place of the Trustee so retiring, resigning, dying, or otherwise ceasing to act: Provided always, subject to the Provision for Re-election herein-before contained, that 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 remain in Office.

8. The

First Meeting of Trustees.

8. The Trustees shall hold their First Meeting at *Lerwick* on the Fifteenth Day of *October* One thousand eight hundred and sixty-four, and the Trustees may from Time to Time thereafter adjourn, to meet at such Times and Places within the Limits of this Act as they shall think proper; and the Trustees shall at such Meeting elect their Chairman and Convener, who shall hold Office until the First Annual Meeting of the Trustees.

Annual Meeting of the Trustees.

9. The Trustees shall hold an Annual General Meeting at *Lerwick* on the Twenty-eighth Day of *April* in each Year, or in case that Day shall fall on a *Sunday* then on the Day next ensuing, with Power to adjourn as they shall see fit; and at such Meeting the Trustees shall elect their Chairman and Convener for the Year ensuing.

Powers of Trustees, and Transference to them of Rights and Liabilities.

10. From and after the Fifteenth Day of *October* One thousand eight hundred and sixty-four the Trustees shall, except as herein-after otherwise provided, have the Control and Management of all the public Roads within the County; and all such Roads, and all Lands, Buildings, Works, Rights, Interests, Monies, Property, and Effects, Rights of Action, Claims, and Demands, Powers, Immunities, and Privileges whatsoever, except as herein-after provided, vested in and belonging to any Road Trustees for *Zetland* acting at the Time of and previously to the passing of this Act, shall become and be by virtue of this Act transferred to and vested in the Trustees, who, subject to the Qualifications herein-after expressed, shall be liable to all the Debts, Liabilities, Claims, and Demands to which such former Trustees are or were liable.

Actions by or against former Trustees to continue by or against Trustees under this Act.

11. No Action, Prosecution, or other Proceeding by or against such Road Trustees or their Officers, or other Persons under their Authority, acting previously to this Act coming into operation, shall cease, or be discontinued, or be judicially affected by this Act, but the same shall continue and take effect both in favour of and against the Trustees, in the same Manner as they would have continued and taken effect if this Act had not been passed.

Persons who have acted under former Trustees to account for Money and deliver up Books, &c. to the Trustees.

12. All Persons acting or who have acted as Road Trustees within the County previously to this Act coming into operation, or as Clerks or Officers of such Trustees, who shall at or after the same Date have in their Custody, Power, or Possession any Monies collected by Authority of, or any Books, Deeds, Papers, Writings, Properties, or Effects belonging to the said Trustees, or relating to the Execution of the Trust, shall pay and deliver up the same respectively to the Trustees, or to such Persons as they shall appoint to receive the same; and in case of Neglect or Refusal such Persons shall incur a Penalty not exceeding Twenty Pounds, and shall also be liable to such

such Actions as the Trustees may bring at Law for the Recovery of the said Money, Books, Deeds, Papers, Writings, Properties, or Effects.

Books of former Trustees to be Evidence.

13. All Books containing the Accounts and Proceedings of any Road Trustees acting within the County previously to this Act coming into operation, or other Persons who have acted as their Clerks or Officers, shall and may be given in Evidence in all Claims, Prosecutions, Appeals, and Actions whatsoever, in the same Manner as they might have been used if this Act had not been passed.

Former Officers to continue till Removal.

14. The Clerks, Collectors, or other Officers who have been appointed or employed by such Road Trustees acting previously to this Act coming into operation, shall respectively continue to hold and exercise their Offices until they shall be removed by the Trustees, or be incapable of executing their Offices, and shall be subject to the like Rules, Regulations, and Penalties in all respects as if they had been appointed under the Authority of this Act.

Districts and District Committees.

15. For the Purposes and better Execution of this Act, the Trustees shall from Time to Time make a Division of the County into such Districts as they shall think proper: Provided always, that each of the Islands called respectively *Yell*, *Unst*, and *Fetlar*, the Islands of *Whalsay* and *Skerries*, and each of the Islands of *Foula* and *Bressay* shall constitute and form a separate District; and the several Powers and Purposes of this Act within each District respectively shall be executed and carried into effect to the Extent herein-after provided by a permanent Committee, to be called the District Committee for the Division of the County within which it acts: Provided always, that no Road, Street, or Lane within the Burgh of *Lerwick*, not appointed to be maintained as a County Road under this Act, and which may not be now maintained by Statute Service, or Conversion of the same, shall be affected by this Act.

Members of District Committees.

16. The following Persons shall be Members of and constitute the several District Committees; *viz.*,

(1.) Every Person, being a Trustee under this Act, who shall be a Proprietor or Occupier of Lands and Heritages, or shall usually reside within the District;

(2.) Such Persons, not exceeding Three, as may be appointed by the Trustees out of their own Number, which they are hereby authorized to do annually, as they shall think expedient; and such Persons so appointed shall have all the Powers of Members of the District Committee excepting where otherwise provided in this Act, and shall continue in Office till next Annual General Meeting, but shall be eligible for Re-election;

And any Member of the District Committee having the Qualification of a Commissioner of Supply in respect of Property under the Valuation Act, may authorize any Person by general Deed of Factory or special Mandate to attend and act and vote for him at any Meeting of the said Committee.

Trustees to fix Quorum of District Committees and appoint Conveners.

17. The Trustees shall fix the Quorum of Members of every District Committee, and appoint annually One of the Members of such Committee to be Chairman and Convener, and shall fix the Times at which the first and other stated Meetings of the District Committees shall be held, and shall regulate the Notices to be given of all Meetings of District Committees; and the Clauses and Provisions of "The Commissioners Clauses Act, 1847," incorporated herewith, with respect to Committees, shall be held to extend and apply to the District Committees, and Sub-Committees of the same, in the same Manner as to the Trustees and their Committees.

Trustees may supersede District Committees, and appoint Overseers Districts in certain Circumstances.

18. If at any Time it shall appear to the Trustees that any District Committee shall have, for a whole Year, neglected to perform its Duties, then and in such Case the Trustees at their Annual General Meeting may, if they shall deem it necessary or expedient, by a formal Resolution to that Effect, suspend such Committee in the Exercise of its Functions for such Period as they shall see proper, and may appoint such Person or Persons as they shall think fit to take and exercise the general Superintendence and Direction of the Roads within such District, and the Persons so appointed shall have the same Powers of maintaining and keeping in repair all District Roads within such District as could have been exercised by the District Committee duly appointed and acting under this Act: Provided always, that it shall be lawful for the Trustees at any Time to recal such Suspension and Appointment, on being satisfied of the Intention of such District Committee in future duly to perform its Duties.

Roads to be maintained by Trustees.

19. The Trustees are hereby authorized and required to maintain and keep in repair the following Roads, which shall be called "County Roads:"

(1.) The Road from *Lerwick* to *Mossbank*:

(2.) The Road from *Lerwick* to *Dunrossness*, terminating at a Point opposite to the Parish Church:

(3.) The Road or Street from *Leog* to the Boundary of the Burgh of Barony of *Lerwick* at *Freefield*:

(4.) The Road or Street from the Parish Church of *Lerwick* to the aforesaid Boundary at *Freefield*, exclusive of the Pavement:

(5.) The

(5.) The Road or Street from the Building presently occupied by the Union Bank in *Lerwick* to the Boundary of the Burgh towards the South, exclusive of the Pavement:

(6.) The Road from the Main Road above *Vinsgarth* to *Vaila Sound*:

(7.) The Road from *Olnafirth* to *Hillswick*:

(8.) The Road commonly called "The *Laxo Junction* Road" extending from the Main Road at the Loch of *Olnafirth* to *Flugarth* in *Lunasting*:

(9.) The Road from the new Bridge of *Fitch* to the Place where it joins the *South Scalloway* Road:

(10.) The Road from *Hollander's Knowe* to *Scalloway*:

(11.) The Road from *Burravoe* in the Island of *Yell* to *Cullivoe* in the same Island.

Powers of District Committees.

20. The District Committee of each District shall keep in repair, maintain, and manage all public Roads within such District which shall not have been made or become County Roads under this Act, and such Roads, so long as they shall remain under the Management of any District Committee, shall be distinguished as "District Roads;" and in regard to the Roads under their Management each District Committee may exercise all the Powers, excepting as otherwise hereby provided by this Act or any Act herewith incorporated, committed to Trustees, including that for the Appointment of Clerk, Treasurer, and other Officers.

District Committees may lay out or adopt other Roads.

21. It shall be lawful for the District Committees, within their Districts respectively, to lay out, construct, and maintain and keep in repair any useful Lines of Road, and to make such Jetties, and Landing Places in connexion therewith, as they may think proper, and to adopt and to maintain, and keep in repair any Lines of Road otherwise constructed within their several Districts other than the Roads herein specified as County Roads: Provided always, that any Resolution in regard to such Matters shall be carried by a Majority of the Members of the District Committee, being Members thereof in respect of Property, and at a Meeting duly called, and the previous Consent in Writing of the Owners of the Lands, or other Property through which any Road to be laid out or constructed is intended to pass, being first obtained thereto: Provided also, that such Resolution may be carried by Appeal of any Member of the Committee to any annual, special, or adjourned Meeting of the Trustees, which shall have Power to allow or disallow such Resolution of the District Committee in whole or in part, or to alter or vary the same in such Way and to such Extent as they may deem proper, and the Decision of the Trustees on such Appeal shall be final, and

no

not subject to Review on any Ground, by any Court or in any way whatsoever.

8 & 9 Vict. c. 19. and 23 & 24 Vict. c. 106. incorporated.

22. "The Lands Clauses Consolidation (*Scotland*) Act, 1845," in so far as regards the acquiring of Lands by Agreement, including the Provisions with respect to acquiring Lands of the Nature of Commonty by Agreement, and "The Lands Clauses Consolidation Acts Amendment Act, 1860," shall be and the same are hereby incorporated with this Act.

District Committees to make Return of District Roads to Trustees, who may adopt them as County Roads.

23. A Return shall from Time to Time be made by the District Committees to the Trustees of any District Roads which may hereafter be constructed, or put into repair, or adopted by the District Committees under the Powers to that Effect conferred on them by this Act, and such Returns shall be entered in a Book to be kept for that Purpose by the Trustees; and the Trustees may from Time to Time, at any Annual General Meeting or Adjournment thereof, or at any Meeting specially called, and on an Application to that Effect in consequence of a Resolution adopted by a Majority of the Members of any District Committee, being Members thereof in respect of Property, at a Meeting of the District Committee duly called, resolve to adopt such District Roads, or any Parts thereof, as County Roads, and undertake the future Maintenance and Repair of the same, and an Entry of every such Resolution shall be made in the Book aforesaid; and it shall not be lawful for the Trustees to expend any of the Monies which they are by this Act authorized to levy on any Road, a Return whereof shall not have been made and entered, and such Road shall not have been adopted as aforesaid.

Power to Trustees to straighten Roads.

24. The Trustees or the District Committees, as the Case may be, may alter, straighten, or divert the Course of any Part of the Roads under their Management respectively which may be found crooked or inconvenient, in such Manner as they shall think proper, for the Purpose of rendering such Roads more commodious and useful for the Public: Provided always, that the previous Consent in Writing of the Owners of the Lands or other Property through which each such Alteration or Diversion is intended to pass shall be first obtained by the Trustees or District Committees, excepting where such Alterations or Diversions shall occur in or pass through undivided Common or Waste Lands.

Power to widen existing Roads.

25. And whereas an Act was passed in the Eleventh Year of the Reign of His Majesty King *George* the Third, Chapter Fifty-three, intituled *An Act for widening the Highways in that Part of* Great Britain *called* Scotland, whereby certain Powers were granted to the Justices of Peace and Commissioners of Supply for the respective Shires

Shires and Stewartries, and the Commissioners and Trustees of Turnpike Roads established by Special Acts of Parliament within that Part of *Great Britain* called *Scotland*, to make, repair, clear, widen, and extend, and to keep in good Repair after being so cleared, widened, and extended, the several Highways and Roads under their Management and Direction respectively, so as the same shall be in all Places full Twenty Feet and not exceeding Thirty Feet in Width of clear passable Road, exclusive of the Bank and Ditch on each Side of such Highway or Road respectively, Satisfaction being always made in manner directed by the said Act to the Owners and Lessees of Land for so much Ground as shall be taken to widen and enlarge the said Highways and Roads beyond and over and above Twenty Feet in Width, and for the Loss or Damage the Owner or Owners of the Lands may sustain by removing Fences, where such are to be removed; and it is expedient that the Powers, Authorities, and Privileges vested by the said Act in the Persons by whom the same is directed to be carried into effect should be vested in and exercised by the Trustees and District Committees hereby appointed: Be it enacted, That from and after this Act coming into operation the whole Powers, Authorities, and Privileges with respect to making, clearing, widening, and extending Highways and Roads granted by the said Act to and vested in Justices of the Peace and Commissioners of Supply shall be vested in and enjoyed and exercised by the Trustees and District Committees respectively acting in pursuance of this Act, in like Manner and as fully in all respects as if they had been named in the said Act in lieu of the said Justices of the Peace and Commissioners of Supply, but subject always to the Provisions and Conditions of the said Act, in so far as the same are not hereby expressly modified or altered: Provided always, that the Trustees and District Committees shall not be bound either to hold Two Annual Meetings, as provided by the said Act, or to levy the additional Assessment thereby directed to be levied for the Payment of the Sum or Sums of Money adjudged as therein provided to the Owners of Lands to be taken and of Fences to be removed or altered for the widening and enlarging the Highways or Roads, but shall pay such Sum or Sums out of the Assessments hereby authorized to be levied.

Provision as to new Inclosures.

26. Where Lands adjacent to any of the County or District Roads or any Part or Parts thereof are not inclosed the Proprietor or Occupier of such Lands shall not make any Inclosure within Fifteen Feet of the Centre of the Roads.

Trustees may stop up Roads, &c.

27. The better to carry the Purposes of this Act into effect, it shall be lawful for the Trustees, in so far as regards the Roads under their Charge, and for the District Committees within their several Districts, to cross, alter, divert, or stop up, either temporarily or permanently,

manently, any Roads, Streams, Waters, Drains, Pipes, Bridges, or other Works within the Limits of this Act, and in particular to stop up or alter the Course of any existing Road, and to pull down any old Bridge which may be superseded by any new Road or Bridge: Provided always, that Notice of the Resolution or Order to shut up or alter the Course of any such Road, or pull down any such Bridge, shall be given in Writing to the Owners of the Lands within which the said Road or Bridge respectively is situate, and shall also be given by Advertisement in some local Newspaper, if any, and by printed Placards or Handbills posted in public and conspicuous Places within the Parishes within which such Road or Bridge shall pass or be situate, for One Month at least before the said Road shall actually be shut up, or the Course thereof altered, or the said Bridge pulled down; and any Person who shall think himself aggrieved by such Resolution or Order may, before the Expiry of the said Period, give Notice to the Trustees or to the District Committee, as the Case may be, of his Intention to appeal, and the Trustees or District Committee shall thereupon suspend the carrying of such Resolution or Order into effect for Ten Days from the Expiry of the said Four Weeks, and such Person may, before the Expiry of such Ten Days, appeal to the Sheriff, who is hereby empowered to suspend the Execution of such Resolution or Order, and to hear and determine the Subject Matter of such Appeal, and to pronounce such Interim or Final Order in Reference thereto, and to the Occupation of the said Road or Bridge, as he shall see proper; and the Determination of the Sheriff in the said Matter shall be final and conclusive, and shall not be subject to Review: Provided also, that in altering the Course of any Road, the Consent of every Heritor through whose Ground the new Line may pass, shall be previously obtained, and the Trustees or District Committees, as the Case may be, shall have Power to apply or sell the Materials of any Bridge ordered by them to be pulled down, as they shall see proper, for the Purposes of this Act.

County Assessments to be imposed by the Trustees.

28. For the Purpose of defraying the general Expenses of the Trust, and for the Maintenance and Repair of the County Roads mentioned in this Act, and of such other Roads as shall from Time to Time become County Roads as herein provided, it shall be lawful for the Trustees to impose and levy the following Assessments, to be called the "County Road Assessments," upon all Lands and Heritages within the County, as defined in this Act; viz.:

(1.) In the Islands of *Mainland* and *Yell* an Assessment not exceeding Sixpence in the Pound:

(2.) In the Islands of *Unst*, *Fetlar*, *Whalsay*, and the *Skerries*, *Bressay*, and *Foula*, with the smaller Islands belonging to each of them respectively, an Assessment amounting to One Fourth of the Assessment at any Time levied in *Mainland*

and

and *Yell*, and not exceeding One Penny Halfpenny in the Pound:

(3.) In all other Islands within the County an Assessment amounting to One Half of the Assessment at any Time levied in *Mainland* and *Yell*, and not exceeding Threepence in the Pound:

(4.) A supplementary or additional Assessment not exceeding Sixpence in the Pound in *Mainland* only, if found necessary and at any Time resolved upon by a Majority of the Trustees being such in respect of Property, at any Annual General Meeting or Adjournment thereof, or at any Meeting specially called:

And the said Assessments shall be levied on and paid by the Proprietors of the Lands and Heritages so assessed, and such Proprietors shall be entitled to recover One Half thereof from the actual Tenants or Occupiers of such Lands and Heritages: Provided always, that if any Roads shall be adopted and maintained by the Trustees under the Powers of this Act, situated in any of the Islands other than the aforesaid *Mainland*, the Assessment or Assessments to be thereafter levied by the Trustees in the Island where such Roads are situated shall be at the same Rate as that levied in *Mainland*: Provided also, that none of the said Assessments shall be assessed and levied in respect of any Buildings occupied exclusively for the Purposes of Public Worship, or Public Charity, or of any Poor Houses, or Barracks for Soldiers, or of any Buildings used as Government Offices, or of the Courts of Justice and Offices connected therewith, so far as such Offices are occupied exclusively for public Purposes or Police Buildings, County Buildings, Town Halls, or Prisons; and all Buildings not being Farm Houses, or Buildings valued together with the Lands, shall be rated at One Half the Value of other Heritages.

District Assessment to be imposed by District Committees.

29. For the Purposes of maintaining Roads other than the County Roads, and constructing or putting into thorough Repair in the first instance any new Roads within their respective Districts, it shall be lawful for the District Committees to impose on all Lands and Heritages within their respective Districts, under the Exemptions before mentioned, an Assessment which shall be called the "District Road Assessment," and shall not exceed the Rate of Sixpence in the Pound, and shall be levied on and paid by the Proprietors of the said Lands and Heritages, who shall be entitled to recover One Half thereof from the actual Tenants or Occupiers of such Lands and Heritages.

District Committees to intimate their Assessments to the

30. In order to the better levying of Assessments imposed by the several District Committees, they shall, in case of their resolving to make a District Assessment, intimate the same and the Amount of

Trustees for Collection.

of such Assessment to the Trustees by a Writing under the Hand of their Clerk or other Officer and Two of the Members of the District Committee, and the Trustees shall direct such Assessments to be levied on the several Districts, along with the Assessment imposed by the Trustees, and cause the Amount of District Assessments levied in each District to be paid over to the Clerks or other Officers of the District Committees, under Deduction of a reasonable Proportion of the Expense of Collection.

Mode of imposing Assessments.

31. All Assessments by the Trustees and District Committees under the Authority of this Act, shall be deemed and taken to be for the Year, from the Eleventh Day of *November* preceding the Date of imposing the same, and shall, subject to the Provisions of this Act, be imposed according to the Valuation of the Lands and Heritages in the Valuation Roll in force at the Time of making such Assessments, and the Trustees shall fix a Day, not being more than Three Months from the Date of imposing such Assessments, on which the same shall be payable, and another Day, not being less than Fourteen Days preceding the Day on which such Assessment is payable, on or before which Appeals by any Persons complaining that they have been improperly assessed may be lodged with the Clerk to the Trustees, and another Day on which such Appeals may be heard,

Clerk to make up the Assessment Roll.

32. As soon as practicable after the Imposition of any Assessment under this Act, but not later than Two Months thereafter, the Clerk of the Trustees, or such other Person as may be appointed for the Purpose shall make up an Assessment Roll, according to the Valuation Roll in force at the Time of making such Assessment, in which shall be set forth the gross Amount of the Assessment imposed by the Trustees and District Committees respectively, the Names of the Persons liable to such Assessments, and the Sums payable by them respectively; and such Assessment Roll shall be signed by the Clerk or other Person making up the same, and by Two of the Trustees, and shall thereafter remain in the Office of the Clerk, Treasurer, or Collector, open to the Inspection of all Persons interested, at all reasonable Times, without Fee or Reward, and any Omissions in such Roll may be supplied by means of a Supplemental Roll.

Clerk of Supply to furnish a Copy of the Valuation Roll.

33. To enable the Trustees to make up the Assessment Rolls for the Purposes of this Act, the Clerk of Supply for *Zetland* shall upon Payment of such reasonable Fee as may be fixed by the Sheriff, and within One Month of being required in Writing to do so by the Clerk to the Trustees, deliver to him a Copy of the Valuation Roll, certified under his Hands as a Copy of the Valuation Roll in force for the Time within the County.

34. When

Special Notice of the Assessment Roll to be given, and of the Time for Appeals.

34. When any Assessment Roll has been made up, the Clerk shall forthwith give Notice by Advertisement in a local Newspaper, if there be any published in the County, and also by printed Placards or Handbills posted in public and conspicuous Places, that the said Roll has been made up and is open to Inspection as aforesaid, and that any Person thinking himself aggrieved by the said Assessments may lodge his Appeal within such Time as has been appointed by the Trustees, and the Time appointed by the Trustees for receiving and hearing Appeals shall be specified in the said Notice.

Mode of making Appeal.

35. Any Person assessed under the Authority of this Act, and thinking himself aggrieved thereby, may appeal to the Trustees by a Notice of Appeal under his Hand or the Hand of his Agent, setting forth the Grounds of Complaint, and the Extent of Redress claimed and delivered to the Clerk within the Time limited for making such Appeal.

Mode of disposing of Appeals.

Review by Sheriff.

36. All such Appeals shall be brought before the Trustees on the Day appointed for that Purpose, and the Trustees shall have Power from Day to Day to adjourn their Proceedings in hearing Appeals, without any further Notice, to other Days, until all the Appeals shall be disposed of; and any Person thinking himself aggrieved by the Decision of the Trustees, may within Ten Days after the Date of the same appeal to the Sheriff, who may hear and dispose of any such Appeal to him in a summary Way, and the Decision of the Sheriff in any such Appeal shall be final and conclusive, and shall not be subject to Review or Reduction in any Court or in any way whatever.

Mode of recovering Assessments.

37. 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 either of them, and other Public Taxes, shall be held to be applicable to the respective Assessments authorized by this Act, and the 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 always, that it shall nevertheless be competent to prosecute for and recover such Assessments by Action in the Sheriff Small Debt Court.

Assessments may be levied by Collector to Commissioners of Supply.

38. The Assessments under this Act may, on Intimation thereof by the Trustees to the Convener of the Commissioners of Supply, on or before the Twenty-ninth Day of *April* after the same are made, be levied and collected by the Collector of such Commissioners, along

along with and in the same Way and Manner as the Assessments, by "The Prisons (*Scotland*) Administration Act, 1860," authorized, are levied and collected.

Collector to keep separate Accounts, and pay over Assessment when collected.

39. The said Collector of the Commissioners of Supply shall keep separate and distinct Accounts of all Assessments levied by him under this Act, whether for the County or for any of the Districts thereof, and shall pay over the same when collected to any Person duly appointed to receive the same on behalf of the Trustees, or any District Committee, as the Case may be: Provided always, that the Commissioners of Supply may retain such Proportion of such Assessments for Payment to the said Collector, for the Duty hereby imposed on him, as shall be agreed on, or as shall be just and equitable.

Power to Trustees to borrow.

40. It shall be lawful for the Trustees from Time to Time to borrow and take up at Interest such Sums of Money as they may find necessary, and to assign in Security for the Payment of the Sums so borrowed, and Interest thereon, the County Road Assessments hereby authorized to be imposed and levied by them: Provided always, that the whole Amount so borrowed and resting owing shall not at any Time exceed the Amount of Five Years Proceeds of the said Assessments if the same were levied at the maximum Rate, but not including in such Calculation the supplementary or additional Assessment.

Power to District Committees to borrow Money.

41. It shall be lawful for each District Committee to borrow and take up at Interest such Sums of Money as they may find necessary for the Objects for which they are authorized to impose and levy an Assessment on their District, and to assign for Security of the Payment of the same and Interest thereon the District Assessment so authorized: Provided always, that the whole Amount so borrowed and resting owing shall not at any Time exceed the Amount of Ten Years Proceeds of the said District Assessment if the same were levied at its maximum Rate; provided also, that the several District Committees shall duly report to the Trustees all Sums borrowed by them, in order that the same may be registered as after provided.

Mode of borrowing Money.

42. The Trustees and District Committees may raise the Money authorized to be borrowed under the Authority of this Act by them respectively in such Amounts, and either by way of Mortgage, Bond, Debenture, or terminable Annuity, as they may think fit.

Execution of Bonds and other Securities.

43. All Bonds, Mortgages, Debentures, or other Security for Money borrowed under the Authority of this Act, and all Dispositions and Conveyances of Property by the Trustees and District Committees

Committees shall be signed by Two of the Trustees and the Clerk to the Trustees, or by Two of the District Committee and the Clerk to the District Committee respectively, and the Clerk to the Trustees shall keep a Register of all Bonds, Mortgages, Debentures, or other Securities granted under this Act, and of the Transfers thereof.

Power to borrow on Cash Credit Account.

44. It shall be lawful for the Trustees and the District Committees, or any of them respectively, instead of borrowing on Mortgage or other Security, as herein-before provided, but without Prejudice to their Right so to do, 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 said Trustees or District Committees, or any of them, as the Case may be, any Sum or Sums of Money not exceeding in the whole, together with any Sum or Sums which the said Trustees, or District Committees, or any of them respectively may have raised upon Mortgage or other Security, the Sums which the said Trustees and the said District Committees respectively are authorized to borrow as aforesaid, and to make and grant Mortgages and Assignations of the said Assessments in Security and for Repayment of the Sums advanced from Time to Time upon such Cash Credit Account, and the Interest thereof.

Provision as to Sinking Fund.

45. In order to discharge the Principal Monies that may from Time to Time be borrowed as aforesaid, in accordance with the Provisions of "The Commissioners Clauses Act, 1847," herewith incorporated, the Trustees or District Committees respectively, by whom the same may be borrowed, shall yearly appropriate out of the Assessments the Sums necessary for the Redemption of the Principal of the said Debts, and to that Effect shall severally be bound to levy, if necessary, the whole Assessments authorized by this Act.

Saving Rights of the Crown.

46. Nothing contained in this Act shall authorize the Trustees or any District Committee to take, use, or in any Manner interfere with any Land, Soil, Tenements, or Hereditaments, or any Rights in respect thereof, belonging to the Queen's most Excellent Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, on behalf of Her Majesty, first had and obtained for that Purpose (which Consent such Commissioners are hereby respectively authorized to give), or to take away, prejudice, diminish, or alter any of the Estates, Rights, Privileges, Powers, or Authorities vested in or enjoyed or exerciseable by the Queen's Majesty, Her Heirs or Successors.

47. Nothing

Act, &c. not exempt from Provisions of General Acts.

47. Nothing herein contained shall be deemed or construed to exempt this Act or the Roads by this Act authorized to be repaired and maintained, made, widened, or altered from the Provisions of any General Act relating to Roads, or the Valuation of Lands and Heritages in *Scotland*, which may pass during the present or any future Session of Parliament.

Expenses of Act.

48. The Expense of applying for and obtaining this Act, and incidental thereto, shall be paid out of the County Road Assessments authorized by this Act.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1864.