ANNO QUINQUAGESIMO

GEORGII III. REGIS.

CAP. XLIII.

An Act for maintaining and keeping in Repair, Roads made and Bridges built in *Scotland*, under the Authority of the Parliamentary Commiſſioners for Highland Roads and Bridges. [2d *June* 1810.]

WHEREAS an Act was paſſed in the Forty-third Year of the Reign of His preſent Majeſty, intituled, *An Act for granting to His Majeſty the Sum of Twenty thouſand Pounds, to be iſſued and applied towards making Roads and building Bridges in the Highlands of* Scotland; *and for enabling the Proprietors of Land in* Scotland *to charge their Eſtates with a Proportion of the Expence of making and keeping in Repair Roads and Bridges in the Highlands of* Scotland: And whereas various Grants of Money have been ſince made and iſſued to the Commiſſioners therein named, for the Purpoſes therein mentioned: And whereas many Roads and Bridges have been made and built purſuant to the ſaid recited Act, and others are in the Courſe of being made and built; and it is further neceſſary to provide effectual and adequate Means for maintaining and keeping the ſame in perpetual Repair; May it therefore pleaſe Your Majeſty that it may be it enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That it ſhall and may be lawful for the Commiſſioners of Supply in any County within which any Road or Bridge has already been made or built purſuant to the ſaid recited Act, to ſettle and determine either at the next Annual Meeting after the paſſing of this Act, at which they ſhall aſſemble to aſſeſs the Land Tax, or at ſuch Annual Meeting in the Year One thouſand eight hundred and twelve, what Part or Diſtrict, Parts or Diſtricts of the County ſhall bear or defray the Expence of maintaining and keeping each ſuch Road or Bridge in Repair, and where any Road or Bridge ſhall be made or built purſuant to the ſaid recited Act, in any County after the paſſing of this Act, it ſhall and may be lawful for the Commiſſioners of Supply of ſuch County at ſome Annual Meeting at which they ſhall aſſemble to aſſeſs the Land Tax, which ſhall be held

43 G. 3. c. 80.

Where Roads, &c. have been made, Commiſſioners of Supply to determine what Diſtrict ſhall bear the Expence of Repairs.

held within Two Years after such Road or Bridge shall be completed, to settle and determine what Part or District, Parts or Districts of the County shall bear, and defray the Expence of maintaining and keeping such Road or Bridge in Repair: Provided, that after any such Determination shall have been once made, the same shall not be altered: And provided also, that if the said Commissioners of Supply shall not so settle and determine the Part or District, Parts or Districts of the County by which such Road or Bridge is to be maintained and kept in Repair, the same shall be maintained and kept in Repair at the Expence of the County at large.

Persons aggrieved may appeal to the Court of Session.

II. Provided further, and be it enacted, That if any Person or Persons shall think himself, herself, or themselves, aggrieved by any such Determination of the said Commissioners of Supply, it shall and may be lawful for any such Person or Persons within Three Months after any such Determination, to appeal against the same to either Division of the Court of Session, and the Decision of such Division thereupon shall be final and conclusive without being subject to any further Review whatever: Provided nevertheless, that it shall and may be lawful for any such Person or Persons if they think proper, to appeal in the first Instance to the Sheriff of the County, whose Sentence may be brought under the Review of either Division of the Court of Session, and the Decision of such Division thereupon shall be final and conclusive as aforesaid.

State of the Roads, &c. and an Estimate of the Expence of keeping them in Repair, to be laid before the Commissioners annually;

III. And be it enacted, That the Commissioners of Supply of every County in which any Road or Bridge shall have been or shall be made or built pursuant to the said recited Act, shall and they are hereby empowered and required to order and direct every such Road or Bridge to be placed under the Superintendance hereinafter prescribed; and a Report of the State thereof with an Estimate of the Expence required for maintaining and keeping the same in Repair for the succeeding Year, to be laid before them at each annual Meeting at which they assemble to assess the Land Tax.

who shall make an Assessment on the Land Owners for the same, not exceeding 1s. in the Pound Scots of valued Rent.

IV. And be it enacted, That at such annual Meeting such Commissioners of Supply shall make an Assessment upon each and every Proprietor, Life-renter or proper Wadsetter of Land enjoying the *dominium utile* thereof in any such County, or Part or District or Parts or Districts of such County, as the Case may be, rateably and proportionably, according to the Amount of their respective valued Rents, for such Sum and Sums of Money as from such Reports and Estimates shall appear to be necessary for maintaining and keeping every such Road and Bridge in Repair: Provided always, that such Assessment shall not in any one Year exceed the Sum of One Shilling Sterling in the Pound *Scots* of valued Rent.

Collector of the Land Tax to levy the Assessment.

V. And be it enacted, That every such Assessment shall be levied and recovered by the Collector of the Land Tax of the County within which it shall have been made, in the same Manner as the Land Tax is or may be levied and recovered, and at such Time or Times as such Commissioners of Supply shall direct; and such and the like Remedies, Powers, Penalties, and Forfeitures are hereby given for the Payment and Recovery of every such Assessment which are given or may be applied and enforced for the Payment and Recovery of the Land Tax: Provided always, that every such Collector shall find Security for his faithful and true accounting for and paying all Monies to be recovered by him pursuant to this Act, in the same Manner that such Collector does for his faithful and true accounting and paying all Sums of Money received by him as Collector of the Land Tax.

Assessment when levied to be paid into a Bank

VI. And be it enacted, That every such Collector shall from Time to Time pay all Sums of Money received by him pursuant to this Act into the Hands of such Bank or Banking Company as the said Commissioners

ſioners of Supply ſhall as they are hereby required to direct, upon an Account to be opened for the Purpoſes of this Aſſeſſment, at ſuch Rate of Intereſt as ſhall be allowed by ſuch Banking Company, which Intereſt ſo allowed ſhall be applied with the ſaid Aſſeſſment for the Purpoſes of this Act; and if any ſuch Collector of the Land Tax ſhall at any Time keep in his Hands for the Space of more than Fourteen Days a larger Sum than Twenty Pounds Sterling of Money received by him purſuant to this Act, or ſhall fail to render an Account thereof when required, ſuch Collector ſhall for every ſuch Offence forfeit the Sum of Thirty Pounds Sterling, beſides the Intereſt which might have been received from the ſaid Banking Company had the ſaid Money been duly depoſited in Terms of this Act, to be recovered with Expences of Proceſs, by way of ſummary Complaint at the Inſtance of any Heritor in any ſuch County before any Two or more of His Majeſty's Juſtices of the Peace of the ſaid County; One Half of which Sum ſhall go to the Uſe of His Majeſty, His Heirs and Succeſſors, and the other Half to the Perſon or Perſons ſuing for the ſame.

Penalty on Collector for keeping Money in hand, &c.

VII. Provided always, and be it enacted, That every ſuch Collector may retain for his own Uſe out of all Monies to be ſo received as aforeſaid, ſuch Allowance as ſuch Commiſſioners of Supply ſhall think a reaſonable Remuneration for his Trouble not exceeding the Rate of Allowance made to him for levying the Land Tax, and for which Allowance Proviſion ſhall be made in the Amount of each Aſſeſſment directed to be made purſuant to this Act.

Collector may retain the Allowance for his Trouble.

VIII. And be it enacted, That it ſhall and may be lawful for ſuch Commiſſioners of Supply to appoint a Committee conſiſting of any Three or more of their Number, to ſuperintend the maintaining and keeping in Repair any ſuch Road or Bridge or Roads or Bridges, and which Committee of Superintendance ſhall be empowered by ſuch Commiſſioners to draw upon the Banking Company with whom the Money ariſing from any ſuch Aſſeſſment ſhall have been lodged as aforeſaid, for the Money requiſite for maintaining and repairing the Road or Bridge or the Roads or Bridges, the Superintendance of which ſhall have been committed to their Charge, to ſuch Extent in ſuch Manner, and ſubject to ſuch Conditions, Rules, and Regulations, as ſuch Commiſſioners of Supply ſhall from Time to Time think proper to preſcribe.

Committee of Superintendance to be appointed.

IX. And be it enacted, That every ſuch Committee of Superintendance ſhall lay a Report of their Proceedings each Year before the annual Meeting of ſuch Commiſſioners aſſembled to aſſeſs the Land Tax.

Committee to report once a Year.

X. And be it enacted, That it ſhall and may be lawful for ſuch Commiſſioners of Supply to order any ſuch Road or Bridge to be ſurveyed as often as it ſhall appear neceſſary, by any Perſon or Perſons appointed for that Purpoſe, and to order a Report of the State thereof, with or without an Eſtimate of the Expence required for maintaining and keeping the ſame in Repair, to be laid before them at the ſaid Annual Meeting, and if neceſſary, to make a further Aſſeſſment, and to give ſuch Orders and Directions thereupon as the Circumſtances of the Caſe may require.

Roads and Bridges may be ſurveyed as often as neceſſary.

XI. And be it enacted, That it ſhall and may be lawful for ſuch Commiſſioners of Supply at the annual Meeting aforeſaid to appoint a fit Perſon or Perſons to be Surveyor or Surveyors, Clerk or Clerks, and ſuch Officers as they ſhall think neceſſary for the due Execution of this Act, with ſuch Salaries or Allowances as ſuch Commiſſioners of Supply ſhall think fit, for which Proviſion ſhall be made in the Amount of each 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 caſes of Removal, Reſignation, or Death.

Appointment of Officers.

Remedy when Commiſſioners of Supply ſhall neglect Repairs.

XII. And be it enacted, That if any ſuch Road or Bridge ſhall not be maintained and kept in proper Repair, it ſhall be lawful for any Heritor poſſeſſing the *dominium utile* of Lands to the Amount of Two hundred Pounds *Scots* of valued Rent in any ſuch County, or any Five or more Heritors in any adjoining County, poſſeſſing each the *dominium utile* of Lands to the Amount of Two hundred Pounds *Scots* of valued Rent, to apply by ſummary Petition and Complaint, ſtating the Circumſtances, to the Sheriff Depute or Subſtitute of any ſuch County, or to the Court of Seſſion, which Petition and Complaint ſhall be ſerved upon the Clerk of Supply and the Convener of ſuch County, in the Manner in which ſummary Complaints are ordered to be ſerved by Sheriffs in *Scotland*, or by the Court of Seſſion if the Complaint ſhall be preſented to that Court; and ſuch Sheriff or Court ſhall thereafter, on adviſing the ſaid Complaint, with or without Anſwers, proceed to aſcertain the State of ſuch Road or Bridge, and the Amount of the Sum required to repair the ſame, and ſhall be and the ſaid Sheriff or Court of Seſſion are hereby authorized and empowered to decern againſt the Commiſſioners of the ſaid County, in Proportion to their valued Rents, for the Sum which ſhall be judged neceſſary for repairing the ſaid Road or Bridge, with Expences of Proceſs.

Aſſeſſment to be made for the Sum neceſſary.

XIII. And be it enacted, That an Aſſeſſment in the Manner directed by this Act ſhall thereupon be made by the Commiſſioners of Supply upon the County or the Part or Diſtrict, Parts or Diſtricts thereof, liable to maintain ſuch Road or Bridge in Repair, as the Caſe may be, for the Amount of the Sums ſo decerned for, either at their ſaid next annual Meeting, or at a Meeting to be called for this ſpecial Purpoſe, upon Advertiſement publiſhed in at leaſt One Newſpaper printed or circulated in the County at leaſt Fourteen Days before ſuch ſpecial Meeting, and every ſuch Aſſeſſment ſhall be levied and recovered by the Collector of the Land Tax, and when levied and recovered ſhall be depoſited with a Banking Company in the Manner in which the aforeſaid Aſſeſſment directed by this Act is ordered to be levied and recovered and depoſited; and all the Remedies, Powers, Penalties, and Forfeitures hereby given and granted for levying, recovering, and depoſiting, the aforeſaid Aſſeſſment directed by this Act, are hereby given and granted, and directed to be enforced for the levying, recovering, and depoſiting ſuch Aſſeſſment for ſuch Sums ſo decerned for.

Bridges ſituated in Two Counties to be maintained at their joint Expence.

XIV. And be it enacted, That where any Bridge which ſhall have been or may be built purſuant to the ſaid recited Act, ſhall be ſituated partly in one County and partly in another, every ſuch Bridge ſhall be placed under the Superintendance directed by this Act of the Committee of each County wherein the ſame is ſituated, and the ſame ſhall be maintained and kept in Repair in the Manner directed by this Act, at the joint Expence of ſuch Counties.

Tolls levied for Repair of Roads or Bridges to continue to be applied for that Purpoſe.

XV. Provided always, and be it enacted, That where, by any Act or Acts already made or hereafter to be made, any Toll Duties ſhall be applicable, or where any Converſions for Statute Labour ſhall be allocated or appropriated to the Repair of any Road or Bridge made or built purſuant to the ſaid recited Act, all Monies ariſing from ſuch Tolls and Duties or ſuch Converſions ſhall and may be applied in the Manner in which ſuch Monies are directed to be applied by any ſuch Act or Acts reſpectively; and in making any Aſſeſſment purſuant to this Act, regard ſhall be had to all ſuch Monies which are or may be applicable to the Repair of any Road or Bridge for which any ſuch Aſſeſſment is to be made.

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