ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

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C A P. LXVI.

An Act for rebuilding the Bridge over the River *Ness* at the Town of *Inverness*, and improving the Approaches thereto; and for amending the Acts relating to Highland Roads and Bridges.

[7th *August* 1851.]

WHEREAS an Act was passed in the Forty-third Year of King *George* the Third, Chapter Eighty, whereby the Sum 43 G. 3. c. 80. 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 another Act was passed in the Fifty-ninth Year of His said Majesty, 59 G. 3. c. 135. Chapter One hundred and thirty-five, which Act, upon a Recital that certain Roads and Bridges were made in the Highlands of *Scotland*, and that various Grants of Money had been made for that Purpose, provides for the Appropriation of the Monies granted in manner therein mentioned, and also provides 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 another Act was passed in the Fourth Year of King *George* the Fourth, Chapter Fifty-six, 4 G. 4. c. 56. whereby Provision was made for eventually increasing the Assessments

ments leviable under the said 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 whereas another Act was passed in the Fifth Year of His said Majesty King *George* the Fourth, Chapter Thirty-eight, whereby specific Allotments out of the said annual Grant 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; namely, the Sum of One thousand and sixty-six Pounds to the County of *Inverness*, the Sum of Four hundred and thirty-eight Pounds to the County of *Ross*, the Sum of Two hundred and twenty-two Pounds to the County of *Sutherland*, and the Sum of One hundred and fifteen Pounds to the County of *Caithness*: And whereas the said recited Acts were amended by an Act passed in the Third and Fourth Years of King *William* the Fourth, Chapter Thirty-three, and by another Act passed in the Eleventh and Twelfth Years of Her present Majesty, Chapter Forty: And whereas a very large Extent of Roads has been made, and a great Number of Bridges have been erected, under the said recited Acts, and great Benefit has been derived to the Northern Part of the Empire and to the Country at large from the improved Intercourse thereby effected: And whereas the Stone Bridge over the River *Ness* at the Royal Burgh of *Inverness* was by a Flood in the said River in the Month of *January* One thousand eight hundred and forty-nine swept away, whereby the Communication with the Northern Counties of *Scotland* has been greatly impeded, and it is essential for the restoring and maintaining of such Communication that the Bridge should be rebuilt; but there are no adequate available Means of defraying the Expenses of rebuilding the same, and it is therefore expedient that Public Assistance should be afforded for this Purpose to the Extent and on the Conditions herein-after set forth: 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,

5 G. 4. c. 38.

3 & 4 W. 4. c. 33.

11 & 12 Vict. c. 40.

Recited Acts, except as hereby altered, to continue in force.

I. That the said recited Acts, excepting in so far as the same are hereby altered, shall continue in full Force, and shall be as effectual towards the carrying this Act and the Purposes and Provisions thereof into execution, as if the new Bridge and Approaches thereto by this Act authorized to be made and maintained were Roads and Bridges in the Care and Management of the Commissioners of Highland Roads and Bridges under and in virtue of the said recited Acts or any of them.

Sum of 7,700*l.* to be applied

II. And whereas, by a Resolution of the House of Commons of the Nineteenth Day of *July* One thousand eight hundred and fifty-one, the

the Sum of Seven thousand seven hundred Pounds was granted to Her Majesty towards the Erection of a new Bridge at *Inverness*: Be it enacted, That the said Sum of Seven thousand seven hundred Pounds shall be applied by the said Commissioners of Highland Roads and Bridges towards the Expense of erecting and constructing the new Bridge by this Act authorized to be made and maintained, in such Manner as shall be approved of by the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, and to no other Purpose whatsoever.

towards the Expense of the new Bridge.

III. That it shall be lawful for the said last-mentioned Commissioners to advance by way of Loan to the said Commissioners of Highland Roads and Bridges, for the Purposes of this Act, any further Sum not exceeding Ten thousand seven hundred Pounds, out of the growing Produce of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, to be repaid, with Interest, in manner herein-after provided.

Treasury authorized to advance 10,700*l.* by way of Loan.

IV. That to make Provision for Payment of the annual Interest and for Repayment of the Capital of the said Sum of Ten thousand seven hundred Pounds to be advanced in Loan as aforesaid there shall, upon the Advance by the said Commissioners of the Treasury of all or any Part of the said Loan of Ten thousand seven hundred Pounds, be appropriated to the Repayment of the Sum advanced, and Interest thereof, such Part of the Sums allotted as herein-before mentioned to the said Counties of *Inverness*, *Ross*, *Sutherland*, and *Caithness*, out of the said annual Grant of Five thousand Pounds, as will produce an annual Payment at the Rate of Six Pounds Ten Shillings for every One hundred Pounds of the Sum so advanced, and so in proportion for any lesser Amount, and such annual Payment shall be made for the Term of Twenty-two Years, to be computed from the Sixth Day of *April* or Tenth Day of *October* which shall first happen after such Advance, and such annual Payment shall be made by equal Half-yearly Payments on the Sixth Day of *April* and Tenth Day of *October* in every Year, the First of such Payments to be made on the Second of such Days which shall happen after the making of such Advance; and such annual Payment of Six Pounds Ten Shillings *per Cent.* upon the Sum or Sums to be advanced in Loan as aforesaid shall be chargeable rateably and proportionally upon the Sums allotted as aforesaid to the Counties of *Inverness*, *Ross*, *Sutherland*, and *Caithness* respectively, and shall either be deducted from the Sums so allotted before the Issue thereof to the said Commissioners of Highland Roads and Bridges, or, as the said Commissioners of the Treasury may direct, shall, if issued, be repaid by the said Commissioners of Highland Roads and Bridges to the said Commissioners of the Treasury,

Commissioners of Highland Roads and Bridges to deduct or repay certain Proportions from County Allotments, to be applied in Payment of Interest and Repayment of Capital of the Sum advanced in Loan.

sury, in satisfaction and extinction in either Case of the said Loan and Interest thereof as aforesaid; and it shall be lawful for the said last-mentioned Commissioners from Time to Time to give such Directions to the said Commissioners of Highland Roads and Bridges in regard to the Payment to the Treasury of the Sums to be deducted as aforesaid as to the said Commissioners of the Treasury shall seem proper, and the said Commissioners of Highland Roads and Bridges shall comply with such Directions in all respects until the said Loan shall be wholly repaid as aforesaid.

Sums deducted to be deemed Monies expended on Highland Roads and Bridges under the recited Acts.

V. Provided always, That the Sums so to be deducted and applied shall, as regards the Powers of Assessment on the said Counties contained in the said recited Acts or any of them, and for the Purpose of regulating the Amount of such Assessment, be deemed and taken to be Monies applied and expended in the Maintenance and Repair of the Parliamentary and Military Roads in the said several Counties respectively under and by virtue of the said recited Acts.

Commissioners of Supply authorized to levy increased Assessment under the recited Acts to supply Deficiencies.

VI. That for supplying the Deficiency to arise by the Deductions from the said several Sums allotted to the said several Counties as aforesaid, or by the Expense which it may be necessary to incur for maintaining and repairing the said Bridge when finished, it shall be lawful for the Commissioners of Supply in each of the said several Counties of *Inverness*, *Ross*, *Sutherland*, and *Caithness* respectively to increase the Amount of the Assessment to be made in each of the said Counties by the Amount of the Sum which shall have been or shall be in each Case deducted and applied by the said Commissioners of Highland Roads and Bridges as aforesaid, with such and the like Powers and Authorities for enforcing the Payment thereof, and subject to such and the like Conditions and Restrictions, as are in that Behalf contained or imposed in or by the said recited Acts or any of them.

Deposited Plan, Sections, and Book of Reference to be open for Inspection.

VII. And whereas a Plan of the new Bridge, Approaches, and other Works to be made and maintained under the Authority of this Act, and Sections showing the Line and Levels thereof, and also a Book of Reference containing the Names of the Owners, Lessees, and Occupiers of the Lands in, through, or into which the same are intended to be made, have been deposited with the Sheriff Clerk of the County of *Inverness*, and with the Town Clerk of the Burgh of *Inverness*, at their respective Offices in *Inverness*: Be it enacted, That such Plans, Sections, and Books of Reference shall be kept by the said Clerks, who shall permit all Persons interested to inspect the same at all seasonable Times, and shall make or allow to be made Copies thereof or Extracts therefrom for any Person requiring the same, on being paid the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words copied.

VIII. That

Errors and Omissions may be corrected by Sheriff of Inverness, who shall certify the same.

VIII. That if any Omission, Mis-statement, or erroneous Description shall have been made of any Lands, or of the Owners, Lessees, or Occupiers of any Lands, described on the said Plan or in the said Book of Reference, it shall be lawful for the said Commissioners of Highland Roads and Bridges to apply to the Sheriff of the County of *Inverness* for the Correction thereof, after giving Ten Days Notice to the Owners of the Lands affected by such proposed Correction; and if it shall appear to the Sheriff that such Omission, Mis-statement, or erroneous Description arose from Mistake, he shall certify the same accordingly, and shall in his Certificate state the Particulars of any such Omission, and in what respect any such Matter shall have been mis-stated or erroneously described, and such Certificate shall be deposited in the Office of the principal Sheriff Clerk of the County of *Inverness*, and in the Office of the Town Clerk of *Inverness*, and also with the Session Clerk of the United Parishes of *Inverness* and *Bona* at his usual Place of Residence, and such Certificates shall be kept by such Sheriff Clerk, Town Clerk, and Session Clerk respectively along with the other Documents to which the same relate, and thereupon such Plan or Book of Reference shall be deemed to be corrected according to such Certificate, and it shall be lawful for the said Commissioners to make the said Works in accordance with such Certificate.

Certificate to be deposited.

Copies of Plan, &c. to be Evidence.

IX. That true Copies of the said Plan, Sections, and Book of Reference, or of any Alteration or Correction thereof or Extracts therefrom, certified by such Sheriff Clerk or Town Clerk, which Certificate such Sheriff Clerk or Town Clerk shall give to all Parties interested when required, shall be received in all Courts of Justice or elsewhere as Evidence of the Contents thereof.

Provisions of 8 & 9 Vict. c. 19. incorporated with this Act.

X. That in so far as applicable and not inconsistent with or not otherwise provided for or not varied by this Act, "The Lands Clauses Consolidation (*Scotland*) Act, 1845," shall be incorporated with and form Part of this Act.

As to Construction of new Bridge, Approaches, and other Works.

XI. That, subject to the Provisions of this Act and of the Acts herein-before recited and the Act incorporated herewith, it shall be lawful for the said Commissioners of Highland Roads and Bridges to make, build, and maintain a new Bridge over the River *Ness* of such Form and Dimensions and of such Materials as they may think fit, with the Approaches thereto and other Works described upon the said Plan, in the Situation and upon the Lands delineated thereon and described in the said Book of Reference, and also to make, build, and maintain all necessary and proper Abutments, Ramparts, Piers, Walls, Banks, Weirs, Ways, and other Works for laying and securing

the Foundation, and for the Use, Protection, and Support of the said new Bridge, and to enter upon, take, and use such of the said Lands, and such Parts of the Bed or Channel and of the Banks of the said River, as shall be necessary for these Purposes: Provided always, that before commencing the Construction of the said Bridge, Approaches, and other Works the Plans thereof shall be submitted to and be approved in Writing by the said Commissioners of the Treasury.

Power to deviate in Construction of Works.

XII. That it shall be lawful for the said Commissioners of Highland Roads and Bridges in executing the said Works to deviate from the Line delineated on the said Plan to the Extent or Distance of the Limits of Deviation marked thereon, provided that the Works shall not by means of such Deviation be made to extend into the Lands of any Person whose Name is not mentioned in the said Book of Reference without his previous Consent in Writing, unless the Name of such Person shall have been omitted by Mistake, and the Fact that such Omission proceeded from Mistake shall have been certified in manner herein-before provided.

Plans and Working Drawings to be deposited at the Admiralty Office for Approval.

XIII. That previously to constructing the said Bridge, or any Part of the Works connected therewith, the said Commissioners of Highland Roads and Bridges shall deposit at the Admiralty Office, *Whitehall*, Plans and Working Drawings of the Bridge and Works connected therewith, for the Approval of the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, and, notwithstanding anything in this Act contained, the said Bridge and Works connected therewith shall be commenced and constructed only according to such Plan as shall be previously approved of by the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, such Approval to be signified in Writing under the Hand of the Secretary of the Admiralty; and if any Bridge or Work shall be commenced or completed contrary to the Provisions of this Act, it shall be lawful for the said Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, to abate and remove the same, and to restore the Site thereof to its former Condition, at the Cost and Charge of the said Commissioners of Highland Roads and Bridges, and the Amount thereof shall be a Debt due to the Crown and be recoverable accordingly.

Works and Materials vested in Commissioners.

XIV. That the said Bridge, Approaches, and other Works, and all the Materials used in the Construction thereof, shall be vested in the said Commissioners of Highland Roads and Bridges, as well during

the Construction thereof as after the same shall be completed, in such and the like Manner, and to the like Effect and Purpose, as if the said Bridge, Approaches, and other Works had been made and completed under the said recited Acts or any of them. ers of Highland Roads and Bridges.

XV. That the Powers granted by this Act and the Act incorporated herewith for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Five Years from the passing of this Act. Period for compulsory Purchase of Lands limited.

XVI. That it shall be lawful for the said Commissioners of Highland Roads and Bridges to acquire by Purchase, Feuing, Lease, or otherwise, and it shall be lawful for all Persons whatsoever, though under any legal Disablity, to sell, feu, let, or convey to them, all such Lands, Buildings, or Heritages as the said Commissioners shall deem necessary for making convenient Places for breaking and storing Materials, and depositing Mud, Sand, or other Matter removed from any of the Roads under their Charge; and it shall be lawful for the said Commissioners and the Owners and Occupiers of such Lands, Buildings, or Heritages to contract and agree for the Value thereof, or for the Loss or Damage to be occasioned by the making of such Places accordingly. Power to acquire Spaces for storing Materials.

XVII. That the Tolls made payable and levied by and under the said recited Acts or any of them shall be paid for and in respect of all Horses or Beasts of Draught drawing any Stage Coach, Diligence, Van, Caravan, or Stage Waggon, Stage Cart, or other Stage Carriage conveying Passengers or Goods for Pay or Reward, every Time of passing or repassing any Toll Bar erected or to be erected and maintained under the Authority of the said recited Acts or any of them; provided that no such Stage Coach or Stage Carriage shall be liable on account of any Change of Horses for any Toll Duty not otherwise exigible. Tolls to be leviable on Stage Coaches, &c. on every Time of passing or repassing.

XVIII. Provided always, That it shall not be lawful to levy any Toll, Pontage, or Rate upon, for, or in respect of the said Bridge or the Approaches to be made thereto in virtue of this Act; but from and after the Completion of the said Bridge and Approches the same shall be and remain open and free to the Use of the Public in all Time coming. Tolls not to be levied on the Bridge or Approaches.

XIX. That nothing contained in this Act or in the Act incorporated herewith shall extend to authorize the said Commissioners of Highland Roads and Bridges to purchase, take, or use any Land or Soil, or any Rights in respect thereof, belonging to Her Majesty in Saving Rights of the Crown.

in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or any Two of them, first had and obtained for that Purpose, and which such Commissioners, or any Two of them, are hereby authorized and empowered to give, or to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by Her Majesty, Her Heirs or Successors.

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