CAP. XXXVII.

An Act to levy an Assessment in the County of *Inverness* to discharge a Debt on the *Castle Stewart and Nairn* Road in the said County.

[23d *July* 1860.]

43 G. 3. c. 80. 59 G. 3. c. 135. 4 G. 4. c. 56. 5 G. 4. c. 38. 3 & 4 W. 4. c. 33. 11 & 12 Vict. c. 40.

'WHEREAS the following Acts were passed for the Purpose of making and keeping in repair certain Roads and Bridges in *Scotland*; that is to say, the Acts of the Forty-third of *George* the Third, Chapter Eighty, of the Fifty-ninth of *George* the Third, Chapter One hundred and thirty-five, of the Fourth of *George* the Fourth, Chapter Fifty-six, of the Fifth of *George* the Fourth, Chapter Thirty-eight, of the Third and Fourth of *William* the Fourth, Chapter Thirty-three, and of the Eleventh and Twelfth of *Victoria*, Chapter Forty: And whereas by the said Act of the Third and Fourth of *William* the Fourth, Chapter Thirty-three, after reciting that it was expedient that Power should be granted to the Commissioners for Highland Roads and Bridges to fix and settle Plans for the Alteration and Improvement (amongst others) of the Line of Road from a Point near *Castle Stewart* to the Western Extremity of the *Nairnshire* Turnpike Coast Road, passing through the Parishes of *Inverness*, *Petty*, and *Ardersier*, in the County of *Inverness*, it was enacted that as soon as sufficient Funds for defraying the Expense of making any such altered or new Line of Road should be provided to the Satisfaction of the said Commissioners in any of the Ways specified in the said Act, the said Commissioners should be authorized and required to fix the precise Line or Direction of any such Road; and from and after the Time when any such Alteration and Improvement should be completed the said Commissioners should be authorized and empowered to direct Tolls to be levied on such Road, and that such Road when so altered and improved should be maintained in repair by the said Commissioners: And whereas the said *Castle Stewart and Nairn* Road was made by the said Commissioners under the Provisions of the last-recited Act, and the Funds necessary for its Formation were raised by borrowing Money on the Credit of the Tolls leviable on the said Road, and a Portion of the Debt so contracted, amounting to Two thousand seven hundred Pounds, still remains undischarged: And whereas, from the Formation of Railways and other Causes, the Traffic on the said Road has much diminished, and the Revenue derived from the Tolls thereon is not more than sufficient to defray the Expense of maintaining the said Road in repair, and affords no Surplus by means of which the Debt may be paid off, and it is therefore expedient that Provision should be made for the Payment of the Debt:' 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:

Assessment to be levied for the Purposes of this Act.

I. The Commissioners of Supply of the County of *Inverness* shall annually impose and levy an Assessment, for the Purpose of discharging the said Debt of Two thousand seven hundred Pounds, upon and from all Lands and Heritages within the County of *Inverness*, according to the yearly Rent or Value thereof, as established by the Valuation Rolls made up under the Valuation of Lands (*Scotland*) Acts, Seventeenth and Eighteenth *Victoria*, Chapter Ninety-one, and Twentieth and Twenty-first *Victoria*, Chapter Fifty-eight, or any other Act relating to the Valuation of Lands in *Scotland*, which may be in force for the Time being, and that at such Rate in every Year as shall be necessary in order to provide sufficient Funds for the Purposes of this Act, including such Sum as may be requisite to cover the Expenses of Assessment and Collection, and any Arrears of preceding Years; and such Assessments shall be imposed, levied, and recovered in the Manner provided by the recited Acts, or any of them, and under the Provisions thereof, which are hereby incorporated with this Act, and made applicable to the Assessments to be levied under this Act.

Assessment to extend over a Period not exceeding Thirty Years.

II. The said Commissioners of Supply shall impose and levy the said Assessment in such Manner and to such Amount as shall be sufficient to raise the Funds necessary for the Purposes of this Act, within a Time to be limited by the said Commissioners of Supply, not exceeding Thirty Years from the passing of this Act.

III. The

III. The Clauses of "The Commissioners Clauses Act, 1847," with respect to the Mortgages to be executed by the Commissioners, with the Exception of Section Eighty-four, are hereby incorporated with this Act; and the Word "Commissioners" in the said Clauses shall mean the Commissioners of Supply of the County of *Inverness;* and the Expression "the Special Act" in the said Clauses shall mean this Act. Clauses of 10 & 11 Vict. c. 16. as to Mortgages incorporated.

IV. It shall be lawful for the said Commissioners of Supply to borrow on Bond or Mortgage for the Purposes of this Act any Sum of Money not exceeding the Sum of Two thousand seven hundred Pounds, and to make and grant Mortgages and Assignations of the Assessments to be levied under the Provisions of this Act in security for the Payment of the Money so borrowed, and Interest thereon; and if after having borrowed the said Sum or any Part thereof, the said Commissioners of Supply shall pay off the same, it shall be lawful for them again to borrow the Amount so paid off by granting new Mortgages and Assignations in Security therefor or otherwise, and so from Time to Time as they shall think proper. Power to borrow on Bond or Mortgage.

V. It shall be lawful for the said Commissioners of Supply, in the Exercise of the said borrowing Powers, to take from any Bank or Banking Company, Credit on a Cash Account, to be opened and kept with such Bank or Banking Company in the Name of the said Commissioners of Supply, or their Clerk or Treasurer, according to the Usage of Bankers in *Scotland*, to the Extent of the Sum which the said Commissioners of Supply are hereby authorized to borrow, or any Part thereof, and to make and grant Mortgages and Assignations of the Assessments to be levied under the Provisions of this Act in Security for the Payment of the Amount of such Credit, or of the Sums advanced from Time to Time on such Cash Account, with the Interest thereon. Power to borrow on Cash Credit.

VI. The said Commissioners of Supply in borrowing Money as aforesaid shall make Provision that the Principal Money to be so borrowed, and all Interest for the same, shall be fully paid and discharged within a Time to be limited by the said Commissioners, not exceeding Thirty Years from the passing of this Act. Money borrowed to be paid off in Thirty Years.

VII. No Person lending Money to the said Commissioners of Supply, and taking a Mortgage or Assignation in Security for securing Repayment of the same, and purporting to be made under the Authority of this Act, shall be bound to require Proof that the Provisions of this Act have been duly complied with; and it shall not be competent to any Ratepayer or other Person to question the Validity of any such Mortgage or Assignation in Security, on the Ground that such Provisions have not been complied with. For Protection of Persons lending Money on the Security of Assessment.

VIII. This Act shall not apply to the Insular Portions of the County of *Inverness*, except the *Isle of Skye*. Act not to apply to certain Places.

CAP. XXXVIII.

An Act to further amend the Law of Property. [23d *July* 1860.]

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:

I. 'Whereas it is desirable to place Freehold, Copyhold, and Customary Estates on the 'same Footing with Leasehold Estates, in respect of Judgments, Statutes, and Recognizances 'as against Purchasers and Mortgagees, and also to enable Purchasers and Mortgagees of 'Estates, whether Freehold, Copyhold, or Customary or Leasehold, to ascertain when 'Execution has issued on any Judgment, Statute, or Recognizance, and to protect them 'against Delay in the Execution of the Writ:' Be it therefore enacted, That no Judgment, Statute, or Recognizance to be entered up after the passing of this Act shall affect any Land Writs of Execution of Judgments to be registered.