ANNO TERTIO & QUARTO

GULIELMI IV. REGIS.

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CAP. XXXIII.

An Act to amend Three Acts passed for maintaining and keeping in repair the Military and Parliamentary Roads and Bridges in the Highlands of *Scotland*, and to improve certain Lines of Communication in the Counties of *Inverness* and *Ross*. [24th *July* 1833.]

WHEREAS by an Act passed in the Fifty-ninth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to repeal Two Acts, made in the Fifty-fourth and Fifty-fifth Years of the Reign of His present Majesty, for maintaining and keeping in repair certain Roads and Bridges in* Scotland, *to provide more effectually for that Purpose, and for Regulation of Ferries in* Scotland, the Sum of Five thousand Pounds was directed to be annually issued by the Barons of Exchequer in *Scotland*, for the Purpose of maintaining in repair the Roads and Bridges under the Care of the Commissioners acting in the Execution of the said recited Act; and, in addition thereto, certain Assessments were directed to be made for the same Purpose, in the Manner and under the Limitations therein prescribed, in the Counties wherein any of the said Roads and Bridges were respectively situated: And whereas by an Act passed in the Fourth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for maintaining in repair* 59G.3.c.135 4G.4.c.56.

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the Parliamentary and Military Roads and Bridges in the Highlands of Scotland, *and also certain Ferry Piers and Shipping Quays erected by the Commissioners for Highland Roads and Bridges,* the said Commissioners were authorized and empowered, under the Provisions therein contained, to erect Toll Gates on the Roads under their Care, and to levy Tolls to be applied towards the Maintenance of the said Roads, in aid of or in lieu of the said Parliamentary Allowance and County Assessment: And whereas by an Act passed in the Fifth Year of the Reign of His said late Majesty King *George* the Fourth, intituled *An Act to amend Two Acts for maintaining and keeping in repair the Military and Parliamentary Roads in the Highlands of* Scotland, further Provision was made for the Execution of the said recited Acts; but Doubts have arisen in the Interpretation thereof, in Cases where Tolls have been imposed upon Roads for the Maintenance of which such Tolls have afterwards proved inadequate: And whereas it is expedient that such Doubts should be removed: May it therefore please Your Majesty that it may be 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 from and after the passing of this Act it shall and may be lawful for the said Commissioners, in all Cases where the Tolls which have, under the Provisions of the second of the said recited Acts or of this Act, been imposed and levied upon any Road or Bridge under their Care, or which it may hereafter be deemed expedient to impose or levy thereon, shall prove insufficient for the Maintenance and Repair of such Road or Bridge, or rebuilding of such Bridge, to signify such Insufficiency to the Convener of the County wherein the same shall be situated, and to include, in the Account annually transmitted to the said Convener of the Expenditure chargeable to such County under the Provisions of the Act first herein recited, such and the same Proportion of the Amount of the Deficiency of the Expence of maintaining and repairing such Road or Bridge, or rebuilding such Bridge, as would have been chargeable to the said County in respect of the said Road or Bridge in case no Tolls had been imposed and levied thereon; and upon such Notice being given, and such Account being transmitted to the said Convener by the said Commissioners, at least Thirty Days previous to the Twenty-ninth Day of *April* in each Year, the Amount of such Deficiency shall be chargeable upon and shall be borne or levied and be paid by and out of the said Parliamentary Allowance and County Assessment (but subject to the same Limitations under which the said County Assessment is now levied) in the same Manner and Proportion in which the whole Expence of the Maintenance and Repair of such Road or Bridge, or rebuilding such Bridge, would have been chargeable in case no Tolls had been imposed or levied thereon.

5 G. 4. c. 38.

Provision for Insufficiency of Tolls.

Certain District Roads placed under the Management of the

II. And whereas it will tend greatly to increase the public Utility of certain Roads already made under the Superintendence of the said Commissioners, and to enlarge and facilitate the Communications in the County of *Inverness*, that the District Road herein-after mentioned should be placed under the Direction and Management of

of the said Commissioners; be it enacted, That the Road commonly called the *Doughfour* or *Torvaine* Road, leading from the Stone Bridge of the Town of *Inverness* to the North-eastern Extremity of the Parliamentary Road called the *Invermoriston* Road, and passing through the United Parish of *Inverness* and *Bona*, and County of *Inverness*, shall from and after the passing of this Act be transferred from the Charge and Controul of the local Trustees thereof, and shall for all Purposes be deemed and taken to be Part of the Roads under the Care and Superintendence of the said Commissioners, and shall be maintained in repair, widened, or improved by them, either out of the said Parliamentary Allowance and County Assessment, or by means of Tolls to be levied thereon; which Tolls the said Commissioners are hereby empowered to impose and levy in the Manner directed by the said Act second hereinbefore recited, or partly out of the said Parliamentary Allowance and County Assessment, and partly by means of Tolls, by virtue of the Provisions of this Act, in the same Manner, and with and under the same Powers and Limitations, as are applicable to Roads under their Care, pursuant to the said recited Acts. Commissioners.

III. And whereas it is expedient that Power should be granted to the said Commissioners to fix and settle Plans for the Alteration and Improvement of the Lines of the following Roads; namely, the Road leading from the Town of *Inverness* to the Confines of *Nairnshire*, called the *Fort George* Road, from a Point near the East End of the *High Street* of *Inverness* to a Point on the said Road East of *Petty Street* of *Inverness*, and 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*; as also the said Road called the *Doughfour* or *Torvaine* Road, from the Stone Bridge of *Inverness* to a Point near the Canal Bridge at *Bught*, passing through the Parish of *Inverness*; as also the Road from *Invergordon* to *Tain* called the *Invergordon* Road, from a Point at or near *Knockbrake* to a Point at or within the Burgh of *Tain*, passing through the Parish of *Tain*, in the County of *Ross*; be it enacted, That so soon as sufficient Funds for defraying the Expence of making any such altered or new Line of any of the said Roads above described shall be provided to the Satisfaction of the said Commissioners, either by the Contribution of any Individual or Individuals, or Corporation, or by the Assessment of any County or Counties, or by Money which may be borrowed on the Credit of the Tolls on any of the said Roads respectively, the said Commissioners are hereby authorized and required to fix the precise Line or Direction of any of the said Roads, for the Alteration or Improvement whereof sufficient Funds shall be so provided, and to cause a Plan to be lodged with the Clerk of the Peace of the County wherein such Road to be altered and improved shall be situated, showing the precise Line thereof, and the Lands through which the same shall pass, together with a Book of Reference, containing the Names of the Owners and Occupiers of such Lands, and shall also cause a written or printed Notice thereof to be affixed on the Church Door of every Parish through which the same shall pass, to be continued at least Three successive *Sundays* before the Alteration shall begin to New Lines of Road to be made.

to be made; and from and after the Time when any such Alteration and Improvement shall be completed the said Commissioners are hereby authorized and empowered to direct Tolls to be levied on such Road in the same Manner and to the same Extent that Tolls are or may be levied on any Road under the Superintendence of the said Commissioners; and any such Road, when so altered and improved, shall be maintained in repair in the same Manner that the other Roads under the Care of the said Commissioners now are.

IV. And whereas by an Act of the Parliament of *Scotland*, made in the Second Parliament of King *Charles* the Second, intituled *An Act for repairing Highways and Bridges*, and also by an Act passed in the Eleventh Year of the Reign of His Majesty King *George* the Third, intituled *An Act for widening the Highways in that Part of* Great Britain *called* Scotland, it is provided that Highways shall be Twenty Feet of Measure broad at the least; be it enacted, That the said Commissioners shall have Power and they are hereby authorized to direct all or any of the said Roads, or any Road under their Management, to be widened and extended so that the same shall be in all Places Twenty Feet in Width of clear passable Road, exclusive of the Bank, Ditch, and Fence on either Side thereof; and the said Commissioners shall not be liable to pay for any Ground necessary to make any Road of such legal Breadth, reserving all Claims of Damages to the Proprietor for any Fence or Fences which may be altered or removed by widening any such Road; and the said Commissioners shall have further Power and are hereby authorized, if they shall see fit, near any Town or Village, to extend any Turnpike Road to any Width not exceeding Forty Feet of clear passable Road, exclusive of the Bank, Ditch, and Fence on either Side thereof, on making Satisfaction in the Manner directed by an Act passed in the Forty-third Year of the Reign of His Majesty King *George* the Third, 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*, to the Proprietors and Occupiers of any Ground, Buildings, or Fences taken or removed for the Purpose of such widening over and above the Width of Twenty Feet as aforesaid.

1669, c. 16.

11 G. 3. c. 53.

Power to widen Roads.

43 G. 3. c. 80.

V. And be it enacted, That it shall be lawful for the said Commissioners to direct to be made and kept in repair Footpaths in or near to any Town or Village where the same can be done by means of the Tolls levied thereat or near thereto.

Footpaths near Towns or Villages.

VI. And be it further enacted, That it shall be lawful for the said Commissioners to advance out of the Funds at their Disposal such Sums as shall appear to them requisite for the necessary Alteration and Improvement of any of the Roads and Bridges under their Superintendence upon which Tolls are at present or shall hereafter be levied under the Provisions of the second Act above recited, and which are wholly maintained in repair by means of such Tolls, and to repay themselves such Advances out of the surplus Proceeds of

Power to advance Funds on Credit of the Tolls.

of such Tolls which shall remain after providing for the Expences of Repair of the Road or Bridge whereon the same shall be respectively levied.

General Power of placing Roads under the Management of the Commissioners.

VII. And be it further enacted, That if it shall appear to the said Commissioners to be expedient for the Public Service, it shall be lawful for them, with the Consent of the Heritors and Commissioners of Supply of the County within which any such District Road or Bridge as herein-after mentioned shall be situate, notified at some annual Meeting for the Assessment of the Land Tax, or at some special Adjournment of such Meeting, to assume to themselves the Care and Superintendence of any Road adjoining to or connected with any Road or Bridge already under their Superintendence, such Road having been previously sufficiently made and repaired to the Satisfaction of the said Commissioners, and every such Road shall thenceforth and thereafter be deemed and taken to b part of the Roads and Bridges under the Care and Superintendence of the said Commissioners, and shall be maintained in repair by them in the same Manner as the Parliamentary and Military Roads and Bridges under their Care; and it shall and may be lawful for the said Commissioners to exercise all such Powers and Authorities, for and in respect of any such Road, which they are authorized and empowered to exercise with respect to any Road already under their Management: Provided always, that regard shall be had to the Limitation of the Amount of the Money applicable to the County wherein any such Road shall be situated.

Power to define Limits of particular Lines.

VIII. And whereas Doubts have sometimes arisen in defining the Limits of Roads under the Care of the said Commissioners which ought for the Purposes of Repair to be considered as forming One Line; be it enacted, That in such Cases it shall be lawful for the said Commissioners, from Time to Time, to apportion and define the Limits of the several Roads under their Care, which are to be respectively deemed and taken to be and form separate and distinct Lines of Road for the Purposes of Repair, and to be entitled to the Benefit of the Tolls levied within such Limits; and any Order defining such Limits, and directing the Application of such Tolls, or of the Assessment levied in respect of the Road so defined, upon or for the Benefit of such Road, after being transmitted to the Clerk of the Peace of the County or Counties to which the same may relate, shall be observed until the same shall be altered by the said Commissioners.

Provision as to Ferry Piers and Shipping Quays.

IX. And whereas it is desirable that the several Ferry Piers and Shipping Quays erected by the said Commissioners should be maintained in repair, but it has in some Cases appeared inexpedient to the said Commissioners to enforce the Provisions made for that Purpose by the said Act second above recited, by levying Tolls or Dues thereon; be it therefore enacted, That it shall be lawful for the said Commissioners, in case they shall deem it expedient, with the Consent of the Heritors and Commissioners of Supply of the County within which such Ferry Pier or Shipping Quay as herein-after mentioned shall be situate, notified at some annual Meeting for the Assessment of the Land Tax, or some special Adjournment of such

Meeting, to assume the Care of maintaining in repair, altering, or improving any of the said Ferry Piers and Shipping Quays situated in the Counties of *Inverness*, *Ross*, *Sutherland*, and *Argyle*, and the same shall thenceforth be maintained in repair by them in the same Manner, and with and under the same Powers and Limitations, as the Parliamentary and Military Roads and Bridges whereon no Tolls are levied.

Protection of Bridges.

X. And whereas Damage has been done to Bridges erected by or which have been put under the Care and Superintendence of the said Commissioners, by the floating of Timber in Rivers over which such Bridges have been erected, through the Stoppage or Accumulation of such Timber at or above such Bridges, whereby the same are not only injured and endangered, but in some Instances have been actually carried away; be it therefore enacted, That if any Timber, Trees, Logs, Deals, or Spars shall at any Time from and after the passing of this Act be floated or directed to be floated by any Person or Persons in any River whereon any Bridge shall have been erected by or shall be under the Care and Superintendence of the said Commissioners, the Owner or Owners of such Timber, Trees, Logs, Deals, or Spars, and every Person who shall have directed or shall be employed in floating the same in any such River, are hereby enjoined and required to station a sufficient Number of Persons at every such Bridge while such Timber, Trees, Logs, Deals, or Spars shall be floating in any such River, for the Purpose of preventing the same from stopping or being accumulated at or above any such Bridge, and for the Purpose of directing the Passage of the same under the Arch or Arches or between the Piers of any such Bridge, so as not to injure the same; and if any Timber, Trees, Logs, Deals, or Spars shall at any Time be floated in any such River without Persons being so stationed as aforesaid, or if any such Timber, Trees, Logs, Deals, or Spars shall be suffered to stop or to accumulate at or above any such Bridge, or if any such Bridge shall sustain any Damage through the floating of such Timber, Trees, Logs, Deals, or Spars, the Owner or Owners thereof, and every Person or Persons who shall have directed or shall have been employed in floating the same, shall be liable in a Penalty of not less than Forty Shillings and not exceeding Five Pounds for each Offence, to be recovered for the Use of any Person suing for the same before the Sheriff or any One or more of His Majesty's Justices of the Peace of the County where the Offender or Offenders shall be found or shall reside, and shall also forfeit all such Timber, Trees, Logs, Deals, or Spars which shall be found stopped or accumulated at or above such Bridge, to the Use of the Person or Persons by whom the same shall be seized and removed from at or above any such Bridge, upon proving the same before the said Sheriff or any One or more of His Majesty's Justices of the Peace of the County where such Timber, Trees, Logs, Deals, or Spars shall be so seized and removed; and if any Person or Persons shall hinder, obstruct, or prevent any Person or Persons from seizing or removing any such Timber, Trees, Logs, Deals, or Spars, every such Person, being lawfully convicted thereof before the said Sheriff or One or more of His Majesty's Justices of the Peace of the County where the Offender or Offenders shall

shall be or reside, shall forfeit a Sum not less than Forty Shillings and not exceeding Five Pounds, to the Use of the Person or Persons suing for the same; and, moreover, every Owner or Owners of any such Timber, Trees, Logs, Deals, or Spars shall be liable in the Amount of any and every Damage that may be occasioned to any such Bridge through the floating or the Stoppage or Accumulation of any such Timber, Trees, Logs, Deals, or Spars thereat, to be recovered by the said Commissioners either before the Sheriff of the County wherein such Bridge may be situated or before the Court of Session, as they shall think fit; and the full Costs of every such Action shall in every such Case be awarded to the said Commissioners.

XI. And whereas by the first of the said recited Acts it was enacted, that no Person should thenceforth be permitted to erect any House, Hut, or other Building exceeding Five Feet in Height within Twenty Feet of the Middle of any of the Roads thereby directed to be kept in repair: And whereas by an Act passed in the First and Second Years of the Reign of His present Majesty, intituled *An Act for amending and making more effectual the Laws concerning Turnpike Roads in* Scotland, it was enacted, that no new Inclosures or Plantations should be made within the Distance of Twenty-five Feet from the Centre of any Turnpike Road; be it therefore enacted, That from and after the passing of this Act no new Inclosure or Plantation shall be made within the Distance of Twenty-five Feet from the Centre of any Road under the Care of the said Parliamentary Commissioners, without incurring a Penalty of Five Pounds for every such Offence, to be recovered as any Penalty under any of the said recited Acts may be recovered; and the Sheriff of the County and Justices of the Peace are hereby authorized and empowered, on the Application of the Inspector or any other Person acting in the Employment of the said Commissioners, to order any such Inclosure or Plantation to be pulled down or removed at the Expence of the Person making the same, or of the Owner or Occupier of the Ground whereon it shall be made.

1 & 2 W. 4. c. 43.

No new Inclosure to be made within Twenty-five Feet of the Centre of any of the Roads.

XII. And whereas by the said recited Act passed in the First and Second Year of the Reign of His present Majesty certain Powers, Regulations, and Restrictions, and certain Remedies for enforcing the same, are enacted, which if extended to the several Roads under the Charge of the said Commissioners upon which Tolls are levied would be highly beneficial, and would render the Laws for the Regulation of public Roads in *Scotland* more uniform; be it enacted, That so much of the said recited Act as relates to the Conduct of the Tacksman of Tolls and Tollkeepers employed in collecting Tolls, and to the making of Encroachments on any Turnpike Road, and to the Regulation of Drivers, and to the Number of Carts which may be taken care of by Drivers, and to the preventing Children from driving Carts, and to the painting on Waggons and Carts of every Description, and other Carriages travelling for Hire, the Names of the Owners thereof, and to the Seizure of transient Offenders, and to the Amount of Penalties by which any of such Matters and Things may be enforced, and to the Recovery of such Penalties, shall be and the same are

Extension of certain Parts of the General Turnpike Act to this Act.

are hereby extended to this Act, and every such Provision in the said recited Act hereby so extended shall receive the same Effect as if every Clause recited in the said recited Act relating to any Matter or Thing above mentioned had been repeated in this Act.

Expence of Act.

XIII. And be it further enacted, That the Expence of this Act may and shall be defrayed out of any Money in the Hands of the said Commissioners appointed by the Three Acts herein first before recited.

Powers of 43 G.3. c.80. for making Roads, and certain Powers of 4 G.4. c.49. for erecting Toll Houses, extended to this Act, except as altered hereby; to endure for 30 Years.

XIV. And be it enacted, That all the Powers and Authorities granted by the said recited Act passed in the Forty-third Year of the Reign of His Majesty King *George* the Third, for making Roads as therein directed, are hereby granted for making the new Lines of Road, and the Alterations and Improvements herein directed, and all the Powers and Authorities granted by the said Act passed in the Fourth Year of the Reign of His late Majesty King *George* the Fourth, for the erecting of Turnpike Gates and of Toll Houses, are hereby granted for the Purposes of this Act, which, with the said Act passed in the Fourth Year of the Reign of His said late Majesty King *George* the Fourth, save and except in so far as the same is altered by this Act, shall have Continuance for and during the Term of Thirty-one Years from and after the passing hereof, and from thence to the End of the then next Session of Parliament.

Public Act.

XV. 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 as such by all Judges, Justices, and others.

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