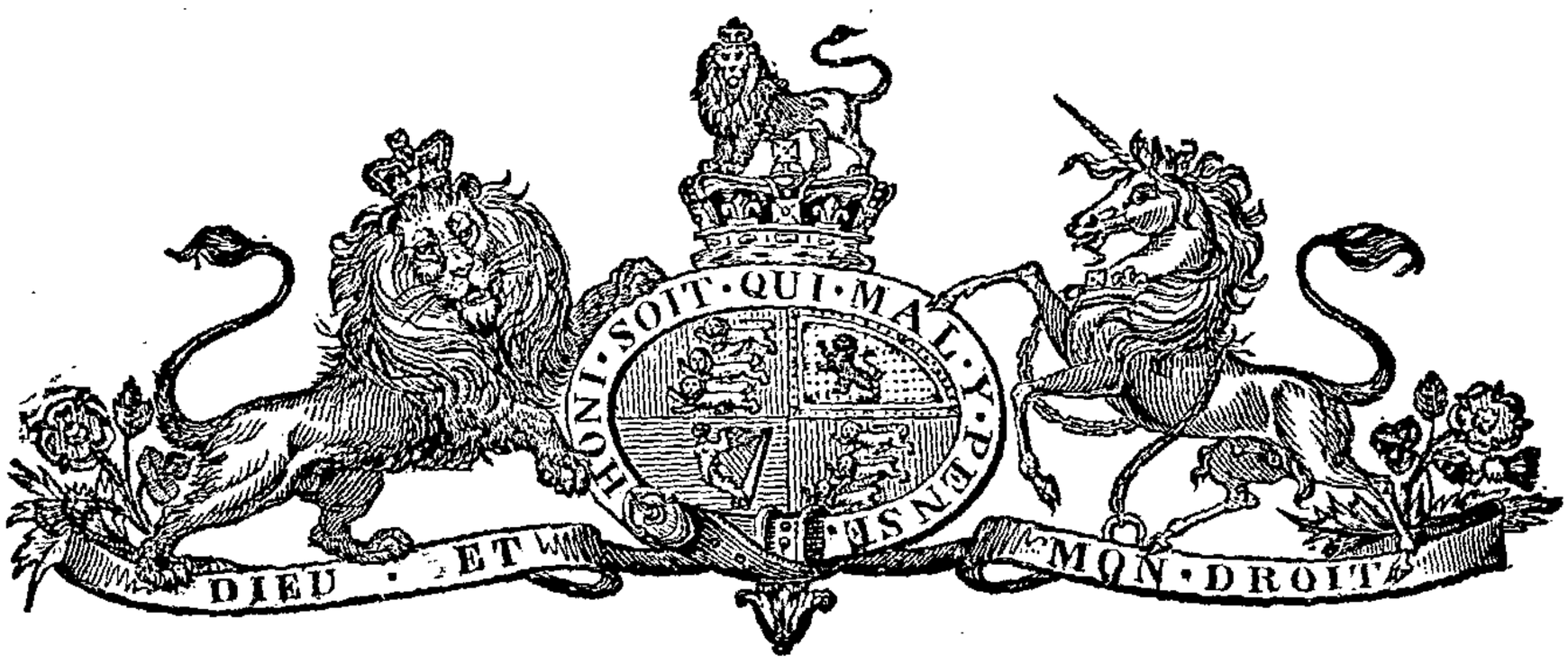


ANNO VICESIMO SEXTO & VICESIMO SEPTIMO

VICTORIÆ REGINÆ.

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and secondly recited Acts were repealed, in so far as the same related to the Turnpike Roads therein and in the now reciting Act respectively mentioned, and the said Turnpike Roads were transferred to and vested in a new Body of Trustees for the Purpose of improving, repairing, and keeping in repair the same: And whereas the Roads (other than Turnpike Roads) and the Bridges made and maintained in pursuance of the Powers of the said firstly and secondly recited Acts were continued and now are under the Jurisdiction and Control of the Trustees respectively appointed under the said recited Acts: And whereas another Act was passed in the Eleventh Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for rebuilding the Bridges over the Rivers* Spey *and* Findhorn, *for making Accesses thereto, and for making and maintaining certain New Roads in the County of* Elgin, and which Act is herein-after called the fourthly-recited Act: And whereas by another Act, passed in the Second Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to alter and amend an Act passed in the Eleventh Year of the Reign of His late Majesty King* George *the Fourth, for rebuilding the Bridges over the Rivers* Spey *and* Findhorn, *for making Accesses thereto, and for making and maintaining certain new Roads in the County of* Elgin, *in so far as the same regards the Bridge over the River* Spey, *near* Fochabers, *in the said County of* Elgin, and which Act is herein-after called the fifthly-recited Act, the said fourthly-recited Act was altered and amended in so far as related to the Bridge authorized by that Act to be erected over the River *Spey* at the place called *Boat of Bog*, near *Fochabers*, and a separate Body of Trustees was appointed with Powers to construct and maintain the said Bridge, and certain Roads of Approach thereto, which Bridge and Roads of Approach have been constructed and are now maintained by the said Trustees under the Powers of the said fifthly-recited Act: And whereas an Act was passed in the Third Year of the Reign of Her present Majesty, intituled *An Act for more effectually making, repairing, and maintaining certain Turnpike Roads in the Counties of* Nairn *and* Inverness, and which Act is herein-after called the sixthly-recited Act: And whereas another Act was passed in the First Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for making and maintaining a Road leading through the Parishes of* Nairn *and* Auldearn, *in the County of* Nairn, *and for converting and regulating the Statute Labour of the said County*, and which Act is herein-after called the seventhly-recited Act: And whereas certain other Roads and Bridges within the said Counties which had been made and maintained by the Commissioners for Highland Roads and Bridges were by "The Highland Roads and Bridges Act, 1862," transferred to and vested in the Commissioners of Supply of the said Counties respectively from and after the Thirty-first Day of *December* One thousand eight hundred and sixty-two, and it was by the said Act enacted that the same should thereafter be managed and maintained by them: And whereas an Act was passed in the First and Second Years of the Reign of

11 G. 4. & 1 W. 4. c. cxxix.

2 & 3 W. 4. c. xlii.

3 & 4 Vict. c. lxxxii.

1 G. 4. c. lxxxv.

25 & 26 Vict. c. 105.

of His said Majesty King *William* the Fourth, intituled *An Act for amending and making more effectual the Laws concerning Turnpike Roads in* Scotland: And whereas an Act was passed in the Eighth and Ninth Years of the Reign of Her present Majesty, 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*: And whereas, in pursuance of the Powers contained in the said several recited Local and Public Acts, the Trustees respectively appointed under the said several firstly, secondly, thirdly, fourthly, fifthly, sixthly, and seventhly recited Acts have made and maintained the Turnpike Roads, Highways, and Bridges in the said several Acts mentioned and authorized, and they have for the Purposes of the said recited Acts and in carrying the same into execution respectively borrowed and applied large Sums of Money, and in respect of the Sums so borrowed a considerable Debt still remains due and owing, secured partly upon the Credit of the Tolls, Assessments, Pontages, and Duties authorized by the said several Acts, and partly upon the personal Security of the Trustees acting in execution thereof respectively: And whereas the Revenue arising from the Tolls, Assessments, and Duties leviable on or in respect of the said Roads is insufficient to pay the Interest of the Debt affecting the said Roads and the Expense of the Maintenance and Management of the same: And whereas it is expedient that Provision should be made for paying off or extinguishing the Debt affecting the said Roads in manner herein-after directed: And whereas the Debt affecting the said Bridge over the River *Findhorn* is in the course of being paid off and discharged from and out of the surplus Revenue arising from the Pontages leviable thereat: And whereas the Debt affecting the said Bridge over the *Spey* at *Boat of Bog* is due and owing exclusively to his Grace the Duke of *Richmond*, who has agreed to abandon and discharge the said Debt, and that the said Bridge and the Approaches thereto shall be transferred to and vested in the Trustees herein-after appointed free of such Debt in consideration of the same being repaired, upheld, and maintained under the Powers to that effect herein-after granted: And whereas it is expedient that the whole of the Turnpike Roads, Bridges, and Highways within the said Counties of *Elgin* and *Nairn* respectively, including the said Bridge over the River *Findhorn* (so soon as the Debt thereon shall have been fully paid off and discharged), and including also the said Bridge over the River *Spey* at *Boat of Bog*, should be placed under uniform Management and Control in manner and subject to the Conditions and Provisions herein-after expressed and contained; and that a Body of Trustees should with that view be appointed for each of the said Counties, with Powers for the Completion, Maintenance, Management, and Repair of the said Roads, Bridges, and Highways within the said Counties respectively by means of the several Assessments hereby authorized, and that the Assessments, Tolls, and Duties leviable on or in respect of the said Roads, and the Pontages leviable in respect of the said Bridge over the River *Spey*, under

1 & 2 W. 4. c. 43.

8 & 9 Vict. c. 41.

under the said recited Acts should be abolished at and from the Fifteenth Day of *May* One thousand eight hundred and sixty-four; and that Provision should likewise be make for the Abolition of the Pontages on the said Bridge over the River *Findhorn*; but these Objects cannot be effected without the 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; (that is to say,)

Short Title.

1. This Act may be cited for all Purposes as "The *Elgin and Nairn* Roads and Bridges Act, 1863."

Interpretation of Terms.

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; (that is to say,)

The Word "Sheriff" shall mean the Sheriff of the County of *Elgin*, or of the County of *Nairn*, as the Case may require, and shall include Sheriff's Substitute:

The Expression "the Trustees" shall mean the County Road Trustees appointed and acting under this Act for the Counties of *Elgin* and *Nairn* respectively, as the Case may require:

The Words "Clerk," "Treasurer," and "Surveyor" shall respectively mean the County Road Clerk, the County Road Treasurer, and the County Road Surveyor, appointed and acting for the Time being under this Act for the Counties of *Elgin* and *Nairn* respectively:

The Word "Creditor" shall include the Trustee, Tutor, or Curator, judicial Factor, or Curator bonis of any Creditor:

"The Counties" shall mean the Counties of *Elgin* and *Nairn*, and "the County" or "their County" shall mean the County of *Elgin* or the County of *Nairn*, as the Case may require:

The Word "Burgh" shall mean and include any Royal Burgh or Parliamentary Burgh within the Counties:

"The Roads" shall mean and include all Turnpike Roads and Bridges now or by this Act vested in or otherwise belonging to the Turnpike Road Trustees of the Counties of *Elgin* and *Nairn* respectively under the said recited Acts, or some of them:

"The Highways" shall mean and include all Statute Labour Roads and Bridges within the Counties now vested in or otherwise belonging to the Commutation Road Trustees of the said respective Counties under the said recited Acts, or some of them:

The Expressions "Proprietor," "Tenant," "Occupier," and "Lands and Heritages" shall have the same Meanings as are attached thereto respectively in and by the Act Seventeenth and Eighteenth *Victoria*, Chapter Ninety-one, intituled *An Act for the Valuation of Lands and Heritages in* Scotland; and the Expression "the Valuation

17 & 18 Vict. c. 91.

Valuation Roll" shall mean the Valuation Roll in force for the Time for each of the Counties, and each of the Royal Burghs therein respectively 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:

"Local Newspaper" shall mean any Newspaper published in the County, or if there be no Newspaper published therein, any Newspaper published in a County adjoining or near thereto:

"Special Advertisement" shall mean Notice by Advertisement published twice in at least Two local Newspapers in so far as regards the County of *Elgin*, and in at least One local Newspaper in so far as regards the County of *Nairn*.

Part of 10 & 11 Vict. c. 16. incorporated.

3. "The Commissioners Clauses Act, 1847," with the Exception of the Clauses thereof relating to the Qualification of Commissioners, and to the Election and Rotation of Commissioners where the Commissioners are to be elected by the Ratepayers or other like Class of Electors, and with the Exception of the Thirty-sixth, Thirty-seventh, Thirty-eighth, Thirty-ninth, Fortieth, Forty-first, Forty-second, Forty-third, Forty-fifth, Forty-sixth, Forty-seventh, Eighty-fourth, Ninety-second, Ninety-third, Ninety-fourth, and Ninety-fifth Clauses thereof, shall be incorporated with and form Part of this Act.

Commencement of Act.

4. This Act shall take effect as at, from, and after the First General Meeting of the Trustees.

Appointment and Qualification of Trustees.

5. This Act shall be carried into execution by Two separate Bodies of Trustees, One acting for the County of *Elgin*, and the other acting for the County of *Nairn*, and the following Persons shall be and the same are hereby appointed such Trustees as aforesaid within the said Counties respectively; (that is to say,)

Every Person being the Proprietor or the Husband of any Proprietor infeft in Liferent or in fee, not burdened with a Liferent, in Lands and Heritages within the County of the yearly Rent or Value of at least One hundred Pounds, in Terms of the Valuation of Lands (*Scotland*) Act, Seventeenth and Eighteenth of *Victoria*, Chapter Ninety-one, or being the eldest Son and Heir Apparent of a Proprietor infeft in fee, not burdened with a Liferent, in Lands and Heritages within the County of the yearly Rent or Value, in Terms of the said Act, of at least Four hundred Pounds; and in the Absence of any Proprietor or Proprietors infeft either in Liferent or in Fee, unburdened as aforesaid, in Lands and Heritages within the County of the yearly Rent or Value, in Terms of the said Act, of at least Four hundred Pounds, the Factor of such Proprietor or Proprietors; One Guardian of each Minor being a Proprietor infeft in Liferent or in fee, unburdened as aforesaid, in Lands and Heritages within the County of the yearly Rent or Value, in Terms of the said Act, of at least

least One hundred Pounds; One Trustee of every Estate which shall be held in trust duly infeft in Lands and Heritages in the County of the yearly Rent or Value, in Terms of the said Act, of at least One hundred Pounds; the Chairman and Deputy Chairman of every incorporated Company or Body possessed of Lands and Heritages in the Counties of the yearly Rent or Value, in Terms of the said Act, of at least One hundred Pounds Sterling; One Tenant from each of the Parishes in the Counties, excepting the Parishes of *Bellie*, *Boharm*, *Keith*, and *Inveravon* in the County of *Elgin*, in the actual Occupation of Property within One or more of such Parishes, rented at not less than One hundred and fifty Pounds *per Annum*, held by such Tenant under a Lease or Leases, for a Term or Terms of not less than Nineteen Years; the Provost and the eldest Bailie of each Royal Burgh in such County, and the Sheriff and Sheriff Substitute of such County, all for the Time being; and in so far as regards the County of *Elgin*, the Baron Bailie or Chief Magistrate of *Fochabers*, *Rothes*, *Lossiemouth*, *Burghead*, *Grantoun*, *Covesea*, *Lhanbryde*, and *Findhorn* respectively, all for the Time being; and the said Trustees shall be called respectively "The *Elgin* County Road Trustees," or "The *Nairn* County Road Trustees," and by these Names respectively may sue and be sued, and be Bodies Corporate, with perpetual Succession and a Common Seal, with Power to purchase, take, hold, and dispose of Lands and other Property for the Purposes but subject to the Restrictions of this Act.

How Tenant Trustees to be elected.

6. For the Purpose of electing a Tenant in each of the Parishes within the Counties, excepting the Parishes of *Bellie*, *Boharm*, *Keith*, and *Inveravon* as aforesaid, to act as and with the Trustees under this Act, a Meeting of the Tenants within each Parish, qualified as herein mentioned, shall be held at a convenient Place within each such Parish on the First *Tuesday* in the Month of *September* One thousand eight hundred and sixty-three at Twelve o'Clock Noon, and such Meeting shall be convened by the Clerk if then appointed, and if not then appointed by the Clerk of Supply for the County, by Advertisement inserted once in a Newspaper published within the County, or if there be no Newspaper published therein then in a Newspaper published in an adjoining County, not less than Seven nor more than Twenty-one Days before the Day of meeting, requiring all Tenants occupying Lands or other Heritages of the annual Value of Fifty Pounds and upwards, entered in the Roll of parliamentary Electors for the Counties, to repair to the Place mentioned in the Advertisement, and there to elect to be Trustees under this Act One Tenant so qualified from each Parish, excepting the Parishes of *Bellie*, *Boharm*, *Keith*, and *Inveravon* as aforesaid, and the Trustees so elected respectively shall continue in Office until the First *Tuesday* in *September* One thousand eight hundred and sixty-four, when a similar Meeting of Tenants, duly qualified as aforesaid, and convened in manner before prescribed, shall be held for the Election of Tenant Trustees for the

the ensuing Year, and such Trustees may be re-elected, and at a similar Meeting held on the First *Tuesday* of *September* in every subsequent Year of the Tenants qualified as aforesaid a Trustee for each Parish, excepting as aforesaid, shall be elected for the Year next ensuing: Provided always, that at every such Meeting Five shall be a Quorum, and a Chairman shall be elected who shall have a deliberative as well as a casting Vote; and such Chairman shall certify to the Clerk in Writing under his Hand the Name, Designation, and Address of the Trustee elected at such Meeting, and such Certificate shall be conclusive Evidence of the Person named therein having been duly elected a Trustee for the Purposes of this Act.

Failure to elect Tenant Trustees or of any other Trustee to Act not to affect Proceedings of Trustees.

7. If the Persons in any Parish entitled to elect a Trustee as aforesaid shall fail to elect a Person to be a Trustee for the Purposes of this Act, or if any Person elected by any Parish to be a Trustee, or if any other Trustee refuse to act, or shall resign, die, or become disqualified, the Acts and Proceedings of the remaining Trustees shall be as valid and effectual as they would have been if such Failure, Refusal, Resignation, Death, or Disqualification had not occurred.

Meetings of the Trustees.

8. The Trustees for each County shall hold a General Meeting at the County Town or head Burgh of the County within Two Months after the passing of this Act, and shall hold a General Meeting, to be called "the Annual General Meeting," at such County Town on the Thirtieth Day of *April* in each Year, and if such Day be a *Sunday* on the next Day, and another General Meeting, to be called the *Michaelmas* General Meeting, on the Day on which the Commissioners of Supply for such County hold their annual *Michaelmas* Meeting, or on such other Day or at such Place as may be resolved on at any Annual General Meeting of the Trustees of such County.

Chairman of the Trustees.

9. At the First General Meeting of the Trustees of each County, and at each Annual General Meeting thereafter, they shall by the Majority of the Votes of the Trustees present elect One of their own Number to be their Chairman, who shall when present preside at all General and Special Meetings of the Trustees of such County, and such Chairman shall hold Office until the Annual General Meeting succeeding his Appointment, or until his Successor is appointed, and may be re-elected on the Expiration of his first or other Period of Office; and in the event of the Death or Resignation of such Chairman the Trustees may at their next General or Special Meeting appoint a Chairman to fill such Vacancy, who shall hold Office so long only as the Person in whose Place he was elected would have been entitled to continue Chairman: Provided always, that at every Annual General Meeting the Chairman going out of Office at that Meeting shall, if present and willing to act, be the Chairman of such Meeting.

10. In

Chairman to be elected in Absence of ordinary Chairman.

10. In the Absence of the Chairman at any Meeting of the Trustees any Person elected by the Majority of the Trustees present at such Meeting shall preside thereat, and in case of an Equality of Votes the Trustee present whose Name stands alphabetically first shall preside at such Meeting; and in all other Cases of Equality of Votes at any Meeting of the Trustees, the Chairman or other Person presiding thereat shall, in addition to his own Vote as a Trustee, have a second or casting Vote.

Meetings and Proceedings of Trustees.

11. The following Provisions shall be applicable to the Meetings and Proceedings of the Trustees:

The Quorum of a Meeting of the Trustees of the County of *Elgin* shall be Five, and of the County of *Nairn* Three:

Special Meetings of the Trustees may be called by the Chairman at any Time he may think fit, by special Advertisement stating the Object of such Meeting; and on a Requisition stating the Object and Business of such Special Meeting, and signed by Two Trustees, being presented to the Clerk, he shall call a Meeting of the Trustees by special Advertisement, stating the Object of such Meeting:

No Business shall be discussed or transacted at any Special Meeting except the Business specified in the Advertisement calling the same:

Any Meeting, general or special, of the Trustees may be adjourned to a Time and Place to be specified in the Minutes of such Meeting; and in the event of a Quorum not being present at any such General or Special Meeting, the Clerk may by special Advertisement call an adjourned Meeting, to be held at the same Place on any Day within Three Weeks after the Day fixed for such Meeting:

Any Business appointed by this Act to be transacted, and any Assessment by this Act authorized to be imposed, at any General or Special Meeting of the Trustees, may be transacted or imposed at any adjourned Meeting: Provided always, that no Business shall be brought before or transacted at such adjourned Meeting which was not brought or appointed to be brought before the original Meeting which was so adjourned.

Officers to be appointed.

12. The Trustees of each of the Counties shall appoint a Clerk who shall be called the "County Road Clerk," a Treasurer who shall be called the "County Road Treasurer," and the Trustees shall also appoint a Surveyor who shall be called the "County Road Surveyor," and such other Officers and Servants as they may think necessary for carrying this Act into execution; and shall pay such Salaries and Allowances to the said Officers respectively as they shall think reasonable: and such Officers

and

and Servants shall perform the Duties from Time to Time prescribed by the Trustees, and shall be subject to Removal at any Time by the Trustees, and they and all other Officers of the Trustees shall find such Security for the faithful Execution of their respective Offices as the Trustees shall require.

Trustees may appoint an Auditor.

13. The Trustees of each of the Counties may from Time to Time appoint an Auditor, and they shall have Power from Time to Time to remove any Auditor so appointed as they may see fit and to appoint another in his Place.

Accounts to be balanced on 15th May each Year and laid before Michaelmas Meeting.

14. The Trustees shall cause their Accounts to be balanced in each Year on the Fifteenth Day of *May*, and such Accounts after having been duly audited shall be laid before the *Michaelmas* General Meeting, and Abstracts of such Accounts shall forthwith be published at least twice in a Newspaper published within the County, or, if no Newspaper be published therein, within a neighbouring County.

Defining Debts to be paid by the Trustees.

15. The Debts affecting the Roads and Highways in the Counties shall be held and they are hereby declared to be the Debts specified and set forth in Schedule (A.) Nos. 1 and 2, Schedule (B.), and Schedule (D.) Nos. 1 and 2, to this Act annexed, and they shall be held and are hereby declared to be of the Amount and Value specified in the said Schedules respectively, and they shall be paid by the Trustees in manner herein-after provided.

Defining Debts to be extinguished.

16. The Debts and Subscriptions specified and set forth in Schedule (C.), Nos. 1 and 2, to this Act annexed, and all Arrears of Interest thereon, or upon any of the Debts specified in the said Schedule (A.) Nos. 1 and 2, Schedule (B.) and Schedule (D.) Nos. 1 and 2, respectively, at the Date of the passing of this Act, shall be and the same are hereby extinguished.

Debts and Interest to be charged on Lands and Heritages.

17. The Debts specified in Schedules (A.) No. 1, Schedule (B.), and Schedule (D.) No. 1, respectively, together with Interest thereon at a Rate not exceeding Five Pounds *per Centum per Annum*, shall be paid out of a special Assessment to be levied upon the Proprietors of Lands and Heritages within the Counties, including the Burghs therein, in manner after mentioned; and the Debts specified in Schedule (A.) No. 2, and Schedule (D.) No. 2, together with Interest thereon at a Rate not exceeding Five Pounds *per Centum per Annum*, shall be paid out of a special Assessment to be levied upon the Proprietors of the Lands and Heritages within the respective Parishes by which such last-mentioned Debts were contracted: Provided always, that no Railway or other incorporated Company shall be assessed for or in respect of the Payment of the said Debts further or otherwise than they might have been assessed previously to the passing of this Act.

Assessment for paying off Debts.

18. For the purpose of paying off the Debts specified in Schedule (A.) No. 1, Schedule (B.), and Schedule (D.) No. 1, and also for paying the Interest thereon, it shall be lawful for the Trustees, subject to the Provision contained in the immediately preceding Enactment, to impose and levy in each Year, from and after the Fifteenth Day of *May* One thousand eight hundred and sixty-four, an Assessment not exceeding One Penny in the Pound on all Lands and Heritages within the Counties enumerated or described in the Valuation Roll, including the Burghs situate in the Counties, except as herein provided; and for the Purpose of paying off the Debts specified in Schedule (A.) No. 2, and Schedule (D.) No. 2, and also for paying the Interest thereon, the Trustees may impose and levy an Assessment not exceeding One Penny in the Pound on all Lands and Heritages enumerated or described in the Valuation Roll within each Parish, including the whole or any Part of any Royal Burgh situated in such Parish, for Payment of the Debt contracted by such Parish: Provided always, that the said Debts, and the Interest thereof, shall be paid off within such Period as the Trustees may determine, not exceeding Twenty-one Years after the Fifteenth Day of *May* One thousand eight hundred and sixty-four; and the said Assessments shall be so calculated, levied, and applied Year by Year as that the whole of the said Debts and Interest thereon shall be paid and extinguished previous to the Expiration of the said Twenty-one Years.

Power to borrow on Security of Assessment.

19. The Trustees may if they see fit from Time to Time borrow such Sum or Sums of Money as may be necessary to pay off the whole or any Part of the said Debts, and they shall apply the Money so borrowed in paying off such Debts, and they may assign in security for the Payment of the Sum so borrowed and Interest thereon the Assessment on Lands and Heritages herein-before authorized to be imposed and levied for the Discharge of the said Debts.

Application of surplus Assessment.

20. Any Surplus of the Proceeds of such Assessment which may remain after paying the Interest on the said Debts or on the Money so borrowed shall from Time to Time be applied towards the Payment of the Principal of the Money so borrowed.

Recited Acts herein named repealed.

21. From and after the Fifteenth Day of *May* One thousand eight hundred and sixty-four, and subject to the Provisions of this Act, the said firstly, secondly, thirdly, fifthly, sixthly, and seventhly recited Acts, in so far as the same relate to the Roads, Bridges, and Highways within the Counties of *Elgin* and *Nairn* respectively, other than the Bridge over the River *Spey* at *Boat of Bridge*, for which special Provision is herein-after made, shall be and the same are hereby repealed.

Qualification as to Provisions of recited Act

22. From and after the said Fifteenth Day of *May* One thousand eight hundred and sixty-four the recited Act Eighth and Ninth *Victoria*, intituled *An Act for amending the Laws concerning Highways, Bridges,*

and

and Ferries in Scotland, *and the making and maintaining thereof by Statute Service, and by the Conversion of Statute Service into Money,* shall not extend or apply to the Counties or to the Trustees acting in pursuance of this Act. 8 & 9 Vict. c. 41.

Incorporation of General Turnpike Act. 1 & 2 W.4. c. 43.

23. From and after the said Fifteenth Day of *May* One thousand eight hundred and sixty-four the Enactments and Provisions of the Act First and Second *William* the Fourth, Chapter Forty-three, intituled *An Act for amending and making more effectual the Laws concerning Turnpike Roads in* Scotland, excepting the Sections thereof Numbers One, Two, Seven, Eight, Nine, and Ten, Numbers Thirteen to Fifty-nine both inclusive, and Numbers Sixty-one, Eighty-two, and Ninety-five, shall be and the same are hereby, so far as applicable, and so far as not varied or altered by this Act, incorporated with this Act and shall be applicable to all the Roads and Highways within the Counties; and in the Construction of the said Act, with reference to this Act, the Words "Trustees under any Turnpike Act" or Words having the like Import, and the Words "Turnpike Roads," shall mean and apply to the Trustees under this Act, and the Roads, Highways, and Bridges vested in or made by the Trustees under this Act respectively, as the Case may require, in so far as such Application shall not be excluded by the Context or by any of the Provisions of this Act.

Persons entitled to present Petition and Complaint in virtue of Sect. 117 of 8 & 9 Vict. c. 41.

24. Provided also, That the Person entitled to present a Petition and Complaint in virtue of the One hundred and seventeenth Section of the said last-recited Act shall be any Person liable to be assessed for the Maintenance and Repair of the Roads, Bridges, and Highways under this Act for the Year current at the Date of such Petition being presented.

Powers and Rights of Trustees.

25. From and after the said Fifteenth Day of *May* One thousand eight hundred and sixty-four, but subject always to the Provisions hereinafter contained for the Transference of the Bridge over the River *Findhorn* at *Dalvey*, and the Roads within Burghs, the Trustees for the County of *Elgin* acting in pursuance of this Act shall, except as herein otherwise provided, have the Control and Management of all the Roads, Highways, and Bridges within their County, which shall form One general Trust, without any separate divisional or District Management; and in like Manner, from and after the same Date the Trustees for the County of *Nairn* acting in pursuance of this Act shall, except as herein otherwise provided, have the Control and Management of all the Roads, Highways, and Bridges within their County, which shall form One general Trust, without any separate divisional or District Management; and all the Roads, Bridges, Lands, Toll Houses, and other Buildings, Toll Gates, Works, Rights, Interests, Arrears of Assessments, Monies, Property, and Effects, Rights of Action, Claims and Demands, Powers, Immunities, and Privileges whatsoever vested in, possessed by, or belonging

belonging to the Trustees of any public Roads and Bridges under and by virtue of any of the recited Acts within the said Counties respectively, excepting as by this Act otherwise specially provided for, or to which they were in any Manner of Way entitled in Law or in Equity or otherwise, shall become and be by virtue of this Act transferred to and vested in the County Road Trustees of the said Counties respectively, who may use, possess, sue for, and recover the same and act in respect thereof as effectually as if the same had been vested in them by the said recited Acts, or any of them, and who shall, subject to the Qualifications hereinafter expressed, be liable in all the Debts, Liabilities, Claims, and Demands in which any Road Trustees acting for either of the said Counties, as the Case may be, before the passing of this Act are or were liable under the said recited Acts, except in so far as such Debts, Liabilities, Claims, and Demands may under the Provisions of this Act be discharged or extinguished.

Transfer of Roads and Bridges vested in Commissioners of Supply to the Trustees.

26. In like Manner the Roads and Bridges transferred to and vested in the Commissioners of Supply of the said Counties respectively by "The *Highland* Roads and Bridges Act, 1862," shall from and after the said Fifteenth Day of *May* One thousand eight hundred and sixty-four be transferred to the Trustees of the respective Counties under this Act, and shall form Part of the Roads and Bridges under their Management and Control and shall be maintained out of the Assessments to be levied under the Authority of this Act.

Trustees and Officers under repealed Acts to account for Monies and deliver up Books.

27. All Persons acting or who have acted under any of the Acts hereby repealed at or previous to the said Fifteenth Day of *May* One thousand eight hundred and sixty-four as Trustees of any of the said Roads, Bridges, or Highways, or as Clerks or Officers of such Trustees, who shall at or after the Fifteenth Day of *May* One thousand eight hundred and sixty-four have in their Custody, Power, or Possession any Monies collected or raised by virtue of such Acts, or belonging to the Trustees under the same, or any Books, Deeds, Papers, Writings, Property, or Effects belonging or which belonged to the said Trustees, or relating to the Execution of such Acts, shall pay and deliver up the same respectively to the County Road Trustees of such County, or to such Person as they shall appoint to receive the same; and in case of Neglect or Refusal the Person so neglecting or refusing shall for every such Offence be liable in a Penalty not exceeding Twenty Pounds, and shall also be liable to such Actions as the County Road Trustees may commence for the Recovery of the Money, Books, Deeds, Papers, Writings, or Effects so refused or neglected to be paid or delivered up as aforesaid.

Persons owing Debts under re-

28. Every Person who at the said Fifteenth Day of *May* One thousand eight hundred and sixty-four shall be liable to the Payment of any

any Assessment to the Trustees acting in the Execution of the Acts hereby repealed, or any of them, or who shall be liable for Tolls and Duties leviable under the same, shall, notwithstanding the Repeal thereof, be liable to the Payment of such Assessment, or of such Tolls and Duties, to the County Road Trustees in like Manner as every such Person would have been liable to the Payment thereof to the Trustees acting in the Execution of the said recited Acts or any of them if this Act had not been passed, and the same shall be paid with all Interest due or to accrue due thereon to the County Road Trustees; and the Payment thereof may be enforced by them in the like Manner as the same might have been enforced by the Trustees acting in the Execution of the Acts hereby repealed or any of them if this Act had not been passed, or in the same Manner as any Assessment leviable under this Act; and the said last-mentioned Trustees, whether General or District Trustees, shall pay over to the Trustees all Sums of Money in their Hands received by them either for General or District Purposes under the Powers of the Acts hereby repealed or any of them, and applicable to the Purposes thereof, and the Payment thereof may be enforced by the County Road Trustees by Proceedings in any Court of competent Jurisdiction.

Repealed Acts to be liable to Trustees.

29. All Contracts for the Repair of Roads, Bridges, and Highways entered into with the Trustees acting by virtue and under the Power and Authority of the Acts hereby repealed, or of any of them, and whether as General or District Trustees, previous to the said Fifteenth Day of *May* One thousand eight hundred and sixty-four, shall at and from the said Date be binding on and enforceable by and against and be incumbent on the County Road Trustees as fully as they would have been binding on or enforceable by and against and be incumbent on the said first-named Trustees, or any of them, if this Act had not been passed; and the several Rates and Assessments made or payable previously to the said Date may be levied and recovered by the County Road Trustees in the same way and with the same Powers as they might have been levied and recovered if this Act had not passed, or in the same Manner and with the same Powers as any Assessment under this Act may be levied and recovered.

Contracts may be enforced by and against the Trustees.

30. All Books containing the Accounts and Proceedings of the Trustees or other Persons who have acted under the Acts hereby repealed, or any of them, shall and may be given in Evidence in all Claims, Prosecutions, Appeals, and Actions whatever under this Act in the same Manner as if the said Acts had not been repealed.

Books of former Trustees to be Evidence.

31. No Action, Prosecution, or other Proceeding by or against the Trustees or other Persons acting previously to the said Fifteenth Day of *May* One thousand eight hundred and sixty-four, under the Authority of any of the Acts hereby repealed, in relation to the Roads, Bridges, or Highways

Actions by or against former Trustees to continue against Trustees

under this Act.

Highways in the Counties, or any of them, vested in the Trustees under this Act shall abate, cease, or be discontinued, or prejudicially affected by this Act, but the same shall continue and take effect, both in favour of and against the County Road Trustees of such County, in the same Manner in all respects as the same would have continued and taken effect in relation to the Trustees or other Persons under any of the Acts hereby repealed if this Act had not been passed.

Provision for Abolition of Tolls.

32. From and after the said Fifteenth Day of *May* One thousand eight hundred and sixty-four the Collection and levying of Tolls on the whole Roads within the Counties, and also the Tolls and Pontages leviable at the said Bridge over the River *Spey* at *Boat of Bog*, near *Fochabers*, under the Authority of any of the said recited Acts shall cease and determine, and the Toll Gates and Turnpikes erected for the Collection and levying of such Tolls and Pontages shall be removed, and the said Roads and Bridges respectively shall thereafter be open to the Public free of Toll, and the same shall thereafter be maintained by the Trustees by means of the Assessments by this Act authorized.

Statute Labour and Bridge Money to be abolished.

33. From and after the Fifteenth Day of *May* One thousand eight hundred and sixty-four all Assessments or Conversion Money in lieu of Statute Labour and all Assessments theretofore leviable for the Maintenance of Bridges within the Counties under any of the recited Acts shall cease and determine, and the same shall be and are hereby abolished, except always as to such of the said Assessments theretofore duly made under the Authority of such Acts respectively which may not then have been recovered.

Provision for Sale of Toll Houses.

34. After having made Provision for Payment of the Debts as aforesaid, and on the Roads and Bridges in the Counties becoming free of Toll under the Provisions of any of the recited Acts and of this Act, it shall be lawful for the Trustees to sell or otherwise dispose of, and to convey all or any of the Toll Houses on any such Road or Bridge and the Sites thereof, and the Gardens, Lands, Gates, Weighing Machines, and other Property appertaining thereto, in so far as the same belong to or are vested in the Trustees under the Provisions of this Act, in such Manner as they may think fit for the best Price that can be obtained for the same, and the Proceeds of such Sales and the Rents and Proceeds of such Property, while the same remain unsold, shall be applied towards Payment of the Debts affecting the Roads or Bridges in the County respectively to which such Toll Houses or Property pertain: Provided always, that such Toll Houses and the Lands and Premises attached thereto shall in the first instance be offered to the Proprietors of the adjoining Lands at the Valuation of an Arbiter or Arbiters to be mutually chosen by such Proprietor and the Trustees, and in the Case of such Arbiters differing in Opinion, of an Oversman to be appointed by them,

and

and the Expense of such Reference and Award shall be borne by the Parties equally, unless the Arbiters, or in case of Difference between them the Oversman shall see cause to order otherwise.

Assessment for Expenses of Act and for Maintenance, Repair, and Management of Roads, Bridges, and Highways.

35. As soon as conveniently may be after the passing of this Act the Trustees shall ascertain the Costs, Charges, and Expenses relative or incidental to the passing of the Act, and of putting the same into operation, the Expenses of the First Assessment for the Maintenance, Repair, and Management of the Roads, Bridges, and Highways under this Act, the Salaries of Officers, and all other Costs, Charges, and Expenses incurred by them in the Execution of this Act up to the Date of making the said Assessment; and the Surveyor shall within Three Months after his Appointment under this Act make up and deliver to the Clerk a Report of the Condition of the several Roads, Bridges, and Highways within the County, a Specification of the Works contemplated in connexion therewith, and an Estimate of the Sums required for the Purposes of the Roads, Bridges, and Highways within the County for the Period from the Fifteenth Day of *May* One thousand eight hundred and sixty-four to the Fifteenth Day of *May* in the Year succeeding; and Fourteen Days at least previous to each Annual General Meeting of the Trustees the Surveyor shall in like Manner make up and deliver to the Clerk a similar Report and Specification and Estimate for the Year succeeding, and the Clerk shall submit the same for the Consideration and Disposal of the Trustees, and the Trustees shall at such Meetings or any Adjournment thereof impose such Assessment as they may think necessary for the Year embraced in such Report for the Maintenance, Repair, and Management of the Roads, Bridges, and Highways, and also either at the Time of imposing the First Assessment or at any future Time such Assessment as may be necessary for paying the Costs, Charges, and Expenses of applying for and obtaining this Act, and such other Costs, Charges, and Expenses as aforesaid, such Assessment to be levied on all Lands and Heritages described or enumerated in the Valuation Roll of the County, including the Burghs situate therein (except as herein-after provided), at a uniform Rate over the whole County; and the Proceeds of all such Assessments, after Deduction of the Cost of Collection and Management, and of the Costs, Charges, and Expenses of passing this Act, and of putting the same into execution, shall be laid out entirely on the Roads, Bridges, and Highways in the County, including the Bridge over the *Spey* at *Boat of Bog*, and also the Bridge over the *Findhorn* near *Dalvey*, when and so soon as the last-named Bridge shall be brought under the Operation of this Act, and the Approaches to such Bridges respectively, without reference to the particular Parish within which any Part thereof may have been collected.

Provision for settling List of Roads.

36. Within One Month after the First General Meeting of the Trustees under this Act the Clerk of each District of Statute Labour Roads

Roads in the Counties shall make up and deposit with the County Road Clerk a List of the Statute Labour Roads within such District which are at present charged upon and maintained out of the Assessments leviable in such District in lieu of Statute Labour, which List shall be retained by the said Clerk and shall be open for the Inspection of all the Ratepayers within the County for One Month after the Date of being so deposited; and if any Ratepayer within the County at any Time within Twenty-eight Days after the Expiration of the said Month shall lodge with the said Clerk written Objections to any of the said Roads being charged and maintained by means of the Assessments by this Act authorized, the Clerk shall forthwith call a General Meeting of the Trustees by Advertisement containing special Notice of the Object of the Meeting for the Purpose of considering and disposing of such Objections, and of settling the List of Roads to be so charged and maintained, and at such Meeting or at some Adjournment thereof the Trustees shall hear and determine the Objections to the said List, and if any Ratepayer shall be dissatisfied with the List as settled by the Trustees he may at any Time within One Month after the Date of the Meeting at which such List shall have been settled give Notice of his Intention to appeal at the next Quarter Sessions for the County holden not less than Fourteen Days after such Notice; but no such Appeal shall be entertained at such Quarter Sessions unless Fourteen Days Notice in Writing of such Appeal stating the Nature and Grounds thereof be given by the Party appealing to the County Road Clerk; and the Court shall hear and determine the Appeal in a summary Way at the Quarter Sessions for which any such Notice of Appeal is given, or at the following Sessions, when the Court thinks fit to adjourn the Appeal to the following Sessions, and the Decision of the Court shall be final and conclusive on all Parties; and the Costs of and incident to such Appeal shall be in the Discretion of the Court.

Provision for eventual Adoption and Maintenance of Findhorn Bridge.

37. When and so soon as the whole Sums of Money borrowed for the Purposes of the said Bridge over the River *Findhorn*, near *Dalvey*, upon the Security of the Pontages leviable thereat or otherwise affecting the same and the Interest thereon shall be fully paid and extinguished, the said fourthly-recited Act shall thereupon be and the same is hereby repealed, and the Toll Gate and Turnpike erected for the Collection and levying of Pontages at the said Bridge shall be removed; and the said Bridge shall thereafter be open to the Public free of Toll, and shall, together with the Approaches thereto, and all the Lands, Houses, Works, Rights, Interests, Arrears of Pontages, Monies, Property and Effects, Rights of Action, Claims and Demands, Powers, Immunities, and Privileges whatsoever vested in, possessed by, or belonging to the Trustees of the said Bridge under the said fourthly-recited Act, become and be by virtue of this Act transferred to and vested in the County Road Trustees for the County of *Elgin* as effectually as if the same had been vested in them

them by the said fourthly-recited Act; and the said Bridge and the Approaches thereto shall thereafter be maintained by the Trustees by means of the Assessments by this Act authorized.

Power to make new Roads.

38. The Trustees may make such new Roads and Bridges within the Counties as they may think proper, with Consent of the respective Proprietors through or within whose Lands such Roads and Bridges are proposed to pass or be situate, and upon such Terms and Conditions as may be agreed upon between the Trustees and such Proprietors: Provided always, that no new Road or Bridge shall be made by the Trustees under the Authority of this Act unless the same shall have been sanctioned by Two Thirds of the Trustees present in a General Meeting called by special Advertisement with Notice of that Object in Terms of this Act.

Assessment for Construction of new Roads and Bridges.

39. The Expense of forming and constructing any new Road or Bridge after the Formation and Construction thereof has been sanctioned and resolved on by the Trustees shall be paid by the Trustees, and the Expense of such Formation and Construction shall be raised by an Assessment to be imposed and levied by the Trustees under the Authority of this Act; and such Assessment shall not extend over a longer Period than Ten Years, and shall be levied from and paid by the Proprietors of Lands and Heritages within the County, including the Burghs therein.

Assessment for rebuilding Bridges.

40. The Expense of rebuilding in whole or in part any existing Bridge or Bridges, whether such Bridges are situated in the County or in any Burgh therein, shall be raised and paid by means of an Assessment to be imposed by the Trustees, and levied on the Proprietors of the whole Lands and Heritages in such County, including the Burghs therein, and that whether the Roads and Bridges within such Burgh have been transferred to the Town Council or Police Commissioners of such Burgh under the Powers to that Effect herein-after contained or not.

Obligation to rebuild Bridge of Spey at Boat of Bog in certain Events.

41. If the *Bridge of Spey* at *Boat of Bog*, near *Fochabers*, shall at any Time after the Fifteenth Day of *May* One thousand eight hundred and sixty-four, at which Date the said Bridge is to be handed over to and become vested in the Trustees, free of all the Debts affecting the same as aforesaid, fall into Decay or be destroyed, the Trustees shall from Time to Time, as such Event may arise, rebuild the same within the Space of Two Years after it has become so decayed or been destroyed; and they shall and they are hereby authorized to levy and apply for that Purpose such Assessment as may be necessary, which Assessment shall be levied and imposed upon the Proprietors of all Lands and Heritages in the County of *Elgin*, including the Burghs therein, and also including the Parishes of *Bellie*, *Boharm*, and *Keith*, in so far as the same are situated

situated in the County of *Elgin*, in like Manner as is herein-before provided in the Case of Assessments for rebuilding Bridges within the County; and in the meantime, until the said Bridge shall be rebuilt and made safe and commodious, it shall be lawful for the Trustees and they are hereby required to provide a proper and convenient Ferry and Boats and Barges for the Passage of Carriages, Horses, Cattle, and Passengers over the said River, as near to the Site of the said Bridge as conveniently may be, and it shall be lawful for such Person or Persons as the Trustees shall appoint for that Purpose to demand, collect, and receive for the Passage of such Carriages, Horses, Cattle, and Passengers in or over the said temporary Ferry, before they respectively shall be permitted to pass, the Tolls authorized to be taken for similar Purposes under the said recited Act of the Second Year of the Reign of *William* the Fourth, Chapter Forty-two.

Power to contribute towards Maintenance of Embankments at Spey Bridge.

42. It shall be lawful for the Trustees to make and carry into effect such Arrangements and Agreements as they shall think expedient with his Grace the Duke of *Richmond*, or other the Proprietor for the Time being of the *Gordon* Estates, with respect to the Maintenance of the Embankments along the River *Spey*, between the said Bridge at *Boat of Bog* and the *Burn of Fochabers*, and to contribute from Time to Time out of the Monies which they are by this Act authorized to raise such Sum or Sums of Money as may be necessary, not exceeding One Half of the total Cost of maintaining and repairing the said Embankment.

Power to borrow to make new Roads.

43. For the Purpose of making new Roads or Bridges, or rebuilding the whole or Part of any existing Bridges, the Trustees shall have Power to borrow Money from the Exchequer Loan Commissioners, or any Person or Company willing to lend the same, and they may grant Mortgages or Bonds for Payment of the Sums so advanced, Principal and Interest, payable within any Period not exceeding Twenty-one Years.

Expense of maintaining Bridges partly situated in Two Counties.

44. Where any Bridge is partly situated in the County of *Elgin* and partly in the County of *Nairn*, or partly in either of these Counties and partly in either of the Counties of *Inverness* or *Banff*, the Expense of maintaining or rebuilding such Bridge shall be borne in equal Moieties by the Trustees in each County in which such Bridge is partly situated.

Roads or Highways may be shut up for Repairs.

45. Any Two Trustees, on a written Report from the Surveyor that it is necessary to shut up for a limited Period any Road, Bridge, or Highway for the Purpose of repairing the same, or to prevent Risk of Accident, may from Time to Time authorize the shutting up of such Road, Bridge, or Highway for such Period as they may deem necessary.

On Declaration of Trustees, High-

46. The Trustees may, on a written Report from the Surveyor, resolve and declare at any of their Meetings that any Road or Highway shall

shall cease to be a Road or Highway within the Meaning and for the Purposes of this Act: Provided always, that Notice shall be given by the Trustees of the Intention to make such Declaration by special Advertisement, and also by printed Notices affixed to the Church Door of every Parish in which any Part of such Roads or Highways are situate, for at least One Month before the Date of the Meeting at which such Declaration is to be made; and if any Ratepayer within the County at any Time before the Expiration of the said Month shall lodge with the Clerk written Objections to the Discontinuance of any such Road or Highway the Clerk shall forthwith call a General Meeting of the Trustees by Advertisement containing special Notice of the Object of the Meeting for the Purpose of considering and disposing of such Objections, and if any Ratepayer shall be dissatisfied with the Decision of such Meeting thereon, he may at any Time within Fourteen Days after the Date of such Meeting appeal to the next Quarter Sessions for the County, and the Court shall hear and determine the Appeal in a summary Way at the Quarter Sessions for which such Notice of Appeal is given, or at the following Sessions when the Court thinks fit to adjourn the Appeal to the following Sessions, and the Decision of the Court shall be final and conclusive on all Parties, and the Costs of and incident to such Appeal shall be in the Discretion of the Court.

ways may cease to be such, and other Roads may become Highways.

As to Objections by Ratepayers to such Declaration by Trustees.

47. Subject to the Provisions of this Act all Assessments for Payment of Debt and for Payment of Interest on Debt shall be levied on and paid by the Proprietor of the Lands and Heritages on which such Assessments are imposed; and all Monies required for the Maintenance, Repair, and Management of the Roads, Bridges, and Highways shall be levied and raised by an Assessment levied on all Lands and Heritages within the respective Counties and Burghs therein enumerated in the Valuation Rolls thereof, and such Assessment shall be levied from and paid by the Proprietors of such Lands and Heritages, subject to the Exception herein-after contained with respect to Assessments on Dwelling Houses having only a Garden attached thereto, and such Assessment for the Maintenance, Repair, and Management of the Roads, Bridges, and Highways shall not exceed Ninepence *per* Pound in the County of *Elgin*, and One Shilling *per* Pound in the County of *Nairn*; and every Proprietor so assessed shall be entitled to recover One Half of the Assessment paid by him from the actual Tenant liable in Payment of the Rent of any Lands and Heritages for the Year for which such Assessment is leviable, in such and the same Manner as if such Half of the said Assessment formed Part of the Rent covenanted to be paid by or due from such Tenant.

Assessments by whom to be paid.

48. All Assessments on Lands and Heritages under the Authority of this Act may be levied on and recovered from the Tenant or Occupier of the Lands and Heritages assessed, but such Tenant or Occupier shall be entitled

Tenants to pay certain Assessments, and deduct Proprietors

Proportion from their Rents.

entitled to deduct the Sum paid by him beyond the Proportion for which he is liable from the First Rent thereafter payable by him to the Proprietor of the Lands and Heritages assessed.

Assessments on Houses and Gardens.

49. All Assessments under the Authority of this Act for the Maintenance and Repair of Roads, Bridges, and Highways, leviable upon Dwelling Houses having only a Garden attached thereto, shall be levied upon and paid by the Occupiers of such Houses and Lands, who shall not be entitled to Relief of any Part thereof from the Proprietor.

Mode of making Assessments.

50. All Assessments under the Authority of this Act shall be deemed and taken to be for the Year from the Fifteenth Day of *May* preceding or subsequent to the Date of imposing the same, as the Trustees shall declare at the Time of imposing the Assessment, and shall be imposed according to the Valuation of the Lands and Heritages in the Valuation Roll in force for the Year for which such Assessment is leviable, and the Trustees shall fix a Day on which such Assessment 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 Parties complaining that they have been improperly assessed may be lodged with the Clerk, and another Day on which such Appeals may be heard.

Assessment Roll to be made up.

51. Within Two Months after receiving a Copy of the Valuation Roll, but at the latest on the First Day of *December* in the Year One thousand eight hundred and sixty-four and at the latest on the First Day of *December* in each Year thereafter, the Clerk 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 Names of the Persons liable to such Assessment, and the Sums payable by them respectively, and the gross Amount of such Assessment; and such Assessment Roll shall be signed by the Clerk or other Person making up the same, and by Two Trustees, and shall thereafter remain in the Office of the Treasurer, open to the Inspection of all Persons interested at all reasonable Times, without Fee or Reward; and any Omissions in such Assessment Roll may be supplied by means of a supplemental Roll.

Mode of making up Assessment Roll.

52. In making up such Assessment Roll the Clerk shall distinguish the Assessment for the Payment of Debts and of Interest on Debts on the Roads from the Assessment for Payment of the Debts on the Highways, and from the Assessments fo the Maintenance, Repair, and Management of the Roads, Bridges, and Highways, and for the Formation and Construction of any new Roads or Bridges.

Certified Copies of the Valuation Roll to be

53. To enable the Trustees to make up the Assessment Roll for the Purposes of this Act, the Clerk of Supply for each County, and the Town Clerk of each Burgh, shall, on Payment of such reasonable Fees as

may

may be fixed by the Sheriff, and within One Month after being so required in Writing by the Clerk, deliver to him a Copy of the Valuation Roll, certified under the Hand of such Clerk of Supply or Town Clerk as a Copy of the Valuation Roll in force for the Time within the County or Burgh respectively, and such Copy may be either written or printed, or partly written and partly printed.

delivered to the Road Clerk.

54. The Clerk shall from such Assessment Roll make out a Notice of the Sums assessed under the Provisions of this Act on each Proprietor of Lands and Heritages, and also on each Tenant or Occupier, if it is intended to levy and collect such Assessment directly from such Tenant or Occupier, distinguishing the Sums assessed for Maintenance and Repairs of Roads and Highways, and for Payment of the Debts and Interest thereon respectively, and also the Sum, if any, assessed for the Formation and Construction of new Roads or Bridges; and such Notice shall be dated, and shall state the Authority under which such Assessment has been imposed, the Time and Place of Payment, and the Time within which any Appeal against such Assessment may be made, and where the same must be lodged, and when and where such Appeals shall be heard and disposed of, and such Notices shall be delivered or transmitted by Post to each Proprietor, or to each Tenant or Occupier so assessed, from whom it is intended to levy or collect such Assessment within Two Months after the Date of imposing the Assessment to which such Notice refers, and the said Assessment may be levied on the actual Owner or Occupier for the Time being without any new Assessment, notwithstanding any Change in the Ownership or Occupation thereof.

Notice of Assessment to be given.

55. Any Person assessed under the Authority of this Act may appeal to the Trustees against the Assessment imposed on him by a Notice of Appeal under his Hand, or under the Hand of his Agent, stating the Ground of such Appeal, and delivered or sent by Post to the Clerk within the Time prescribed by such Notice as aforesaid for making such Appeal.

Appeals from Assessments.

56. 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 farther Notice to any other Day or Days in cases where all the Appeals are not disposed of on the Day appointed for such Purpose; and the Decision of the Trustees in any such Appeal, unless appealed from within Ten Days thereafter, under the Provision to that effect herein-after contained, shall be final and conclusive, and shall not be subject to Review, Suspension, or Reduction in any Court, or in any way whatever: Provided always, that if any Ratepayer shall be dissatisfied with the Decision of the Trustees he may at any Time within Ten Days after the Date

Trustees to decide upon Appeals.

Date of such Decision give Notice of his Intention to appeal at the next Quarter Sessions for the County, but no such Appeal shall be entertained at such Quarter Sessions unless Fourteen Days Notice in Writing of such Appeal, stating the Nature and Grounds thereof, be given by the Party appealing to the County Road Clerk, and the Court shall hear and determine the Appeal in a summary Way at the Quarter Sessions for which any such Notice of Appeal is given, or at the following Sessions when the Court thinks fit to adjourn the Appeal to the following Sessions, and the Decision of the Court shall be final and conclusive on all Parties, and the Costs of and incident to such Appeal shall be in the Discretion of the Court.

Corrected Roll to be in Custody of the Treasurer or Collector.

57. The Roll of Assessments as originally made up, or as corrected by the Clerk, according to the Decision of the Trustees, or of the Court of Quarter Sessions, as the Case may be, in any such Appeal, shall be signed by him and any Two Trustees, and shall thereafter remain in the Custody of the Treasurer for the Purposes of this Act, and shall be final and conclusive, and shall remain in force as the Rule for levying and collecting the Assessment to which such Roll refers; and it shall not be necessary in Cases where any Alteration on the Assessment has been made upon any such Appeal to give any fresh Notice to the Parties to such Appeal, but the corrected Amount as entered in the Assessment Roll shall be deemed and taken to be payable at the same Time and subject to the same Conditions of Payment or otherwise as any of the Assessments against which no Appeal was entered.

Exemption of public Buildings from Assessment.

58. No Assessments shall be imposed or levied under the Authority of this Act for or in respect of any House or Building, or Portion of a House or Building, exclusively used as a Schoolhouse, Reformatory, House of Refuge, Poor's House, public Lunatic Asylum, Townhouse, Sheriff, Burgh, or Justice of the Peace Court House, Town or County Prison, Police Station, or Lock-up House, or for religious Worship or charitable Purposes.

Assessments to be paid when due.

59. The Persons from whom the Assessments are leviable shall pay or remit the same to the Treasurer free of all Expenses, and if remitted, then at the Risk of the Remitters, and if such Assessments be not so paid or remitted when due they shall bear Interest from and after that Date until paid.

Recovery of Assessments.

60. The whole Powers and Rights 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 applicable to Assessments leviable under the Authority of this Act; and Sheriffs, Magistrates, Justices of the Peace, and other Judges may, on the Application of the Treasurer, grant the like Warrants for the Recovery of all such Assessments in the same Form

Form and under the same Penalties as is provided in regard to such Land and assessed Taxes and other public Taxes: Provided nevertheless, that it shall be competent to the Trustees to prosecute for and recover such Assessments by Action in the Sheriff Small Debt or in any other Court; and that in any Summons, Complaint, or Action for the Recovery of such Assessments more than Six Defenders may be cited and called, any Law or Practice to the contrary notwithstanding.

Monies to be lodged in Bank.

61. All Monies arising from Assessments levied by the Trustees under the Authority of this Act or otherwise shall, on Receipt thereof, be paid by the Person receiving the same on behalf of the Trustees into some incorporated or Joint Stock Bank or Branch thereof, to be for that Purpose appointed by the Trustees, and the Interest accruing on such Account shall be accounted for to the Trustees.

Drafts on Bank Account kept by Trustees.

62. All Cheques or Drafts on any Bank Account kept by the Trustees shall be signed by the Treasurer, and the Treasurer shall make no Drafts on such Accounts for any other Purpose than the Payments which shall from Time to Time be authorized by the Trustees as the same shall be notified to the Treasurer by the Clerk.

Certain Roads and Highways to be transferred to local Authorities of Burghs.

63. The Trustees shall, when required by the Town Council or Police Commissioners of any Royal or Parliamentary Burgh, or they may at any Time they may think proper, after giving Six Months previous Notice in Writing under the Hand of the Clerk to the Town Clerk of any Burgh of their Intention so to do, transfer to such Town Council or such Police Commissioners the Management of all the Roads or Highways situate within the Parliamentary Boundaries of any such Burgh, for or without any pecuniary Consideration, and upon such Terms and Conditions as to the Payment of the Debts affecting the said Roads or Highways as may be agreed on between the Trustees and such Town Council or Police Commissioners, or fixed by the Award of a Valuator in manner after mentioned; and such Town Council or Police Commissioners shall in such Event have and may exercise all the Powers of levying Assessments within their respective Bounds, and all other Rights, Powers, and Privileges in reference to the Roads and Highways so transferred, as would have been competent to and might have been exercised by the Trustees previous to such Transference, and shall also have and may exercise with reference to the making, Maintenance, and Repair of the Roads or Highways so transferred, and the raising of Funds for such Purposes, such and the like Powers and Authorities as the said Town Council or Police Commissioners possess with reference to any Streets, Roads, or Highways within their respective Bounds: Provided always, that in the event of the Trustees and any such Town Council or Police Commissioners failing to agree as to the Terms and Conditions on which such Transfer shall be made within Six Months after a Requisition for Transfer shall have been

transmitted to the Clerk by or on behalf of such Town Council or Police Commissioners, or within Six Months after the Transmission of such Notice as aforesaid by the Trustees to the Town Clerk or Police Commissioners of any Burgh, it shall be competent to the Trustees or such Town Council or Police Commissioners respectively to apply to the Sheriff, who is hereby authorized and required to nominate and appoint a Valuator for the Purpose of fixing and determining the Amount or Proportion of the Debts, if any, affecting the same to be paid on such Transference by such Town Council or Police Commissioners respectively; and the Decision of such Valuator shall be final and binding upon both Parties: Provided also, that when the Roads and Highways have been so transferred to the Town Council or Police Commissioners of any Burgh, as the Case may be, the Right of the Provost and eldest Bailie of such Burgh to sit and act *ex officio* as Trustees under this Act shall cease and determine, unless the annual Value of Lands belonging to such Burgh, beyond the Parliamentary Boundaries thereof, shall amount to at least One hundred Pounds, in which Case the Provost, or in his Absence the eldest Bailie of such Burgh, shall be a Trustee under this Act.

Burghs may apply certain Funds towards Maintenance of Roads and Highways.

64. When in any such Burgh there shall be Funds available, and which may be lawfully applied for the Maintenance of Streets, Roads, or Highways therein, under the Control of any Town Council or Police Commissioners of any Burgh within which any Roads or Highways so transferred are situate, such Town Council or Police Commissioners may apply such Funds for such Purposes in aid of the Assessment authorized to be imposed by this Act; or if such Funds shall be sufficient for such Purposes, the whole or such Part thereof as may be necessary may be so applied in place of making an Assessment under the Provisions of this Act.

Assessments for Roads and Highways.

65. All Assessments for the Purposes of this Act to be made by the Trustees or by any Town Council or Police Commissioners to whom any Roads or Highways shall have been transferred under the Provisions of this Act, applicable to the Maintenance and Repair of such Roads and Highways, may be imposed and levied along with and in addition to and may be recovered in the same way as any other Assessment which such Trustees or such Town Council or Police Commissioners are by Law authorized to impose and levy.

No Assessment to be made by Trustees on Roads and Highways transferred to local Authorities of Burghs.

66. No Assessment, except as provided by the Fortieth Section of this Act, shall be imposed by the Trustees under the Authority of this Act on Lands and Heritages in any Burgh the Town Council or Commissioners of Police of which have assumed the Management and Control of the Roads and Highways situated therein, in pursuance of the Powers to that effect herein-before granted.

67. The

Exemptions from Assessments.

67. The Trustees or the Commissioners of Police, as the Case may be, may, on the Ground of the Poverty of any Person liable in Assessment under this Act, in respect of any Lands and Heritages in Value not amounting to Four Pounds *per Annum*, remit in whole or in part Payment of the said Assessment by such Person, in such Manner as they shall in their Discretion think just and reasonable, but upon no other Account whatever.

Boundaries of Burghs.

68. The Boundaries of Royal and Parliamentary Burghs for the Purposes of this Act shall be the Boundaries thereof fixed by the Act Second and Third *William* the Fourth, Chapter Sixty-five.

Portions of County of Elgin in Banffshire exempted.

69. All Portions of the County of *Elgin* situated in the Parishes of *Bellie*, *Boharm*, *Keith*, and *Inveravon* shall for the Purposes of this Act be considered as forming Part of the County of *Banff*, and shall, except for the Purposes of Assessment for rebuilding the Bridge at *Boat of Bog* as herein-before provided, be exempted from the Jurisdiction of the Trustees under this Act; and the Roads situated in the said Portions of the County of *Elgin* shall continue to form, as at present, Part of the Roads managed under the Authority of the Turnpike and Statute Labour Road Acts for the County of *Banff*.

Detached Parts of Nairnshire annexed to Elginshire and other Parts exempted.

70. The following Lands, which, although forming Part of the County of *Nairn*, are locally situated within and surrounded by the County of *Elgin*, *videlicet*, *Glenairnie*, *Dallasbraughty*, *Craigroy*, and *Berryburn*, in the Parish of *Ardclach*, and *Moy-carse* in the Parish of *Dyke*, shall, for the Purposes of this Act, be held as situated within and forming Parts of the County of *Elgin*; and the following Lands, which, although forming Part of the County of *Nairn*, are locally situated within and surrounded by other Counties, *videlicet*, the Lands of *Dumnaglass* in the united Parishes of *Daviot* and *Dunlichity*, which are surrounded by the County of *Inverness*, and the Lands of *Ferrintosh*, which are surrounded by the County of *Ross*, shall be exempted from the Operation of this Act.

Detached Parts of Invernessshire annexed to Nairnshire.

71. The Lands of *Budgate* in the Parish of *Cawdor*, which, although forming Part of the County of *Inverness*, are now for the Purposes of Road Management dealt with as belonging to the County of *Nairn*, and the Lands of *Cantray*, *Holme*, *Culloden*, and *Dalcross*, in so far as now forming the Twentieth District of Statute Labour Roads of the County of *Inverness*, which Lands, although forming Part of the County of *Inverness*, lie more convenient for Road Management to the County of *Nairn*, shall for the Purposes of this Act be held as situated within and as forming Part of the County of *Nairn*: Provided always, that the said Lands shall not be liable to Assessment under this Act for any Part of the Debts specified in the said Schedule (D.) No. 1, and that from and after the passing of this Act the said Lands shall not be liable to Assessment

for the Maintenance of Roads within the County of *Inverness* under "The *Highland* Roads and Bridges Act, 1862," or any other Act for the making or Maintenance of Statute Labour Roads which may for the Time being be in force within the County of *Inverness*.

Trustees may borrow on Credit of Assessments.

72. Subject to the Provisions of this Act the Trustees may and they are hereby authorized and empowered from Time to Time to borrow and take up at Interest on the Credit of the Assessments hereby authorized to be levied and raised, or any of them, such Sum or Sums of Money as may be necessary for carrying into effect the Purposes of this Act, and to make and grant Mortgages and Assignations of the said Assessments or any of them in Security of the Sums so borrowed.

Power to borrow on Cash Credit Account.

73. It shall be lawful for the Trustees, instead of borrowing on Mortgage or Assignation in 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, any Sum or Sums of Money not exceeding in the whole, together with any Sum or Sums which the said Trustees may have raised upon Mortgage or Assignation in Security, the Sums which the said Trustees are by this Act 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.

Form of Mortgages and Assignations in security.

74. Every Mortgage or Assignation in Security authorized to be made under the Provisions of this Act, and every Transfer thereof may be partly printed and partly written, and may be according to the Forms in the Schedules (E.) and (F.) to this Act annexed, or according to the Forms prescribed by "The Commissioners Clauses Act, 1847," incorporated herewith or to the like Effect, or in such other Form as may be most convenient and in accordance with Law and Usage in respect of Securities of a like Nature in *Scotland*.

Power to re-borrow.

75. If the Trustees, after having raised any Sum or Sums upon Mortgage or Assignation in Security or by way of Cash Credit Account, under the Powers to that effect hereby granted, shall pay off the same or any Part thereof, it shall be lawful for them again to borrow the Sum or Sums so paid off, and so from Time to Time as occasion shall require.

Application of Assessments for Payment of Debts.

76. All Monies received by the Trustees on account of Assessments for the Payment of Debts, and all Monies borrowed on the Security of such Assessments, shall be applied in Payment of the said Debts specified in the said Schedules (A.), (B.), and (D.), as herein-before provided, and the Interest thereof, and to no other Purpose whatsoever.

77. Subject

Application of Monies received under this Act.

77. Subject to the Provisions of this Act all Monies levied and received by the Trustees of the Counties of *Elgin* and *Nairn* respectively under the Authority of this Act, other than Assessments for the Payment of Debts, shall be applied as follows:

1st. In Payment of the Expense of applying for and obtaining this Act and incidental thereto:

2nd. In Payment of the Salaries and Allowances of Officers and Servants, and the general Expenses of Management of the Trust:

3rd. In Payment of the Expense of maintaining, repairing, and improving the Roads, Bridges, and Highways, and making new Roads, rebuilding Bridges, and thereafter towards Payment of any Debts contracted for these Purposes, and of the Interest of such Debts.

Expenses of Act.

78. The Expense of applying for and obtaining this Act, and incidental thereto, shall be paid by the Road Trustees of the County of *Elgin*, and the Road Trustees of the County of *Nairn*, out of the Monies levied by them for that Purpose under the Powers of this Act, and shall be apportioned between them according to the gross Amount of the Valuation Rolls of the respective Counties, including the Burghs therein, for the Year One thousand eight hundred and sixty-three and One thousand eight hundred and sixty-four.

Roads not exempt from Provisions of future General Acts.

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

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SCHEDULES referred to in the foregoing Act.

I. ELGINSHIRE.

SCHEDULE (A.) No. 1.

TURNPIKE ROAD DEBTS TO BE PAID IN FULL.

	£	s.	d.
1. The Trustees of Mrs. Jane Allan, or Cuming, London -	1,000	0	0
2. Robert Young, Writer, Elgin - - - -	300	0	0
3. John Grigor, Forres - - - - -	500	0	0
4. Mrs. Torrance, Elgin - - - - -	80	0	0
5. Miss Eliza Janet Thomson, Boulogne - - -	200	0	0
6. William Grant, Accountant, Elgin - - - -	300	0	0
7. James M'Bean, Grocer, Elgin - - - -	200	0	0
8. The Trustees of the Pauper Lunatic Asylum, Elgin -	300	0	0
9. Wm. Rose, Forterseat, as Administrator for Christina Rose, his Daughter - - - - - -	200	0	0
10. James Taylor, M.D., Elgin - - - - -	750	0	0
11. Robert Young, Treasurer to the Turnpike Trustees of Elginshire - - - - - -	210	0	0
	£4,040	0	0

SCHEDULE (A.) No. 2.

STATUTE LABOUR ROAD DEBTS TO BE PAID IN FULL.

	£	s.	d.
1. William Grant, Treasurer to the Commutation Roads (Elgin Parish) - - - - - - -	463	9	5
2. The Trustees of Mr. Tulloh, of Burgie - - -	20	0	0
3. The Trustees of the Earl of Fife - - - -	11	0	0
4. Charles Lennox Cumming Bruce - - - -	9	0	0
	£503	9	5

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SCHEDULE (B.)

TURNPIKE ROAD DEBTS VALUED AT 6*s.* 8*d.* PER 1*l.*

	£	s.	d.
1. The Earl of Seafield - - - - -	550	0	0
2. The Earl of Moray - - - - -	550	0	0
3. Charles Lennox Cumming Bruce, M.P. - - -	550	0	0
Total - - - -	£1,650	0	0
Whereof the Value is hereby declared to be - -	£550	0	0

NOTE.—The Revenue has hitherto been able to pay Interest at 4½ per Cent. on One Third of the Debts specified in this Schedule.

SCHEDULE (C.) No. 1.

TURNPIKE ROAD DEBTS AND SUBSCRIPTIONS TO BE EXTINGUISHED.

Great Road.

	£	s.	d.
1. The Heirs of Joseph King, of Newmill - - -	132	1	4
2. The Heirs of Col. Hugh Grant, of Moy - - -	264	3	1
3. The Heirs of Capt. Alex. McLeod, of Dalvey - -	66	0	6
4. Sir Archibald Dunbar, of Northfield, Bart. - -	132	1	4
5. The Heirs of William Young, of Maryhill - - -	132	1	4
6. The Heirs of Sir James Grant, of Grant, Bart. - -	264	2	6
7. The Heirs of the Hon. Col. Francis William Grant, of Grant, M.P.	264	2	6
8. The Heirs of John Brander, of Pitgaveny - - -	66	0	6
9. The Heirs of Lewis Dunbar Brodie, of Burgie - -	132	1	4
10. The Earl of Moray - - - - -	1,320	15	4
11. The Town of Forres - - - - -	132	1	4
12. The Heirs of George Grant, of Burdsyards - -	198	2	7
13. The Heirs of Sir Wm. G. G. Cumming, of Altyre, &c., Bart.	660	6	6
14. The Heirs of Sir John Peter Grant, of Rothiemurchus, Knight	132	1	4
15. The Heirs of Richard Wharton Duff, of Orton - -	66	0	6
16. The Heirs of Mrs. Cumming, of Relugas - - -	39	11	11
17. The Heirs of Thomas Sellar, of Westfield - - -	66	0	6
18. The Heirs of the Hon. George Duff, of Milton - -	66	0	6
19. The Heirs of George Forteath, of Newton - - -	66	0	6
20. Mrs. Dr. Brands, Forres - - - - -	132	1	4
21. The Town of Elgin - - - - -	132	1	4

The Elgin and Nairn Roads and Bridges Act, 1863.

		£	s.	d.
22.	The Earl of Seafield - - - - -	330	3	3
23.	The Trustees of the Earl of Fife - - - -	550	5	8
24.	The Heirs of Charles Grant, of Wester Elchies - -	110	1	4
25.	The Heirs of George Brown, Linkwood. - - -	27	15	8
	Lossiemouth Road.			
26.	The Earl of Seafield - - - - -	667	5	9
27.	The Town of Elgin - - - - -	266	18	0
28.	A. and J. Young, Brewery, Elgin - - - -	26	0	9
29.	Peter Brown, of Dunkinty, Linkwood - - -	26	0	9
30.	The Heirs of Patrick Duff, Town Clerk of Elgin - -	26	0	9
31.	The Heirs of John Brander, of Pitgaveny - - -	25	5	8
32.	The Heirs of John Lawson, of Chapelton Oldmills -	25	5	8
33.	The Heirs of William Innes, St. Andrew's - - -	25	0	1
34.	The Heirs of Gen. Fras. Stewart King, of Lesmurdie -	25	0	3
35.	The Heirs of Miss Jane Brander, Elgin - - -	25	0	3
36.	Sir Archibald Dunbar, of Northfield, Bart. - - -	60	17	10
	Newton and Burghead Roads.			
37.	The Heirs of William Young, of Burghead - - -	220	4	6
38.	The Heirs of Sir Wm. G. G. Cumming, of Altyre, &c., Bart.	130	14	3
39.	The Earl of Fife - - - - - -	264	7	5
40.	The Heirs of John Jack, merchant, Elgin - - -	66	1	10
41.	The Heirs of John Forsyth, jun., Merchant, Elgin - -	52	14	6
42.	A. and J. Young, Brewery, Elgin - - - -	66	1	10
43.	The Rt. Hon. the Earl of Moray - - - -	262	0	2
	Forres, Findhorn, and Burghead Roads.			
44.	Major C. L. Cumming Bruce, of Roseisle and Kinnaird -	528	12	11
45.	Hugh Andrew Johnston Munro, of Novar - - -	487	4	6
46.	The Town of Forres - - - - -	65	7	8
47.	William Young, of Burghead - - - -	220	4	6
48.	Alexander Brander, of Springfield - - - -	130	3	8
49.	The Heirs of Sir William G. G. Cumming, of Altyre, &c., Bart.	130	14	5
50.	The Heirs of John Cumming, Banker, Forres - -	132	5	7
51.	Messrs. Charles Gordon and Co., Wine Merchants, &c. -	65	15	7
52.	Thomas Davidson, Findhorn - - - - -	25	18	2
53.	George Mackintosh, Merchant, Forres - - -	25	18	2
54.	The Heirs of Alexander Grant, Thornhill - - -	131	18	1
55.	The Heirs of Charles Black, Town Clerk of Forres - -	39	10	5
56.	The Heirs of John Forsyth, Forres - - - -	52	10	6
57.	The Heirs of William Fraser Tytler, of Balnain - -	130	19	10
	Pitnisk Road.			
58.	The Representatives of his Grace the late Duke of Gordon -	97	11	10
59.	The Earl of Seafield - - - - -	260	4	8

60. The

The Elgin and Nairn Roads and Bridges Act, 1863.

		£	s.	d.
60.	The Duke of Richmond - - - - - -	64	17	10
61.	Major C. L. Cumming Bruce of Roseisle and Kinnaird -	128	12	10
62.	The Heirs of Sir Wm. G. G. Cumming, of Altyre, &c., Bart. -	256	3	11
63.	The Heirs of Sir Thos. Dick Lauder, of Fountain Hall, Bart. -	128	0	3
64.	Sir Geo. McPherson Grant, of Ballindalloch - - - -	63	19	9

Rothes Turnpike.

65.	The Earl of Seafield - - - - -	500	0	0
66.	J. W. Grant of Wester Elchies - - - -	100	0	0
67.	The Heirs of the late Peter Falconer - - -	50	0	0
68.	The Heirs of William Anderson, Drumbain - - -	25	0	0
69.	The Heirs of William Young, of Maryhill - - -	20	0	0
70.	Patrick Cameron, Sheriff Substitute - - -	20	10	0
71.	The Heirs of Patrick Duff, Town Clerk - - -	10	10	0
72.	The Heirs of John McInnes, Dandaleith - - -	10	0	0
73.	The Heirs of Capt. John Grant, Congash - - -	5	5	0

Boat of Bridge Road.

74.	The Trustees of the Earl of Fife - - - -	1,050	0	0
75.	The Earl of Fife - - - - -	500	0	0
76.	The Earl of Seafield - - - - -	100	0	0
77.	The Heirs of R. W. Duff, of Orton - - -	100	0	0

Dava Road.

78.	The Earl of Moray - - - - -	300	0	0
79.	The Earl of Seafield - - - - -	300	0	0
80.	The Honourable John Stuart - - - -	20	0	0
81.	C. L. Cumming Bruce - - - - -	200	0	0
82.	The Heirs of Captain John Grant, Congash - -	5	5	0
83.	Robert Grant, of Kincorth - - - - -	10	0	0
84.	Rev. D. Grant, Minister of Forres - - - -	2	2	0
85.	The Heirs of Rev. Mr. Martin, Minister of Abernethy -	2	2	0
86.	The Heirs of James Housten, Kirktown - - -	3	3	0
87.	Miss McPherson, of Banchor - - - -	5	0	0
88.	Rev. P. Ferries, Minister of Edinkillie - - -	3	3	0
89.	The Heirs of Lieut.-Col. Gordon, Inverlochy - -	2	2	0
90.	Sir A. Dunbar, of Northfield - - - -	10	0	0
91.	The Heirs of James Ritchie, Writer, Elgin - - -	2	2	0
92.	The Heirs of Rev. Mr. Grant, Minister of Duthil - -	2	2	0
93.	William Young, of Burghead - - - -	10	0	0
94.	The Heirs of Patrick Duff, Elgin - - - -	3	3	0
95.	The Heirs of Francis Smyth - - - -	5	5	0
96.	The Heirs of Richard Rose, Minister of Drainie - -	2	2	0
97.	The Heirs of John Forsyth, Writer, Forres - - -	3	3	0
98.	Miss Jane Grant, Forres - - - - -	2	2	0
99.	The Heirs of John Cumming, Forres - - -	5	5	0

100. Captain

	£	s.	d.
100. Captain Gordon, Revach	3	3	0
101. The Heirs of Rev. F. W. Grant, Banff	2	2	0
102. The Heirs of R. McKenzie, Merchant, Nairn	1	1	0
103. Norman McLeod, of Dalvey	5	5	0
104. J. Grant, of Viewfield	3	3	0
105. Charles Smith, Treasurer of Nairn	1	1	0
106. Peter Brown, Linkwood	5	5	0
107. Patrick Cameron, Sheriff Substitute	2	2	0
108. The Heirs of Alexander Brown	2	2	0
109. The Heirs of Isaac Forsyth	2	2	0
110. The Heirs of Colonel Hay, of Westerton	10	0	0
111. The Heirs of J. Brander, of Pitgaveny	10	0	0
112. The Burgh of Forres	50	0	0
113. The Heirs of Mrs. Cumming, of Logie	10	0	0
114. Colonel Fraser, of Drumduan	5	5	0
	14,401	16	4

SCHEDULE (C.) No. 2.

Statute Labour Road Debts to be extinguished.

	£	s.	d.
1. J. W. Grant, of Wester Elchies	757	2	4
2. Sir George M'Pherson Grant, of Ballindalloch, Bart.	323	10	7
3. The Earl of Seafield	44	15	0
4. The Duke of Richmond	364	14	7
	1,490	2	6

NAIRNSHIRE.

SCHEDULE (D.) No. 1.

Turnpike Road Debts to be paid in full.

	£	s.	d.
1. Augustus Clarke, of Achareidh	325	6	8
2. John Wilson, Auchindown	128	0	0
3. William Robertson, Rosefield	42	13	4
4. Francis Smyth's Trustees	40	0	0
Total	£536	0	0

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SCHEDULE (D.) No. 2.

Statute Labour Road Debts to be paid in full.

	£	s.	d.
1. Campbell Smith, Raithloan - - - -	150	0	0
2. Janet Rose, Milton - - - - -	30	0	0
3. William Alexander Stables, Cawdor Castle - -	210	0	0
Total - - - - -	£390	0	0

SCHEDULE (E.)

Form of Assignation in Security.

By virtue of "The Elgin and Nairn Roads and Bridges Act, 1863," we [*Names and Designations of the Granters*], Two of the Trustees acting in execution of the said Act, and as authorized by a Resolution of the said Trustees passed at a Meeting held the Day of in consideration of the Sum of [*insert Sum*], advanced and paid to the said Trustees for the Purposes of the said Act by *A.B.* [*Name and Designation of Creditor*], (*or*, of the Banking Company having allowed to the said Trustees a Credit to the Extent of [*insert Sum*] upon a current Account to be kept in the Books of the said Banking Company in Name of the Treasurer of the said Trustees for the Time being, and to be operated on by him), do hereby assign and make over to the said *A.B.*, his Heirs, Executors, or Assignees (*or*, to the said Banking Company and its Assignees), all and sundry [*here describe the Assessments, or such of them as are proposed to be mortgaged*], and all the Right, Title, and Interest of the said Trustees in and to the same, to be held by the said *A. B.* and his foresaids (*or*, the said Banking Company and its foresaids) until the said Sum of [*insert Sum*], with the Interest thereof at the Rate of per Centum per Annum, shall be fully satisfied and paid (*or*, until the Balance which may become due upon the said Cash Credit Account shall be fully paid up).* In witness whereof [*insert Testing Clause according to the Form of the Law of Scotland*].

SCHEDULE (F.)

Form of Transfer.

I, A. B. [*Name and Designation of Assignor*], in consideration of the Sum of [*insert Sum*] now paid to me, do hereby assign and convey to and in favour of *C. D.* [*Name and Designation of Assignee*] an Assignation in Security, dated the [*insert Date*], for the Sum of [*insert Sum*] granted by the Trustees

* Where the Security is made under any Qualifications or Conditions, such will be introduced immediately before the Testing Clause.

acting in pursuance of "The Elgin and Nairn Roads and Bridges Act, 1863," (*or, if the Transfer be by Indorsement,* the within-written Assignation in Security), and all my Right, Title, and Interest therein, and to the Sums of Money thereby secured, Interest due and to become due thereon, and Assessments and Commutations thereby assigned in Security.* In witness whereof [*insert Testing Clause according to the Form of the Law of Scotland*].

* If the Grantor of the Transfer is not the original Creditor, but one who has acquired Right to the Debt, specify shortly, immediately before the Testing Clause, the Title or Series of Titles by which the Grantor acquired such Right.

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