ANNO QUINQUAGESIMO NONO

GEORGII III. REGIS.

Cap. lvii.

An Act for more effectually making and maintaining certain Turnpike Roads in the County of *Elgin*; and for more effectually converting into Money the Statute Labour in the said County, for repairing the Highways and Bridges therein.

[14th *June* 1819.]

WHEREAS by an Act passed in the Forty-fifth Year of the Reign of His present Majesty, intituled *An Act for making and repairing certain Roads in the County of* Elgin, *and for levying a Conversion in lieu of the Statute Labour, and otherwise regulating the making and repairing the High Roads and Bridges in the said County,* certain Persons were appointed Trustees for making the Road from the *Bridge of Spey*, at *Boat of Bog*, near *Fochabers*, leading through the Burghs of *Elgin* and *Forres* to the Confines of the County of *Elgin* towards *Nairn*, passing through the Parishes of *Speymouth*, *Urquhart*, *Longbride*, *Saint Andrew's*, *Elgin*, *New Spynie*, *Alves*, *Kinloss*, *Rafford*, *Forres*, and *Dyke*; and Powers were thereby given for erecting Turnpikes on the said Road, and levying Tolls thereat, and borrowing Money on the Credit of the said Tolls, and other Powers necessary for repairing the said Road and keeping the same in Repair: And whereas, in pursuance of the said Act, the said Road has been made and Money borrowed on the Credit of the Tolls; but 45 G. 3. c. 46.

the ſaid Road cannot be kept in Repair, nor the ſaid Money repaid, unleſs a further Term be granted and other Powers granted to the Truſtees: And whereas there are other Roads in the ſaid County in bad Repair, which cannot be made and kept in Repair by means of the Funds allowed by Law, and it would be of great Advantage to the Public if the ſaid other Roads were made, repaired, and kept in Repair by means of erecting Turnpikes and levying Tolls thereon; that is to ſay, the Road from *Elgin* to *Garmouth*, paſſing through the Pariſhes of *Elgin*, *Saint Andrews*, *Longbride*, *Urquhart*, and *Speymouth*; the Road from *Elgin* to *Loſſiemouth*, paſſing through the Pariſhes of *Elgin*, *Saint Andrews*, *Longbride*, *New Spynie*, and *Drainie*; the Roads from *Elgin* to *Burghead*, with a Branch to *Duffus*, paſſing through the Pariſhes of *Elgin*, *New Spynie*, *Alves*, and *Duffus*; the Road from *Elgin* to *Mortlach*, by *Rothes* and the *Craig Elachie* Bridge, paſſing through the Pariſhes of *Elgin*, *Saint Andrews*, *Longbride*, *Birnie*, and *Rothes* in the County of *Elgin*, and Pariſhes of *Aberlour* and *Mortlach* in the County of *Banff*; the Road from *Garmouth* to *Rothes*, and from thence to *Grantown* by *Elchies*, paſſing through the Pariſhes of *Speymouth*, *Rothes*, and *Knockando*, in the County of *Elgin*, and *Cromdale* in the County of *Inverneſs*; the Road from *Elgin* to *Pitniſk* by *Pluſcarden*, paſſing through the Pariſhes of *Elgin*, *Dallas*, *Rafford*, and *Edinkillie*; the Road from *Forres* to *Pitniſk*, paſſing through the Pariſhes of *Forres*, *Rafford*, and *Edinkillie*; the Road from *Forres* to *Burghead*, with a Branch to *Findhorn*, paſſing through the Pariſhes of *Forres*, *Kinloſs*, *Alves*, and *Duffus*; and the Road from *Forres* to the Bridge of *Craig Elachie*, paſſing through the Pariſhes of *Forres*, *Rafford*, *Dallas*, *Knockando*, and *Rothes*: And whereas certain other Regulations are neceſſary for more effectually levying and apportioning the Converſion Money in lieu of Statute Labour, in the ſaid County of *Elgin*: And whereas theſe ſeveral Purpoſes cannot be attained without the Authority of Parliament; 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, the ſaid recited Act paſſed in the Forty-fifth Year of the Reign of His Majeſty, ſo far as reſpects the Road therein directed to be made Turnpike, ſhall be and the ſame is hereby repealed, without Prejudice to the Claims and Demands of any Perſon or Perſons who has or have Security on the Tolls authorized to be levied on the ſaid Road, which Claims and Demands ſhall attach upon the Tolls authorized to be levied on the ſaid Road by this preſent Act in all Reſpects as they did on the former.

Recited Act, 45 G. 3. c. 46. repealed, without prejudice to Creditors.

Truſtees.

II. And be it enacted, That every Perſon who, in his own Right or in the Right of his Wife, now is or hereafter ſhall be in the actual Poſſeſſion and Enjoyment, as Proprietor or Liferenter, of the full Property or *Dominium Utile* of Lands in the ſaid County of *Elgin*, rented at One hundred Pounds Sterling, or valued in the Ceſs Books of the County at One hundred Pounds *Scots*; all and every the eldeſt Sons of ſuch Proprietor and Liferenter, or in the Abſence of ſuch Proprietor or Liferenter, the Factor of his Eſtate in the ſaid County; One Guardian of each Minor enjoying and poſſeſſing Lands of the Rent or Valuation aforeſaid; One Truſtee of every Eſtate of the Rent or Valuation aforeſaid;

ſaid; One Manager or Factor for each Corporation or aſſociated Body holding Lands of the Rent or Valuation aforeſaid; the Provoſt and eldeſt Bailie of the Burgh of *Elgin*; the eldeſt Bailie and Dean of Guild of the Burgh of *Forres*; the Baron Bailie or Chief Magiſtrate of *Fochabers*, *Rothes*, *Loſſiemouth*, *Burghead*, *Grantown*, and *Findhorn*; the Sheriff Depute of the County of *Elgin*, and his Subſtitute, all for the Time being, ſhall be and they are hereby nominated and appointed Truſtees for ſurveying, ordering, making and amending, widening, repairing, and keeping in Repair, and cauſing to be ſurveyed, made, amended, repaired, and kept in Repair the ſaid Road, from the Bridge of *Spey* at *Boat of Bog* near *Fochabers* (which paſſes through the Burghs of *Elgin* and *Forres*), to the Confines of the County of *Elgin* towards *Nairn*, and all the other Roads herein-before mentioned and deſcribed, and for putting in Execution all the Authorities by this Act given, reſpecting the ſaid Roads and the Bridges thereon.

Truſtee of Proprietor not to vote, except in the Abſence of his Conſtituent; and no Truſtee to have more than One Vote.

III. Provided always, and be it enacted, That no Factor, nor any Truſtee of any Proprietor, ſhall be entitled to vote and act as ſuch, except in the Abſence of his Conſtituent: Provided alſo, that no ſuch Steward Depute or Subſtitute, or Factor, nor any Provoſt, Bailie, Dean of Guild, or Chief Magiſtrate of any Burgh, ſhall be capable of acting as a Truſtee for the ſaid Turnpike Roads, unleſs he ſhall be qualified to act as a Commiſſioner of Supply for the ſaid County, or unleſs he ſhall be poſſeſſed of a Perſonal Eſtate alone, or of a Real and Perſonal Eſtate together, of the Amount or Value of Five hundred Pounds: Provided alſo, that although a Perſon being a Truſtee in his own Right ſhall claim as Guardian, Truſtee, or Factor as aforeſaid, or appear in Two Capacities, he ſhall have but One Vote; and that no Perſon, of any Deſcription whatever, claiming as a Truſtee under this Act, ſhall have more than One Vote on any Pretence whatever.

Penalty on any Perſon acting who is not qualified.

IV. And be it enacted, That if any Perſon not qualified as aforeſaid, ſhall, notwithſtanding, preſume to act as a Truſtee in the Execution of this Act, every ſuch Perſon ſhall, for every Offence, forfeit and pay a Sum not exceeding Twenty Pounds Sterling, beſides the Expence of Proſecution; to be recovered by ſummary Complaint, at the Suit of any Heritor of the ſaid County, before the Juſtices of the Peace, at their Quarter Seſſions, or before the Sheriff's Depute or Subſtitute of *Elginſhire*, to be applied for the Purpoſes of this Act; and the Proof of Qualification ſhall lie upon the Perſon complained of.

Truſtees not to hold Places of Profit.

V. And be it enacted, That if any of the ſaid Truſtees ſhall accept or hold any Place of Profit ariſing out of this Act, or ſhall be concerned or intereſted in any Contract or Contracts under this Act, he ſhall be incapable of acting as a Truſtee during his Enjoyment of ſuch Place of Profit; and that no Retailer of Beer, Ale, Wine, or Spirituous Liquors ſhall be capable of holding or enjoying any Office of Truſt, Profit, or Collection under this Act.

First and ſubſequent Meetings of Truſtees.

VI. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall hold their Firſt ſtated or General Meeting, by virtue of this Act, at *Elgin*, upon the Third *Monday* of *June* next, or as ſoon after as

as conveniently may be; and their Second ſtated General Meeting on the Day on which the *Michaelmas* Meeting of the Freeholders for the ſaid County for the ſaid Year is held; and ſhall thereafter hold Two General ſtated Meetings in each Year during the Continuance of this Act, One upon the Day on which the Commiſſioners of Supply ſhall meet for aſſeſſing the ſaid County in the Land Tax, and the other upon the Day of the *Michaelmas* Meeting of Freeholders of the ſaid County, with Power to the ſaid Truſtees, or Majority of thoſe preſent at any of the ſaid ſtated or General Meetings, to adjourn to ſuch other Time and Place as they ſhall think convenient; with Power alſo to name Committees of their Number, being Heritors in the reſpective Pariſhes through which the Road paſſes, to have the more immediate Care and Management of particular Parts of the ſaid Road, and to give their Committees (whereof Two to be a Quorum) ſuch Inſtructions and ſuch Powers as they ſhall think fit and expedient; and alſo with Power to the ſaid Truſtees, both in their General Meetings and Committee Meetings, to appoint Clerks, Caſhiers, Collectors, Surveyors, Overſeers, and other Officers, with reaſonable Salaries for their Trouble; all which Clerks, Caſhiers, Collectors, and others appointed to Offices of Truſt, ſhall account to ſuch Committee, or other Perſons appointed to receive their Accounts, Once every Twelve Months, or oftener (if required), for all Monies received by them, and pay over the Balance to the Truſtees or their Order; and in caſe of Default in accounting or Payment, it ſhall be lawful for any Two or more Juſtices of the Peace, or the Sheriff's Depute or Subſtitute of the ſaid County of *Elgin*, at the Suit of the ſaid Truſtees, to commit the Defaulter to Priſon till a faithful Account be rendered, or until he ſhall have compounded with the ſaid Truſtees for the Balance due from him as aforeſaid, which Compoſition the ſaid Truſtees are hereby authorized and empowered to make: Provided always, that no Perſon ſhall be committed for want of ſufficient Goods or Property whereon to make Diſtreſs for ſuch Balance, for any longer Space of Time than Six Calendar Months.

Power to name Committee of their Members.

To appoint Clerks and other Officers.

Same Perſon not to be Clerk and Treaſurer.

VII. Provided always, and be it further enacted, That it ſhall not be lawful for the ſaid Truſtees to continue or appoint the Perſon who has been or may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any ſuch Clerk, the Treaſurer for the Purpoſes of this Act, or to continue or appoint the Perſon who has been or may be appointed Treaſurer, or the Partner of any ſuch Treaſurer, the Clerk to the ſaid Truſtees for executing this Act; and if any Perſon ſhall act in both the Capacities of Clerk and Treaſurer for the Purpoſes of this Act, or if any Perſon, being the Partner of any ſuch Clerk, ſhall act as Treaſurer for the ſaid Purpoſes, or being the Partner of ſuch Treaſurer ſhall act as Clerk in the Execution of this Act, every Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall ſue for the ſame, to be recovered in any of His Majeſty's Courts in *Scotland*, by ſummary Complaint.

Securities to be taken from Officers.

VIII. And be it enacted, That the ſaid Truſtees ſhall and they are hereby required to take ſuch Securities from the Receiver or Receivers, Collector or Collectors, or other Perſons appointed to ſuch Offices of Truſt, for the due Execution of their Offices, as to the ſaid Truſtees ſhall ſeem meet; and no ſuch Perſon or Perſons ſo appointed ſhall enter on the Execution

Execution of their Offices until they ſhall have lodged ſuch Securities with the ſaid Truſtees, or with the Preſes of the Meeting at which they may be elected.

Quorum of the Truſtees.

IX. And be it further enacted, That the Quorum or Number of Truſtees neceſſary to do Buſineſs in General Meetings ſhall be Five, but if only One, or any Number leſs than Five ſhall be preſent at any of the ſtated or other General Meetings, ſuch Truſtee or Truſtees ſhall have Power to adjourn the Meeting; and in that caſe Notice ſhall be given of the Day, Place, and Purpoſe of ſuch Adjourned Meeting, by Two ſeveral Advertiſements in any Newſpaper publiſhed in *Aberdeen* or *Inverneſs*, the Firſt of which Advertiſements being at leaſt Fourteen Days before the Day of ſuch Adjourned Meeting; and the Clerk of the ſaid Truſtees ſhall have Power and he is hereby required when directed (by Writing under the Hands of any Two or more Truſtees) to call at any Time a General Meeting, giving the like previous Notice of the Time, Place, and Purpoſe of the Meeting; and at ſuch Meetings no Buſineſs ſhall be entered or decided upon, other than what is ſpecified in the Notice given as aforeſaid; and it ſhall not be in the Power of any ſtated or General Meeting to reſcind, alter, or vary the Determination of any former ſtated or General Meeting, unleſs previous Notice of the Intention of ſo doing, and the Time and Place of Meeting, be given by Advertiſements in any *Aberdeen* or *Inverneſs* Newſpaper as aforeſaid.

Power to adjourn.

Accounts to be kept by Committee Clerks.

X. And be it further enacted, That all the Proceedings of the ſaid Truſtees, and an exact Account of all the Money received by virtue of this Act, and of the Application of the ſame, ſhall be entered in a Book to be kept by the Clerks to the Committees appointed by the ſaid Truſtees, whoſe Duty it ſhall be to enter and record regularly, all their Proceedings and Accounts, and for that Purpoſe, to call for and oblige the Receivers, Tackſmen, and Caſhiers, to produce their Accounts and Vouchers thereof; and in caſe of their neglecting ſo to do, they ſhall forfeit a Sum not exceeding their Year's Salary; which Books of Account and Proceedings ſhall be open to the Inſpection of every Heritor in the County of *Elgin*, without Fee or Reward; and in caſe of Miſapplication of Money borrowed, collected, received, or levied, by or under this Act, all and every Perſon or Perſons who ſhall ſo miſapply, or by whoſe Authority the Miſapplication ſhall be made, ſhall forfeit Double the Sum miſapplied, with Coſts of Suit, to be recovered at the Suit of any Two or more Heritors of the County of *Elgin*, by a ſummary Proceſs, before the Sheriff of the County, or his Subſtitute, out of which Sum, when recovered, the Sum ſo miſapplied ſhall be paid to the Truſtees, for the Purpoſes of this Act, and the Remainder be divided into Two Moieties, One to be paid to the Truſtees for the like Purpoſes, and the other to the Perſons ſuing for the ſame; and Committees appointed as aforeſaid ſhall be accountable to the General Meetings, and for that Purpoſe ſhall lay before them, Once in the Year at leaſt, a State of their Accounts, and all other their Tranſactions, to be by them at one of their ſtated General Meetings examined, audited, and approved; and in caſe of Failure or Neglect the Clerk of the General Meeting ſhall, and he is hereby required to apply to the Sheriff Depute or Subſtitute of the County, or to the Juſtices of the Peace at their Quarter Seſſions, or Adjourned Quarter Seſſions, which Sheriff or Juſtices ſhall grant a Warrant for ſummoning the Clerk of the Committee ſo failing,

Committee to account to General Meetings.

ing, or other Perſon or Perſons to whom the ſaid Failure or Neglect is imputed, and on Proof of ſuch Failure or Neglect, ſhall fine him or them, in a Sum not exceeding Five Pounds Sterling, to be paid to the ſaid Truſtees, to be by them applied to the Purpoſes of this Act.

Book of Accounts to be kept by the principal Clerk.

XI. And be it further enacted, That the ſaid Truſtees ſhall and they are hereby required from Time to Time to cauſe to be entered in a Book to be kept by the principal Clerk to the ſaid Truſtees, true and regular Accounts of all Sums of Money received and expended by them in the Execution of this Act, and of the ſeveral Articles, Matters, and Things for which ſuch Sums of Money ſhall have been diſburſed, laid out, and paid, which Book ſhall at all ſeaſonable Times be open to the Inſpection of the ſaid Truſtees, or any Creditor or Creditors on the Tolls hereby granted, without any Fee or Reward; and the ſaid Truſtees and Creditors ſhall and may take any Copies or Extracts from ſuch Book without paying any thing for the ſame; and in caſe ſuch Clerk ſhall refuſe to permit or ſhall not permit ſuch Truſtees or Creditors, or any of them, to inſpect the ſame, or take Copies or Extracts as aforeſaid, ſuch Clerk ſhall forfeit and pay any Sum of Money not exceeding Five Pounds.

Truſtees may ſue and be ſued in Name of their Clerk.

XII. And be it further enacted and declared, That the ſaid Truſtees may ſue and be ſued for any Matter or Thing to be done in the Execution of this Act, in the Name of their Clerk or Treaſurer for the Time being; and that no Action or Suit, wherein the ſaid Truſtees ſhall be concerned, as Purſuers or Defenders, in the Name of their Clerk or Treaſurer, by virtue of this Act, ſhall abate by the Death or Removal of any ſuch Clerk or Treaſurer; but that the Clerk or Treaſurer to the ſaid Truſtees for the Time being ſhall be deemed to be the Purſuer or Defender (as the Caſe may be) in every ſuch Action.

Power to erect Gates and levy Tolls.

XIII. And be it enacted, That the ſaid Truſtees at their Firſt Meeting, or at any of the ſtated Meetings aſſembled, or at a Meeting advertiſed for that ſpecial Purpoſe, may direct and authoriſe Gates and Turnpikes to be erected acroſs any Part of the ſaid Roads, and ſuch Number of Toll Houſes as they ſhall think fit, and may authorize their Collectors or Tackſmen under their Authority to take and levy at each of the ſaid Gates, before any Paſſage be permitted, a Sum or Sums of Money, not exceeding the following Rates for all of the ſaid Roads; that is to ſay,

Rates.

For every Coach, Berlin, Landau, Chariot, Chaiſe, Calaſh, or other ſuch Carriage, with Four Wheels, when drawn by Six or more Horſes or other Beaſts of Draught, the Sum of Six Shillings Sterling; and when drawn by Four Horſes or other Beaſts of Draught, the Sum of Three Shillings Sterling; and when drawn by Three Horſes or other Beaſts of Draught, the Sum of Two Shillings Sterling; and when drawn by Two Horſes or other Beaſts of Draught, the Sum of One Shilling and Sixpence Sterling; and when drawn by One Horſe or other Beaſt of Draught, the Sum of Eight-pence Sterling:

For every Chaiſe, Gig, Curricle, or other like Carriage, with Two Wheels, when drawn by Two Horſes or other Beaſts of Draught, the Sum of One Shilling Sterling; and when drawn by One Horſe or other Beaſt of Draught, the Sum of Sixpence Sterling:

For

For every Horſe or other Beaſt of Draught, drawing any Carriage, commonly called a Taxed Cart, the Sum of Sixpence Sterling:

For every Waggon, Wain, Cart, or other like Carriage, when drawn by Six or more Horſes, Oxen, or other Beaſts of Draught, the Sum of Seven Shillings Sterling; and when drawn by Five Horſes, Oxen, or other Beaſts of Draught, the Sum of Five Shillings Sterling; and when drawn by Four Horſes, Oxen, or other Beaſts of Draught, the Sum of Three Shillings Sterling; and when drawn by Three Horſes, Oxen, or other Beaſts of Draught, the Sum of One Shilling and Six-pence Sterling; and when drawn by Two Horſes, Oxen, or other Beaſts of Draught, the Sum of Eight-pence Sterling; and when drawn by One Horſe, Ox, or other Beaſt of Draught, the Sum of Four-pence Sterling:

For every Horſe, Mare, Gelding, or Mule, with or without a Rider, laden or unladen, and not drawing, the Sum of Two-pence Sterling:

For every Drove of Oxen, Neat Cattle, Aſſes, Horſes, or Fillies, unſhod, the Sum of Five-pence Sterling, *per* Score, and ſo in Proportion for any greater or leſs Number:

For every Drove of Calves, Hogs, Sheep, Lambs, or Goats, the Sum of Five-pence Sterling *per* Score, and ſo in Proportion for any greater or leſs Number.

Provided always, that on that Portion of Road betwixt the Town of *Forres*, and the Seaport of *Findhorn*, there ſhall only be taken and levied a Sum or Sums of Money not exceeding One Half of the before mentioned Rates hereby authorized to be taken and levied at the Gates and Turnpikes to be placed on the other Parts of the Roads to be made under the Authority of this Act.

Power to leſſen the Rates.

XIV. And be it enacted, That the ſaid Truſtees ſhall be, and they hereby are empowered to diminiſh or leſſen any or all of the ſaid Rates upon the ſaid Roads, or any Part thereof, with the Conſent of the Perſons entitled to Five-ſixth Parts of the Money then due and owing on the Credit of the ſaid Tolls, but not otherwiſe; and alſo to raiſe the Rates again, if they ſhall ſee cauſe, but ſo as not at any Time to exceed the Rates authorized as aforeſaid by this Act.

Rates payable for Carriages drawn by Oxen may be demanded.

XV. Provided nevertheleſs, That it ſhall and may be lawful for the ſaid Truſtees, in any of their ſtated General Meetings aſſembled, if they ſee Cauſe, with the like Conſent as aforeſaid, to diminiſh for ſuch a Length of Time as they ſhall judge fit, the Tolls payable for Wains or other Carriages drawn by Oxen, ſuch Diminution not exceeding One Half of the Tolls payable for the ſame Carriages drawn by Horſes, and to raiſe the ſaid Tolls again, ſo as that the ſame ſhall not, at any Time, exceed the Rate of Tolls by this Act granted.

Power to erect Weighing Engines.

XVI. And be it further enacted, That the ſaid Truſtees or any Five or more of them ſhall, if they find it neceſſary, cauſe Weighing Engines to be erected upon ſuch Parts of the ſaid Roads as they ſhall think fit, for weighing all Carriages that ſhall paſs along the ſaid Roads, and ſhall receive and take (over and above the Tolls hereby granted) the following Sums of Money as additional Tolls: For every Hundred Weight (of One hundred and twelve Pounds to the Hundred) which any Waggon, Cart,

Cart, or Carriage, together with the Loading thereof, ſhall weigh at any of the ſaid Weighing Engines, over and above the Weight which ſuch Waggon, Cart, or Carriage is allowed to weigh, without paying additional Toll; that is to ſay, for the Firſt and Second Hundred, the Sum of Three-pence Sterling for each Hundred; for every Hundred of ſuch Overweight above Two Hundred and not exceeding Five Hundred, the Sum of Sixpence Sterling; for every Hundred of ſuch Overweight above Five Hundred and not exceeding Ten Hundred, the Sum of Two Shillings and Sixpence Sterling; for every Hundred of ſuch Overweight above Ten Hundred and not exceeding Fifteen Hundred, the Sum of Five Shillings Sterling; and for every Hundred of ſuch Overweight above Fifteen Hundred, the Sum of Twenty Shillings Sterling, before they reſpectively ſhall be permitted to paſs through ſuch Gate or Turnpike, and the ſame ſhall be applied as the other Tolls are by this Act directed to be applied; and in caſe any Perſon or Perſons ſhall hinder or obſtruct the weighing of any Carriage as aforeſaid, ſuch Perſon or Perſons ſhall for every ſuch Offence forfeit any Sum not exceeding Ten Shillings Sterling, beſides all neceſſary Expences.

Carriages not above certain Weight not to pay additional Toll.

XVII. And be it further enacted, That every Waggon, Cart, or Carriage ſhall be allowed to paſs without paying any additional Toll, provided ſuch Waggon, Cart, or Carriage, with its Loading, does not weigh more than the Weights following; *videlicet*, Every Waggon or Four-wheeled Carriage, having the Fellies or Rollers of the Wheels of the Breadth of Sixteen Inches Eight Tons in Summer, and Seven Tons in Winter; every Waggon or Wain having the Sole or Bottom of the Fellies of the Breadth of Nine Inches, Six Tons in Summer, and Five and a Half Tons in Winter; every Cart having the Fellies of the Breadth of Nine Inches, Three Tons in Summer, and Two Tons and Fifteen Hundred Weight in Winter; every Waggon having the Fellies of the Breadth of Six Inches, Four Tons and Five Hundred Weight in Summer, and Three Tons and Fifteen Hundred Weight in Winter; every Cart having the Fellies of the Breadth of Six Inches, Five Tons and Twelve Hundred Weight in Summer, and Two Tons and Seven Hundred Weight in Winter; every Waggon having the Fellies of leſs Breadth than Six Inches Three Tons and a Half in Summer, and Three Tons in Winter; every Cart having the Fellies of leſs Breadth than Six Inches, and drawn by Two or more Horſes, One Ton and a Half in Summer, and One Ton and Seven Hundred Weight in Winter; and every ſuch Cart drawn by One Horſe, One Ton both in Summer and Winter; and for the aforeſaid Purpoſes it ſhall be deemed Summer from the Firſt Day of *May*, to the Thirty-firſt Day of *October*, and Winter from the Firſt Day of *November*, to the Thirtieth Day of *April*, both incluſive.

Application of the Money levied,

XVIII. And be it further enacted, That the Money ſo to be raiſed and collected as aforeſaid, ſhall and is hereby declared to be veſted in the ſaid Truſtees, and ſhall be ſtrictly applied to and for the Uſes and Purpoſes by this Act directed; nor ſhall any Part thereof be expended without their Orders, or the Orders of their Committees, or other Perſons authorized by General Meetings; and if any Perſon or Perſons ſubject to the Payment of Tolls hereby granted ſhall, after Demand made, neglect or refuſe to pay the ſame, the ſaid Truſtees ſhall be, and are hereby empowered by themſelves, or ſuch other Perſon or Perſons as they ſhall appoint, to levy the ſame by

Distress and Sale of any Horse or Horses, or other Cattle or Carriage upon which such Toll is imposed, and to keep such Cattle or Carriage until the Toll and Charges of the Distress be paid; and after the Expiration of Six Days to sell the Cattle or Carriage distrained by public Process, at the Toll House where the Toll should have been paid, returning the Overplus (if any be) to the Owner on Demand, after Deduction of such Toll, and all Charge for distraining, keeping, appraising, and selling the same.

Tolls may be levied by Distress.

XIX. And be it further enacted, That the Right and Property of all and every the said Turnpikes, Toll Houses, and Premises to be erected by virtue of this Act, and Materials thereof, with the Materials that shall be collected and dug up for making and repairing the said Roads and Bridges, shall be vested in said Trustees, who may and are hereby authorized to dispose of them as they shall think proper for the Purposes of this Act only.

Property of the Toll Houses are vested in Trustees.

XX. And, for the better enabling the said Trustees to erect the Toll Houses necessary for collecting the said Tolls, be it further enacted, That the said Trustees shall be and they are hereby empowered to purchase or take in Lease such Pieces of Ground as they shall judge most convenient, not exceeding One-fourth of an Acre for each House; and if they cannot agree with the Proprietor and Occupier of the Ground, they shall apply to the Quarter Session of the County, who shall have Power, and are hereby required to oblige such Proprietor or Occupier to give a Lease of the said Ground for any Term not exceeding the Continuation of this Act, and fix the Rent of the same.

Power to purchase or take in Lease, Grounds necessary for Toll Houses.

XXI. And be it further enacted and declared, That at any of the annual General Meetings of the said Trustees (the Purpose of the said Meeting being specially announced by Public Advertisement in an *Aberdeen* or *Inverness* Newspaper), it shall be lawful for them to direct the Tolls arising at the Turnpikes or Toll Bars erected or to be erected on the said Roads, to be applied towards the making, repairing, and upholding of the aforesaid Roads, in such Manner as the said Trustees shall think fit; and as soon as the same shall be so adjusted, the Clerk of the said Trustees is hereby authorized and required to enter and record the same in a Book to be kept for that Purpose: Provided always, that in all Time thereafter, during the Continuance of this Act, it shall not be in the Power of the said Trustees, or any Number of them, to vary or alter the final Determination or Allocation so made.

Power to direct the Application of the Tolls to the Use of several Roads.

XXII. And be it further enacted, That it shall be lawful for the said Trustees to erect or cause to be erected one or more Gate or Gates on the Side or Sides of the said Roads, and across any Lane or Way leading out of the same, and also a Toll House at each such Gate, and there to take and receive such Tolls as are hereby granted and made payable, but so as that a Ticket received at any such Side Gate or Cross Bar shall entitle the Receiver thereof, to pass Toll-free through the next Gate or Turnpike, if within Six Miles, on the same Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock on the succeeding Night.

Side Gates may be erected.

XXIII. And be it further enacted, That if any Person occupying any Lands or other Premises near to the said Roads, shall suffer or permit any Person or

Penalty on Persons assisting in the

Evaſion of the Tolls.

or Perſons, not being his or her Servants, or of his, her, or their Family, to paſs over the ſame, or through any Gate or Paſſage with any Horſe, Beaſt, or Carriage, for which Toll is to be paid by virtue of this Act, or ſhall connive thereat, with Intent to evade the Payment of the ſaid Tolls or any of them, or if any Perſon ſhall forcibly paſs through, or aſſiſt any Perſon in paſſing through any Turnpike Gate erected or to be erected on the ſaid Roads, whereby the Payment of ſuch Toll may be evaded; ſuch Perſon ſo permitting or conniving at, and the Perſon or Perſons riding or driving ſuch Horſe, Beaſt, or Carriage through ſuch Grounds or private Paſſage, and any Perſon or Perſons riding or driving any Horſe, Beaſt, or Carriage, through any private Road (except as aforeſaid), or forcibly paſſing through any Turnpike Gate, being convicted thereof by the Teſtimony of One or more credible Witneſs or Witneſſes, before the Sheriff Depute or Subſtitute, or any One or more of the Juſtices of the Peace for the County, ſhall for every ſuch Offence forfeit and pay to the ſaid Truſtees, and their Collector or Collectors, any Sum not exceeding Five Pounds Sterling.

Penalty on Perſons taking off Horſes, &c.

XXIV. And be it further enacted, That if any Perſon or Perſons ſhall take off any Horſe or Horſes, or Oxen, or other Beaſts of Draught, from any Carriage, at or before the ſame ſhall come to any of the Gates or Turnpikes erected by virtue of this Act, with an Intention to evade the Payment of any of the Tolls hereby impoſed, or any Part thereof, or ſhall leave or cauſe to be left upon or near any Part of the ſaid Road, any Carriage, or any Horſe, Beaſt, or Cattle, with ſuch Intent as aforeſaid, each and every Perſon or Perſons ſo offending in any of the Caſes aforeſaid, and being thereof convicted in Manner aforeſaid, ſhall forfeit and pay to the Truſtees appointed to put this Act in Execution, or to their Collector for the Time being, any Sum not exceeding Twenty Shillings Sterling.

Penalty on Perſons unloading to evade paying.

XXV. And be it further enacted, That in caſe any Perſon or Perſons ſhall unload any Waggon, Cart, or other Carriage travelling along the ſaid Roads before coming to a Turnpike, and ſhall carry the ſaid Load through ſuch Gate, ſuch Perſon or Perſons ſhall pay the Tolls by this Act impoſed, in the ſame Manner as if ſuch Coach, Chaiſe, Waggon, Cart, or other Carriage, had gone through the Turnpike Gate without being unloaded; and if ſuch Perſon or Perſons ſhall refuſe to pay ſuch Tolls, he, ſhe, or they ſhall forfeit and pay any Sum not exceeding Twenty Shillings Sterling to the ſaid Truſtees, or their Collector for the Time being.

Tolls payable only once in the ſame Day.

XXVI. And be it further enacted, That no Perſon or Perſons, having paid the Tolls herein-before granted at any of the ſaid Gates or Turnpikes, ſhall, on the ſame Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock of the ſucceeding Night) be liable to pay again the ſaid Tolls at any Gate or Turnpike, or Side Gate, through which they ſhall have paſſed, for the ſame Coach, Cart, or other Wheel Carriage, drawn by the ſame Horſes or other Beaſts of Draught, or for the ſame Horſe or other Beaſt or Cattle for which any ſuch Toll ſhall have been ſo previouſly paid on the ſame Day.

Tickets to be delivered on Payment of Tolls.

XXVII. And be it further enacted, That upon Payment of the ſaid Tolls, the Collector or Receiver thereof ſhall and he is hereby required to deliver *gratis*, to the Perſon paying ſuch Tolls, a Note or Ticket denoting ſuch

Payment; and there ſhall be printed and ſpecified thereon the Names of the ſeveral and reſpective Gates freed by ſuch Payment.

Penalty on giving Tickets to another Perſon.

XXVIII. And for preventing Frauds and Abuſes in the ſaid Tolls, be it further enacted, That if any Perſon or Perſons, having paid the Toll by this Act impoſed, and having a Note or Ticket, Notes or Tickets, ſignifying the Payment of ſuch Toll, ſhall give or diſpoſe of the ſame to any other Perſon or Perſons, in order to avoid Payment of the ſaid Toll, every ſuch Perſon ſo giving or diſpoſing of ſuch Note or Ticket, Notes or Tickets, or receiving the ſame, being convicted thereof, upon Oath, before One or more Juſtice or Juſtices of the Peace, or before the Sheriff Depute or Subſtitute of the County, ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Twenty Shillings Sterling to the ſaid Truſtees, or their Collector or Collectors.

Penalty on obſtructing Collectors of Tolls.

XXIX. And be it further enacted, That if any Perſon or Perſons ſhall aſſault, interrupt, hinder, obſtruct, or diſturb, or cauſe, promote, or encourage to be aſſaulted, interrupted, hindered, or diſturbed, any Collector of the Tolls, every ſuch Perſon ſhall, for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings.

Toll Collectors to put up their Names.

XXX. And be it further enacted, That all and every Toll Collector appointed, either by the ſaid Truſtees or by any Leſſee or Leſſees under them, to collect the Tolls payable at any Turnpike or Toll Gate to be continued or erected by virtue of the ſaid Act or this Act, ſhall and he is hereby required to place his Chriſtian and Surname, painted on a Board in legible Characters, in the Front or ſome other conſpicuous Part of the Toll Houſe or Toll Gate, immediately upon his coming on Duty, and ſhall continue the ſame ſo placed during the whole Time he ſhall be upon ſuch Duty, each of the Letters of ſuch Name or Names to be at leaſt Two Inches in Length, and of a Breadth in proportion, and painted in White Letters on a Black Ground, or Black Letters on a White Ground; and if any Collector of the ſaid Tolls ſhall not place ſuch Board as aforeſaid, and keep the ſame there during the Time aforeſaid, or ſhall not give conſtant Attendance at all Hours, or ſhall demand or take a greater or leſs Toll from any Perſon or Perſons than he ſhall be authorized to do by virtue of the Powers of the ſaid Act or this Act, or ſhall demand and take a Toll from any Perſon or Perſons who ſhall be exempt from the Payment thereof, or ſhall refuſe to permit or ſuffer or ſhall in anywiſe hinder any Perſon or Perſons from reading ſuch Chriſtian or Surname, or ſhall refuſe to tell his Chriſtian or Surname to any Perſon or Perſons who ſhall demand the ſame on having paid the ſaid Tolls or any of them, or ſhall give a falſe Name or Names on ſuch Demand, or ſhall refuſe or neglect to give a Ticket denoting the Payment of the Toll, and naming and ſpecifying the ſeveral Gates freed by ſuch Payment, or ſhall make uſe of any ſcurrilous or blaſphemous Language to any Perſon or Perſons travelling upon the ſaid Road, or ſhall without ſufficient Cauſe detain or delay any Perſon or Perſons travelling thereon, then and in every ſuch Caſe every ſuch Collector ſhall forfeit and pay any Sum not exceeding Five Pounds for every ſuch Offence, as the Juſtice or Juſtices before whom the Information ſhall be laid ſhall adjudge.

XXXI. And

Diſputes concerning the Tolls to be ſettled by a Juſtice.

XXXI. And be it further enacted, That if any Diſpute ſhall happen about the Amount of the Tolls due, or the Charges of making, keeping, or ſelling any Diſtreſs, it ſhall be lawful for the Collector or Perſon diſtraining to retain ſuch Diſtreſs, or the Money ariſing from the Sale thereof (as the Caſe may happen), until the Amount of the Tolls due, and of the Charges of the Diſtreſs and Sale, or of keeping the Diſtreſs (as the Caſe ſhall happen) ſhall be aſcertained by ſome Juſtice of the Peace for the County where ſuch Diſpute ſhall ariſe, who, on Application made to him for that Purpoſe, ſhall examine the Matter on the Oath of the Parties or other Witneſs or Witneſſes, and ſhall determine the Amount of the Tolls due, and ſhall award ſuch Coſts and Charges to either Party as to the ſaid Juſtice ſhall appear right and proper; all which Coſts and Charges ſhall and may be levied and recovered, in caſe of Non-payment thereof forthwith, by Warrant under the Hand and Seal of ſuch Juſtice, rendering the Overplus (if any) on Demand, after deducting the Coſts and Charges of making ſuch Diſtreſs and Sale, to the Perſon or Perſons whoſe Goods and Chattels ſhall be ſo diſtrained and ſold.

Exempting Royal Family from Toll.

XXXII. And be it enacted, That this Act ſhall not extend, or be conſtrued to extend to charge with Toll any Horſes or Carriages belonging to His Majeſty or any of the Royal Family, or any Horſes or Carriages attending His Majeſty or any of the Royal Family.

Exemptions from the Tolls.

XXXIII. Provided always, and it is hereby further enacted and declared, That no Perſon or Perſons ſhall be charged with any of the Tolls aforeſaid, for paſſing through any of the Turnpikes to be erected by virtue of this Act, who ſhall not travel above Two hundred Yards on any of the ſaid Roads; nor any Perſon carrying or conveying Stones or other Materials, for making, repairing, and building the ſaid Roads and Bridges, or other Public Roads or Bridges within the ſaid County, or any of the Cauſeways, within or belonging to the ſame, or going or returning empty for theſe Purpoſes; nor ſhall any Occupier or Occupiers of Land be charged with any of the Tolls aforeſaid, for paſſing from one Part to another of the ſame Farm; nor ſhall any Occupier or Occupiers of Fields or Burgh Roods, on which no Offices or Barnyards are erected for the Uſe of the ſaid Fields or Lands, be liable to pay any of the ſaid Tolls for any Horſes or Carriages carrying Dung to the ſaid Fields or Roods, from the Yard where ſuch Dung is made for the Uſe of the ſaid Fields or Roods; nor carrying any Corn in the Straw, Hay, or Graſs, being the Produce of the ſaid Fields or Roods, to the Place where the ſaid Corn in the Straw, Hay, or Graſs is uſually kept or uſed by the ſaid Occupier or Occupiers; nor for empty Carriages returning from carrying the Matters aforeſaid or any of them; nor ſhall any Toll be demanded from any Perſon or Perſons who ſhall paſs or return through the ſaid Turnpikes to or from their proper Parochial Church, Chapel, or any Perſon or Perſons going to or returning from his, her, or their uſual Place of Religious Worſhip, tolerated by Law, upon *Sunday*, or any other Day on which Divine Worſhip is ordered by Authority to be celebrated; nor from any Clergyman within his own Pariſh going to or returning from viſiting any ſick Perſon, or upon other his Parochial or Miniſterial Duty on *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; nor for any Perſon or Perſons who ſhall paſs or return in attending the

Funeral

Funeral of any Perſon or Perſons who ſhall be buried within the Pariſh in which ſuch Perſon or Perſons died; nor for Horſes or Cattle going to or returning from Paſturing or Watering Places, or going to Smithies for the Purpoſe of being ſhod; nor for any Horſes or Carriages of whatever Deſcription, employed or to be employed in carrying the Mails of Letters and Expreſſes under the Authority of His Majeſty's Poſtmaſter General, either when employed in carrying, fetching, or guarding ſuch Mails or Expreſſes, or in returning from conveying the ſame; except in ſo far as ſuch Horſes or Carriages are ſpecially made liable to the Payment of Tolls by virtue of an Act made in the Fifty-third Year of the Reign of His preſent Majeſty, intituled *An Act to repeal the Exemption from Toll granted for or in reſpect of Carriages with more than Two Wheels carrying the Mail in* Scotland; *and for granting a Rate for Poſtage as an Indemnity for the Loſs which may ariſe to the Revenue of the Poſt Office from the Payment of ſuch Tolls*; nor for the Horſes or Carriages of Officers or Soldiers upon their March or upon Duty, or for any Horſes, Cattle, or Carriages, employed in carrying or conveying the Arms or Baggage of any ſuch Officers or Soldiers, or in carrying any ſick, wounded, or diſabled Officers or Soldiers, or in returning from carrying or conveying the ſame; nor for any Horſe, Mare, or Gelding, furniſhed by or for any Perſon belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them in going to or returning from the Place appointed for and on the Days of Exerciſe: Provided always, that ſuch Perſon ſhall be dreſſed in the Uniform of their reſpective Corps, and have their Arms, Furniture, and Accoutrements, according to the Regulation provided for ſuch Corps reſpectively; nor for Carts, Carriages, or Waggons, travelling with and conveying Vagrants or Criminals, ſent with legal Paſſes, or returning from conveying the ſame; and if any Perſon ſhall claim or take the Benefit of any of the ſaid Exemptions, not being legally entitled to the ſame, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Five Pounds Sterling.

Exempting Carriages with Stores.

XXXIV. And be it further enacted, That no Perſon owning or driving, or cauſing to be driven, any Waggon, Wain, Cart, or other Carriage, provided for the Service of His Majeſty's Forces, or conveying any Ordnance, Barrack, or Commiſſariat, or other Public Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces, ſhall be ſubject to any Penalty or Forfeiture for Overweight, nor ſhall any ſuch Waggon, Wain, Cart, or other Carriage, be ſtopped or detained by reaſon of any Weight in any ſuch Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horſes or Oxen; but it ſhall be lawful for any Owner or Driver of any ſuch Waggon, Wain, Cart, or other Carriage, to put any Number of Horſes or Oxen to ſuch Waggon, Wain, Cart, or other Carriage; any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads or in this Act contained to the contrary notwithſtanding.

Toll Gates within Six Miles from each other.

XXXV. And be it further enacted, That no Toll Bar ſhall be erected or Toll levied on the ſaid Roads, until at leaſt One-half of the Sum eſtimated for making ſuch Roads, ſhall be ſubſcribed and paid to a Treaſurer appointed by the ſaid Truſtees; and that if any Turnpikes are erected within a leſs Diſtance of each other than Six Miles, any Perſon or Perſons producing a Ticket to ſhew that he, ſhe, or they have paid the Tolls at one Gate,

Gate, shall not pay any farther Tolls till the Distance exceeds Six Statute Miles from the Gate at which he, she, or they shall have paid: Provided always, that the said Exemptions shall only take place in the Case of any Person or Persons continuing to travel on the same Line of Road or Branches thereof made in virtue of this or of the said recited Act hereby repealed.

Trustees may accept of Subscriptions for making particular Parts of any of the Roads.

XXXVI. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered to accept Subscriptions for such Sum or Sums of Money as may be requisite for the making or Amendment of any particular Part or Parts of the said Roads, and for securing the Repayment thereof, with Interest, to assign the Tolls hereby authorized to be levied on the said Roads; and that it shall also be lawful for the said Trustees to contract and agree with the Person or Persons lending Money as aforesaid, for the making or Amendment of the said Roads, or any particular Part or Parts thereof as aforesaid, to apply the same in making and amending such Roads, or Parts of Roads; and they are hereby required to lay out and apply the Money so lent for that express Purpose accordingly: Provided that no Turnpike or Bar shall be erected, or Tolls taken on any such particular Space or Portion of Roads, until Four Miles nearest to the Place where such Turnpike or Toll Bar shall be erected, shall be well and sufficiently made, amended, or repaired, and so declared to be by a Quorum of the Trustees.

Surplus Produce to be applied to extinguish Debt.

XXXVII. And be it enacted, That the Surplus Produce of the Tolls, after defraying the Expence of Repairs and other necessary Charges on the Road, and paying the Interest of Money borrowed, subscribed, and advanced, shall be appropriated annually to extinguish the Principal of the Debt, and Money raised by Subscriptions, and to no other Purpose.

Trustees to execute the Act on such of the Roads as shall be directed by General or Adjourned Meetings.

XXXVIII. Provided always, and be it further enacted, That the said Trustees shall proceed to put this Act in Execution, at such Periods, and in respect to such Points of the said Roads only as shall be agreed and determined at some of the annual stated General Meetings held under this Act, or some Special Adjourned General Meeting, to be called by the Clerk for the Purpose of settling and determining the same, by Advertisement inserted Twice in the *Aberdeen* and *Inverness* Newspapers.

Penalty for damaging Bridges by floating Timber.

XXXIX. And be it further enacted, That if any Person or Persons having Right to float Timber down the River *Findhorn*, or any other Person or Persons shall, by any Timber so floated upon the said River, or by any Raft or Rafts of Timber do any Damage to any Bridge or Bridges thereon or any Pier or Piers thereof, the Owner or Owners thereof respectively shall not only pay the Damage sustained, but shall also forfeit and pay any Sum not exceeding Five Pounds Sterling for each Offence.

Tolls may be let by Auction.

XL. And be it further enacted, That the said Trustees, at a General Meeting assembled, or a Committee to be for that Purpose named by any General Meeting, may, and they are hereby authorized and empowered, by Public Roup, to let the said respective Tolls or Duties, in Whole or by Parcels, from Time to Time during the Continuance of this Act, by Lease or otherwise, for any Term not exceeding Three Years, for the highest Rate or Rates they can get for the same, to such Person or Persons

as ſhall from Time to Time give ſuch good and ſufficient Security for paying thereof, as ſhall be approved by the ſaid Truſtees.

Power to compound with Travellers.

XLI. And be it further enacted, That the ſaid Truſtees ſhall have Power at their General or Committee Meetings to compound or agree by the Year or otherwiſe, with any Perſon or Perſons travelling, or in uſe to travel or uſe the ſaid Roads, the Compoſition agreed upon being made payable Quarterly and by Advance; and Copies of all ſuch Agreements ſhall be entered in a Book or Books to be kept for that Purpoſe by the Clerk, to be ſeen and peruſed by any Perſon or Perſons at all reaſonable Times without Fee or Reward.

Penalty on Perſons injuring the Turnpike Gates, &c.

XLII. And be it further enacted, That if any Perſon or Perſons ſhall wilfully or maliciouſly break down, or otherwiſe deſtroy or deface any Turnpike Gates, Mile Stones, Poſts, Chains, Bars, Houſes, or other Works whatſoever, erected for the Uſe of ſuch Turnpikes, or ſhall reſcue any Perſon in Cuſtody for any of theſe Offences, every Perſon ſo offending, being thereof lawfully convicted in any Proſecution ordered by the ſaid Truſtees, or any Two of them, upon the Oath of One or more credible Witneſs or Witneſſes, before the Sheriffs, or any Two or more Juſtices of the Peace of the County of *Elgin*, ſhall be condemned to pay any Sum not exceeding Five Pounds Sterling, and to be impriſoned for any Time not exceeding One Calendar Month, and thereafter until the Damages awarded ſhall be paid.

Power to borrow Money.

XLIII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, over and above the Money ſubſcribed, to borrow ſuch Sum or Sums of Money as they ſhall judge to be neceſſary on the Credit of the Tolls leviable at any or each of the Turnpike Gates to be erected by virtue of this Act, to be laid out in making and repairing the ſaid Roads, erecting Toll Houſes, and defraying other Expences of carrying this Act into Execution; provided that the whole Amount of the Money ſo borrowed ſhall not, at any one Time, exceed Five hundred Pounds Sterling *per* Statute Mile, declaring that the Money ſo borrowed ſhall be and continue a Lien upon the Tolls granted by this Act upon that Part of the Road for the Uſe of which the Money was borrowed or advanced, in preference to former Subſcriptions and future Contractions; and it ſhall be lawful for the ſaid Truſtees, and they are hereby empowered, to aſſign the Whole or any Part of the Tolls by this Act impoſed, to the Perſon or Perſons from whom the Money as aforeſaid ſhall be borrowed, as a Security for Payment of the Sum or Sums of Money ſo lent by them, with the Intereſt thereupon; and the Aſſignments of the Tolls, for Money ſo borrowed, ſhall be entered in a Book to be kept by the ſaid Truſtees or ſuch Perſons as they ſhall appoint, which Book may be ſeen and peruſed at all reaſonable Times by any Perſon or Perſons any way intereſted as a Land Owner in the ſaid County, or as a Creditor or Subſcriber as aforeſaid, without Fee or Reward; and the Securities to be granted by the ſaid Truſtees, for the Purpoſes aforeſaid, ſhall be transferrable by Indorſement, duly ſubſcribed by the Party transferring, in the Preſence of One or more ſubſcribing Witneſs or Witneſſes: And it is hereby declared, that the ſaid Truſtees ſhall not be held or adjudged to have rendered themſelves perſonally liable for the Repayment of the Money borrowed or Intereſt thereof, by reaſon of having ſigned the Securities; which Securities

Truſtees not perſonally liable.

rities are to be held and conſidered as granted upon the ſole Credit and Security of the Tolls; nor ſhall any Truſtee or Subſcriber be held perſonally liable upon any Pretext for Payment of any Sum which he ſhall not have bound himſelf to pay perſonally as an Individual, independent of his Office as a Truſtee under this Act.

Payment of Subſcriptions to be enforced.

XLIV. And be it further enacted, That if any Perſon or Perſons who has or have ſubſcribed, or ſhall ſubſcribe towards the making and repairing the Roads by this Act intended to be made and repaired, ſhall, after Forty Days Notice, given by any Perſon or Perſons authorized by the ſaid Truſtees to receive and recover the Subſcription Money, neglect or refuſe to pay the ſame by him, her, or them ſubſcribed, to the Perſon or Perſons ſo authorized, it ſhall be lawful to ſuch Perſon or Perſons, and he or they are hereby required to ſue for and recover the ſaid Subſcription Money, in any Court competent in *Great Britain*, declaring that the Perſons actually paying ſhall have a Lien on the Tolls collected on the Roads for the Uſe of which the Money was ſubſcribed, next after any Aſſignments that may have been made of ſuch Tolls, for Money borrowed as aforeſaid, previouſly to the actual Payment of ſuch Subſcription Money.

Commiſſioners for the Statute Labour.

XLV. And for the more effectually making, repairing, and keeping in Repair, the Roads and Bridges in the ſaid County of *Elgin*, generally, be it further enacted, That every Perſon who, in his own Right or in the Right of his Wife, now is or hereafter ſhall be in the actual Poſſeſſion and Enjoyment, as Proprietor or Life-renter of the full Property or *Dominium Utile* of Lands in the ſaid County of *Elgin*, rented at One hundred Pounds Sterling, or valued in the Ceſs Books of the County at One hundred Pounds *Scots*, and in his Abſence one duly authorized and accredited Factor, and all and every the eldeſt Sons of ſuch Proprietor or Life-renter; One Guardian of each Minor enjoying and poſſeſſing Lands of the Rent or Valuation aforeſaid; One Truſtee of every Eſtate; One Manager or Factor for each Corporation or Aſſociated Body, holding Lands of the ſaid Rent or Valuation; the Provoſt and eldeſt Bailie of the Burgh of *Elgin*; the eldeſt Bailie and Dean of Guild of the Burgh of *Forres*; the Baron Bailie or Chief Magiſtrate of *Fochabers*, *Rothes*, *Loſſiemouth*, *Burghead*, *Grantown*, and *Findhorn*; and the Sheriff Depute of the County of *Elgin*, and his Subſtitute, all for the Time being, ſhall be Truſtees for ordering and ſuperintending the making and repairing, and keeping in Repair, or cauſing to be ſurveyed, altered, and repaired, all and every the Roads, Bridges, and Ferries within the County of *Elgin*, other than and beſides the ſaid Roads in the ſaid County, on which Turnpikes ſhall be erected and Tolls taken, in virtue of this Act; and for exacting and applying the Aſſeſſments herein-after allowed to be impoſed and levied, and for carrying into Execution the whole Powers given by former Laws, and conferred by this preſent Act, relative to the Roads, Bridges, and Ferries within the ſaid County.

Qualification.

XLVI. Provided always, That if any Perſon, not qualified as aforeſaid, ſhall notwithſtanding preſume to act as a Truſtee as aforeſaid, every ſuch Perſon ſhall for every ſuch acting forfeit the Sum of Twenty Pounds Sterling, beſides the Expence of Proſecution, to be recovered by Complaint in a ſummary Way, at the Suit of any Heritor within the ſaid County, before the

the Juſtices of the Peace of their Quarter Seſſions, or before the Sheriff-Depute of the County of *Elgin*, or his Subſtitute; which Penalty ſhall be paid to the Truſtees aforeſaid, or their Clerk, to be applied by them for the Purpoſes of this Act; and in caſe of ſuch Complaint, the Proof of the Qualification ſhall lie upon the Perſon complained of.

County divided into Diſtricts.

XLVII. And be it further enacted, That the ſaid County ſhall be divided into the following Diſtricts, *videlicet*, Firſt Diſtrict, containing the Pariſhes of *Bellie*, *Speymouth*, *Urquhart*, and *Longbride* and *Saint Andrews*; Second Diſtrict containing the Pariſhes of *Elgin*, *New Spynie*, *Drainie*, *Duffus*, *Alves*, and *Birnie*; Third Diſtrict, containing the Pariſhes of *Kinloſs*, *Rafford*, *Forres*, *Dyke*, *Dallas*, and *Edinkillie*; Fourth Diſtrict, containing the Pariſhes of *Knockando*, *Rothes*, *Boharm*, and *Inveraven*; and the Fifth Diſtrict, containing the Pariſhes of *Advie*, *Abernethie*, *Duthil*, and *Inverallan*: Providing and declaring always, that the foregoing Diviſion of the ſaid County into Diſtricts ſhall be ſubject to Alteration by any of the Annual ſtated General Meetings, Notice of ſuch intended Alteration being advertiſed in the *Aberdeen* or *Inverneſs* Journals, or other Newſpaper publiſhed at *Aberdeen* or *Inverneſs*, Twice within Two Weeks immediately preceding ſuch General Meeting.

Firſt and other Meetings of Truſtees.

XLVIII. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall, in order to put this Act into Execution, meet within the Sheriff Court Room of *Elgin* on the ſame Day on which the Truſtees herein-before named for the Superintendance and Direction of the Turnpike Roads, hold their Firſt ſtated General Meeting under this Act, and ſhall meet thereafter Yearly on the Days appointed for the Annual ſtated General Meetings of the ſaid Truſtees, with Power to adjourn and name a Preſes, and alſo a Clerk, with a ſuitable Salary for his Trouble, who ſhall keep a regular Record of their Proceedings, and when required ſhall give out Extracts of the Orders or Proceedings of the Truſtees containing Warrants for putting theſe Orders into Execution; with Power alſo to the ſaid Truſtees to appoint convenient Times for the Firſt Meetings, in each Year, of the Truſtees for the reſpective Diſtricts before mentioned, with ſuch Inſtructions for carrying this Act into Execution as may be deemed neceſſary; and the Truſtees at ſuch Diſtrict Meetings ſhall have Power afterwards to adjourn to ſuch Time as they ſhall ſee cauſe.

Quorum of Truſtees.

XLIX. And be it further enacted, That at all General Meetings of the ſaid Truſtees, Five ſhall be a Quorum; and if a Quorum ſhall not attend, any One or more Truſtees attending ſhall have Power to adjourn.

For calling Meetings.

L. And be it further enacted, That the Clerk of the ſaid Truſtees, or, in his Abſence, the Preſes of the former General Meeting, ſhall when directed by any Two or more Truſtees call a General Meeting, by any Advertiſement in the *Aberdeen* or *Inverneſs* Journals, or other Newſpapers publiſhed at *Aberdeen* or *Inverneſs*, Fourteen Days before ſuch Meeting, ſignifying the Purpoſe of the ſame; and no Perſon but the Clerk, or the Preſes of the ſame General Meeting, ſhall have Power to call ſuch Special Meetings; and the Expence of advertiſing ſhall be paid out of the Funds of the Diſtrict on the Buſineſs of which the Meeting is called.

Manner of annulling Determination of Annual Meetings.

LI. And be it further enacted, That no Determination of either of the Annual ſtated Meetings, or the Rules and Regulations eſtabliſhed by them, ſhall be annulled or altered till the next Annual ſtated Meeting, or Meeting advertiſed for that ſpecial Purpoſe.

Diſtrict Truſtees.

LII. And be it enacted, That the Truſtees, whoſe Property is ſituate in, or who, by their Offices, are connected with the ſeveral Diſtricts before mentioned, ſhall have the Superintendance of the Roads, Bridges, and Ferries within their reſpective Diſtricts; and ſhall at their Meeting have Power to name a Preſes, Clerks, Surveyors, Overſeers, Collectors, and other Officers, with ſuitable Salaries, and take ſuch Securities from thoſe appointed to the Offices of Truſt, for the due Execution of their Offices, as they ſhall think proper; and in Diſtrict Meetings Three ſhall be a Quorum, and any One or more of the ſaid Truſtees attending ſhall have Power to adjourn; and the Truſtees in each Diſtrict ſhall cauſe to be kept exact Minutes of their Proceedings; and ſhall cauſe to be entered accurate Accounts of the Money received by virtue of this Act, and the Application thereof in a Book to be kept by their Clerk, which all the Heritors of the County ſhall have Liberty to inſpect *gratis*; and a particular Report of the State of the Roads and Bridges within the reſpective Diſtricts, or the Books of the Proceedings kept by the Truſtees within the ſame, and Eſtimates of the Sums neceſſary for the Repair of them, and Accounts of the Money expended and Work done the preceding Year, ſhall be laid before the Annual ſtated General Meeting, held on the Day the Commiſſioners of Supply meet for aſſeſſing the Land Tax, or upon the Thirtieth Day of *May* or next lawful Day yearly; and in caſe of Failure or Neglect, any Juſtice of the Peace, on the Application of any One Truſtee, ſhall ſummon the Clerk of the Diſtrict, or other Perſon or Perſons to whom the ſaid Failure or Neglect is imputed, and on Proof of ſuch Failure or Neglect, ſhall fine him or them in a Sum not exceeding Ten Pounds Sterling.

Converſion in lieu of Statute Labour.

LIII. And be it enacted, That in lieu of the Statute Services there ſhall (with the Exceptions herein-after ſpecified) be paid an Aſſeſſment or Converſion in Money, to be levied from the Heritors, Landholders, or Feuars in the ſaid County of *Elgin*, according to the reſpective valued Rents at which their Lands ſtand rated in the Ceſs and Valuation Books of the ſaid County, ſuch Aſſeſſment not exceeding Two Pounds Ten Shillings Sterling, nor under One Pound Ten Shillings Sterling, upon each One Hundred Pounds *Scots* of valued Rent; and the ſaid Truſtees ſhall have Power, and they are hereby authorized at their reſpective Diſtrict Meetings, to be held annually on the Days appointed by the General Meetings, to nominate and appoint their own Collector and Clerk, with ſuch an Allowance for his Trouble as may ſeem reaſonable to the ſaid Truſtees; as alſo to fix and determine the particular Rate of Aſſeſſment within the Diſtrict for the current Year, the ſame not exceeding the maximum Rate of Two Pounds Ten Shillings Sterling herein-before allowed, nor under One Pound Ten Shillings Sterling for each One Hundred Pounds *Scots* of valued Rent.

Heritors entitled to a Proportion

LIV. And be it further enacted, That all the Heritors or Proprietors who ſhall have paid the Aſſeſſment to be impoſed in manner as herein-before directed, ſhall be entitled to Relief and Repayment from the actual Tenants

or Poſſeſſors of Three-fourth Parts of ſuch Aſſeſſment, each Poſſeſſor paying a Sum correſponding to the Rent of their Poſſeſſions, converting the Proportion payable in Grain at the Fiars of the County for the preceeding Year, a juſt Share of the ſaid Three-fourth Parts being always laid upon Lands in the natural Poſſeſſion of the Proprietor; and the like Action and Execution ſhall be competent to ſuch Heritors or Proprietors for their Relief and Repayment of the ſaid Aſſeſſment, as by Law is competent to them for the Payment and Recovery of their Rents; and ſuch Relief ſhall alſo be competent in all Caſes where an Occupier or Tenant is by Leaſe or Agreement exempted from the Payment of all public Burdens, unleſs the Aſſeſſments impoſed by this Act be expreſsly included in ſuch Exemptions.

of the Rate from their Tenants.

LV. And be it further enacted, That in caſe any Tenant ſhall think himſelf or herſelf charged with more than a juſt and equitable Proportion of the Aſſeſſment, according to the Rent reſerved, or that an adequate Value has not been put upon the Lands in the natural Poſſeſſion of the Proprietor, the ſaid Truſtees, or any Three or more of them, in a Diſtrict Meeting aſſembled, are hereby empowered and required, upon a Complaint made to them by ſuch Tenant, to determine the Matter in a ſummary Manner, in the Way they ſhall ſee juſt and equitable; and the Rates ſo fixed ſhall continue afterwards to be the Rule of Payment, ſo long as there is no Variation either in the Rent or Poſſeſſion; and on Proof being made that ſuch Alterations or Variations have taken place, the ſaid Truſtees ſhall again decide in Manner aforeſaid on a Complaint ſtated in the ſame ſummary Manner.

In determining Diſputes reſpecting the Diviſion of Valuations.

LVI. And be it further enacted, That all Proprietors of Burgh Roods, Fiſhings, or Lands, not valued in the Ceſs Books of the ſaid County, ſhall be liable in an Aſſeſſment or Converſion in lieu of Statute Labour, in a Sum not exceeding Sixpence Sterling *per Annum* for each One Pound Sterling of the yearly Rent of their Poſſeſſions; the ſaid Rent to be aſcertained by Two or more Aſſeſſors, to be appointed by the ſaid Truſtees in each Diſtrict; and ſuch Aſſeſſment ſhall be collected by any Perſon or Perſons to be named by the ſaid Truſtees, at their Diſtrict Meetings in manner before mentioned, and ſhall be diminiſhed in the ſame Proportion that the aforeſaid Aſſeſſment or Converſion for Lands valued in the Ceſs Books of the County ſhall be diminiſhed: Provided always, that the Tax Roll by which the Ceſs payable from the Towns of *Elgin* and *Forres* is collected and levied, ſhall be the Rule by which the aforeſaid Aſſeſſment is to be impoſed upon the Fiſhings, Burgh Roods, and other Lands not valued in the Ceſs Books aforeſaid, ſo long as the ſaid Tax Roll ſhall continue; and the ſame Relief to the ſame Extent and Proportion ſhall be competent to the Proprietors of ſuch Fiſhings, Burgh Roods, and other Lands before mentioned, againſt the Tenants and Poſſeſſors of the ſame, as to the Proprietors of Lands valued in the Ceſs Books of the County.

Proprietors of Burgh Roods, &c. not valued in Ceſs Books, liable.

LVII. And be it further enacted, That upon and after the paſſing of this Act, all Occupiers and Inhabitants, whether Heritors or Tenants, of all Houſes, Shops, Cellars, Warehouſes, and other Buildings within any Part of the ſaid County of *Elgin*, that now are, or hereafter may be erected in the ſaid County, not having any cultivated or profitable Lands, except a Garden annexed thereto, ſhall in place of their Statute

Rates of Aſſeſſment on Inhabitants of Houſes.

tute Labour, pay yearly, an Assessment or Conversion, not exceeding Two Shillings Sterling, for every Dwelling House, Apartment, or Room occupied by them, whereof the yearly Rent is One Pound and under Three Pounds Sterling; an Assessment or Conversion not exceeding Three Shillings Sterling, for every Dwelling House, Apartment, or Room occupied by them, whereof the yearly Rent is Three Pounds, and under Five Pounds Sterling; an Assessment or Conversion not exceeding Four Shillings Sterling, for every Dwelling House, Apartment, or Room occupied by them, whereof the yearly Rent is Five Pounds, and under Ten Pounds Sterling; an Assessment or Conversion not exceeding Five Shillings Sterling, for every Dwelling House, Apartment, or Room occupied by them, whereof the yearly Rent is Ten Pounds, and under Fifteen Pounds Sterling; an Assessment or Conversion, not exceeding Seven Shillings and Sixpence Sterling, for every Dwelling House, Apartment, or Room occupied by them, whereof the yearly Rent is Fifteen Pounds, and under Eighteen Pounds Sterling; an Assessment or Conversion not exceeding Ten Shillings Sterling, for every Dwelling House, Apartment, or Room occupied by them, whereof the yearly Rent is Eighteen Pounds, and under Twenty Pounds Sterling; an Assessment or Conversion not exceeding Twelve Shillings Sterling, for every Dwelling House, Apartment, or Room occupied by them, whereof the yearly Rent is Twenty Pounds, and under Twenty-five Pounds Sterling; an Assessment or Conversion not exceeding Fifteen Shillings Sterling, for every Dwelling House, Apartment, or Room occupied by them, whereof the yearly Rent is Twenty-five Pounds, and under Thirty Pounds Sterling; an Assessment or Conversion not exceeding Twenty Shillings Sterling, for every Dwelling House, Apartment, or Room occupied by them, whereof the yearly Rent is Thirty Pounds, and under Thirty-five Pounds Sterling; an Assessment or Conversion not exceeding Twenty-five Shillings Sterling, for every Dwelling House, Apartment, or Room occupied by them, whereof the yearly Rent is Thirty-five Pounds and under Forty Pounds Sterling; and Two Pounds Sterling, for all above; and all and every Innkeeper, Carter, Carrier, or other Persons keeping Horses, Asses, or Mules, for Carriage or Hire, or for carrying on any particular Trade or Manufacture, and every Person keeping a Riding or Pleasure Horse, and who shall be assessed in a Sum not exceeding Twenty Shillings Sterling, for Lands or Houses, in virtue of this Act, shall pay as an Assessment or Conversion for Statute Labour, a Sum not exceeding Two Shillings Sterling, yearly, for each of such Horses, Asses, or Mules.

Assessments on other Persons.

LVIII. And be it further enacted, That all Men, whether married or unmarried, above Eighteen Years of Age, and not exceeding Sixty, not being engaged Servants or Apprentices by the Year, or Half Year, nor possessing Lands or Houses of the yearly Rent of Twenty Shillings Sterling, shall be obliged to pay a Sum not exceeding Six Shillings Sterling, yearly, for the Purposes of this Act, to the Collector or Clerk of the Trustees of the Parish, within which he shall be residing, in the Month of *June*, or in case of his Removal from such Parish, before Payment to the Collector or Clerk of the Parish, who shall first demand the same: Provided always, that it shall be in the Power of the said Trustees, and they are hereby authorized to assess such Persons either to the Rates or Duties chargeable on Occupiers of Houses, in the like Situation and Circumstances, or to the Rates last mentioned, payable by other

other Perſons: Provided always, that no Houſe or Houſes within the ſaid County, entirely uſed or employed in carrying on Manufactures, belonging to any one Company or Individual, and where no Part ſhall be occupied as a Dwelling Houſe, and no Kind of Victuals ſhall be dreſſed or prepared therein, ſhall be ſubjected or liable to be rated or aſſeſſed for the Duties impoſed by this preſent Act, for any higher Rate or Aſſeſſment than upon Fifty Pounds Sterling of yearly Rent or Value of all ſuch manufacturing Houſes. Abatement for Manufactories.

LIX. And for aſcertaining the Converſion payable by the Occupiers of Burgh Roods, Fiſhings, or Lands, not valued in the Ceſs Books of the ſaid County, and Inhabitants of Houſes, and others in the Royal Burghs, Towns, and Villages, and by Innkeepers, Carters, and others, as herein-before particularly deſcribed; be it enacted, That any Three or more of the ſaid Truſtees, at their Firſt Diſtrict Meeting to be held after the paſſing of this Act, and yearly thereafter ſhall, and they are hereby authoriſed to nominate and appoint Two or more fit Perſons as Aſſeſſors, for their reſpective Diſtricts or Pariſhes within the ſaid County, who within the Space of One Calendar Month after their Appointment, ſhall yearly Return upon Oath, to the Truſtees of the ſaid Diſtrict Meeting, an exact Liſt of the Occupiers of the ſaid Burgh Roods, Fiſhings, Lands, Houſes, and others particularly before deſcribed, and the Rents of the ſaid Burgh Roods and Houſes, where the ſame are in Tenantry, or to the beſt of their Judgment, the annual Value of ſuch Burgh Roods and Houſes, where they are in the natural Poſſeſſion of the Proprietor, or where the Rent paid by the Tenant cannot be aſcertained; and the ſaid Aſſeſſors ſhall in like Manner, and they are hereby required to make up and return to the ſaid Truſtees at their Diſtrict Meeting, full and diſtinct annual Liſts of all Horſes, Aſſes, and Mules, kept by Innkeepers, Carters, Carriers, and other Perſons particularly herein-before deſcribed, ſpecifying the Names of the Owners of ſuch Horſes, Aſſes, or Mules, and the Purpoſes for which they are employed, and alſo full and diſtinct Liſts of the other Perſons herein-before deſcribed, liable in Payment of the ſaid Aſſeſſment; and the ſaid Aſſeſſors are hereby required, and ſhall be obliged to act and perform their Duty faithfully, according to the Intent and Meaning of this Act, under the Penalty of Five Pounds Sterling for every Offence, to be levied and applied in Manner as herein-after mentioned; but no Perſon ſhall be obliged to hold the Office of Aſſeſſor for more than Two Years ſucceſſively, nor ſhall again be bound to accept of the ſaid Office during the Space of Six Years thereafter; and the ſaid Truſtees are hereby empowered to allow the ſaid Aſſeſſors ſuch Sum as to them ſhall appear reaſonable for their Trouble, but no Perſon incapable through Age or Infirmity to act ſhall be liable to be appointed an Aſſeſſor; and Payment of the Penalty for not acting ſhall exempt the Perſon paying from being again appointed for the Space of Six Years after ſuch Payment. For appointing Aſſeſſors.

LX. And be it enacted, That the ſaid Truſtees, at their Diſtrict Meetings, ſhall and they are hereby required to order and appoint the whole Monies to be annually impoſed and levied upon the Diſtrict in lieu of Statute Labour, to be laid out and expended upon the reſpective Roads within the different Pariſhes of the Diſtrict where it is levied; and where a public Road happens to be the Boundary between Two Pariſhes, whether Aſſeſſment to be laid out in the Pariſh where levied.

ther in the ſame or different Diſtricts, it ſhall be made and ſupported by each Pariſh, contributing equally to its Expence, ſo far as connected together: Provided always, that it ſhall be in the Power of the ſaid Truſtees, with Conſent of the Heritors poſſeſſing Four-fifths of the valued Rent of any Pariſh, to apply the Whole or Part of the Aſſeſſment ariſing therefrom to ſuch Roads within other Pariſhes of the Diſtrict, or within the Pariſhes of another Diſtrict lying contiguous, as they may judge moſt neceſſary and expedient.

Time of Payment of Aſſeſſment: Manner of enforcing it.

LXI. And be it further enacted, That the whole Sums of Money ariſing from the aforeſaid Aſſeſſments and Converſions ſhall be paid on or before the Firſt Day of *July* yearly; and if any Perſon liable in Payment thereof ſhall neglect or refuſe to pay the ſame to the Collectors to be appointed by the ſaid Truſtees, on or before the Day of Payment above ſpecified, it ſhall then be lawful for the Sheriff Depute, or his Subſtitute, or for Two or more Juſtices of the Peace for the ſaid County, to grant a Warrant for poinding the Effects of the Deficient, in a ſummary Way, to appraiſe them on the Spot where found, and afterwards to ſell the ſame by Auction, for Payment of the Aſſeſſment or Converſion which ſhall be due, together with the full Charges attending the Recovery thereof, or to arreſt Money due to the Perſon ſo refuſing or neglecting to pay, and to recover ſuch Money to the Extent of what is due; and the Surplus (if any) ſhall be paid when demanded to the Perſon whoſe Effects ſhall have been ſo poinded, or his Money arreſted; which Warrants are to be granted by the Sheriff Depute, or his Subſtitute, or Juſtices aforeſaid, upon an Application made to them or any of them, and an Atteſtation, ſigned by any of the Collectors, certifying that the Perſon complained of had been deficient in paying the Aſſeſſments or Converſions above mentioned, and expreſſing therein the Arrears of ſuch Perſons.

Perſons exempted from Converſion.

LXII. Provided always, and be it enacted, That no Parochial Schoolmaſter, or other Schoolmaſter regularly authorized to teach, ſhall pay an Aſſeſſment or Converſion for his Dwelling Houſe, or Pariſh School-houſes, and the Lands thereunto belonging in his natural Poſſeſſion, but if he ſhall be Proprietor or Occupier of other Lands and Houſes as Tenant or Proprietor, he ſhall in that Caſe pay for ſuch other Lands or Houſes occupied by him, according to the Rate of the Claſs to which he belongs; nor ſhall any Pauper, receiving Aid from the Pariſh Funds, nor any Perſon who ſhall be certified by Two Juſtices of the Peace, or by the Clergyman and Two Elders of the Pariſh in which he reſides, to be in indigent Circumſtances, pay or be charged with any Aſſeſſment.

For borrowing Money on the Credit of the Converſion.

LXIII. And be it further enacted, That it ſhall be in the Power of the Truſtees within each Diſtrict, and they are hereby authorized, to borrow Money on the Credit of the Aſſeſſment or Converſion hereby allowed to be raiſed upon all or any of the Pariſhes within the Diſtrict, and to aſſign Two-thirds of the ſaid Converſions, as a Security for the Payment thereof; Provided, that the Sum borrowed on the Credit of the Converſion in any Pariſh, ſhall not at any Time exceed the Amount of Ten Years' Converſions, eſtimating the Value of each Year's Converſion by that of the Year immediately preceding that in which the Money ſhall be ſo borrowed; and provided further, that ſuch Tranſaction be entered in the

the Books of the Diſtrict, and that till ſuch Time as the Money ſo borrowed and the Intereſt thereof ſhall be repaid, the Truſtees ſhall not have Power to diminiſh the Rate of Aſſeſſment impoſed at the Time when ſuch Money was borrowed as aforeſaid, but that it ſhall, nevertheleſs, be in their Power to increaſe ſuch Aſſeſſment, if it ſhall be found neceſſary to borrow any farther Sum, in Manner and for the Period as herein-before allowed.

Diſtrict Meetings to determine Roads to be made, and Amount of Aſſeſſment.

LXIV. And be it further enacted, That the ſaid Truſtees, in their reſpective Diſtrict Meetings, ſhall annually upon the Day appointed by the General Meeting, or upon any Day to which the ſaid Appointment may have been regularly adjourned, determine what Roads are to be made and repaired or altered within ſuch Diſtricts, and fix ſuch Allocation of the Converſion Money as to them ſhall appear proper for that Purpoſe; and ſhall have Power to appoint Committees in every Pariſh, being Truſtees of the Diſtrict, or Heritors in ſuch Pariſh, or their Agents properly authorized to act for them, or Tenants renting Lands at not leſs than One hundred Pounds Sterling, or One hundred Bolls of Grain *per Annum*, to ſuperintend the Roads in ſuch Pariſh, which Committee ſhall have Power to call for the Aſſeſſments impoſed on the Pariſh, and name Overſeers under them for the Application of the Money, and the making and repairing of the Roads in the ſaid Pariſhes, with ſuitable Salaries for their Trouble; and the ſaid Committees and Overſeers ſhall annually make up and deliver to the Clerk of the Truſtees of the Diſtrict, regular Accounts of the Money expended by them reſpectively; and in caſe of Failure or Neglect in ſuch Committees or Overſeers in giving in their Accounts, any Juſtice of the Peace, upon the Application of any one Truſtee, may fine the Defaulters in a Sum not exceeding Five Pounds Sterling.

General Meetings may allocate Aſſeſſments if Diſtrict Meetings fail.

LXV. And be it enacted, That if the Truſtees of any Diſtrict or Pariſh ſhall neglect to execute the Powers committed to them by this Act, and ſhall not have applied the Money hereby allowed to be impoſed, it ſhall be lawful (unleſs ſufficient Cauſe is ſhewn by ſuch Diſtrict or Pariſh) for the ſaid Truſtees, in each of their Annual ſtated General Meetings, to allocate the Converſion Money unapplied on each defaulted Pariſh or Diſtrict, to the Roads and Bridges of that or any other Pariſh or Diſtrict within the County, and to name a Committee of their own Number, with the neceſſary Powers to cauſe Application to be made.

Diſtrict Meetings ſubject to General Meetings.

Aſſeſſments not to be reduced till Money borrowed be repaid.

LXVI. Provided always, and be it enacted, That the Proceedings of the Truſtees in the Diſtrict Meetings ſhall be ſubject to the Diſcretion and Controul of the General Meetings, to whom any Perſon or Perſons who think themſelves aggrieved by ſuch Proceedings may appeal, and whoſe Sentence ſhall be final; and in caſe the Diſtrict Meetings do not comply with the Orders of the General Meetings, it ſhall be in the Power of the ſaid General Meetings to appoint a Committee of their Number to carry the ſaid Orders into Execution: Provided alſo, that it ſhall not be in the Power of the ſaid Truſtees, either at their General Meetings or Diſtrict Meetings, to diminiſh or reduce the Rate of Aſſeſſment ariſing from any Diſtrict or Pariſh, upon the Credit of which any Sum or Sums of Money may have been borrowed, as herein-before allowed, until ſuch Sum or Sums of Money be paid off and extinguiſhed, or unleſs the Perſon or Perſons to whom the Money is owing ſhall conſent.

Appeal not to ſtop Payment of Aſſeſſments.

LXVII. And be it enacted, That no Appeal taken from the Sentence of Proceeding of a Diſtrict Meeting, nor any Complaint or Action founded thereon, ſhall ſtop the Payment of the Converſions in that Year in which ſuch Converſions are ordered to be paid, ſaving to the Parties their Redreſs, out of the Converſions for the Year next after the Determination of the Cauſe, or otherwiſe, as they may be by Law entitled.

Truſtees to bear their own Expences.

LXVIII. And be it further enacted, That the ſaid Truſtees, (as well thoſe appointed for the Turnpike Roads as thoſe appointed to manage the other Roads and Bridges through the ſaid County generally, and the Converſion Money), the preſent and ſubſequent Regulations in this Act applying to both Sets of Truſtees, and to both Objects, ſhall, at their Meetings, pay their own Expences.

Truſtees may erect Fences and ſhut up uſeleſs Roads.

LXIX. And be it further enacted, That it ſhall and may be lawful for the ſaid Truſtees to build Fences, and to ſhut up and ſuppreſs public Roads of every Deſcription, which may appear uſeleſs or of little Importance to the Public, not being Turnpike Roads, and to alter the Direction or open another Road in lieu of that ſhut up: Provided always, that Notice of the Reſolution to ſhut up any ſuch Road be given by Advertiſement at the Churches of the Pariſhes through which the ſaid Road paſſes, for Two conſecutive *Sundays*, One Month at leaſt before the ſaid Road ſhall actually be ſhut up; and that any Perſon or Perſons who ſhall think himſelf, herſelf, or themſelves aggrieved by ſuch Reſolution, may apply to the Sheriff Depute of the County of *Elgin*, or his Subſtitute, who, if he ſees Cauſe, is hereby empowered to ſuſpend the Execution thereof until the next General Meeting of the Truſtees, who ſhall hear and determine therein, ſubject to the Appeal to the Quarter Seſſions as herein mentioned.

Truſtees to ſettle Direction of the Roads, &c.

LXX. And be it further enacted, That the ſaid Truſtees ſhall be and they are hereby authorized to cauſe the ſaid Turnpike Roads to be amended, widened, and repaired in ſuch Manner as they ſhall think proper, to ſettle the particular Direction of the ſame, but ſo as not to widen or divert the Courſe of the Turnpike Roads authorized to be made by the ſaid Act of the Forty-fifth Year of the Reign of His preſent Majeſty, more than One hundred Yards, without the Conſent in Writing of the Owners and Occupiers of the Lands through which ſuch Alteration ſhall be made, and to cauſe the other Roads within the ſaid County, to which the Converſion Money in lieu of Statute Labour is to be applied, to be made, repaired, and kept in Repair; and to employ Engineers, Surveyors, and other Perſons, with ſuitable Allowances for their Trouble; and alſo to make or cauſe to be made Cauſeways, and to cut and make Drains, Ditches, and Paſſages for Water, through any Ground adjacent, not being a Garden, Planted Walk, or Avenue to any Houſe, and to keep clear ſuch Ditches or Outlets, and for ſuch Purpoſe the Workmen employed by them may go upon the ſaid Lands: Provided always, that before any Perſon or Perſons ſo employed ſhall break Ground on a Proprietor's Arable or Graſs Lands for the Purpoſes mentioned, a written Intimation ſhall be given to him Six Days previouſly by Authority of the Truſtees, firſt paying the Purchaſe Money, or making ſuch a reaſonable Compenſation for all Damages done to the Property as may be awarded in the Manner herein-after mentioned.

LXXI. And

Map of new Roads to be attended to in making Roads.

LXXI. And whereas Maps or Plans describing the Line of the said intended new Roads, and the Lands, Hereditaments, and Premises through or over which the same is to be made and carried, together with a Book of Reference containing a List of the Names of the Owners and Occupiers of such Lands and Premises, have been deposited at the Office of the Clerk of the Peace for the said County of *Elgin*; be it therefore enacted, That the said Maps or Plans and Book of Reference shall remain in the Custody of the Clerk of the Peace of the said County, to the end that all Persons at all seasonable Times have Liberty to inspect and peruse the same, and to take Copies or Extracts thereof at their Will and Pleasure, paying the Clerk of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts of the said Maps or Plans and Book of Reference; and that the said Trustees, on making the said Roads, shall not deviate more than One hundred Yards of Three Feet each from the Line described in the said Maps or Plans, without the Consent and Approbation in Writing of the Person or Persons, Bodies Politic, Corporate or Collegiate, through whose Lands or Premises such Deviation shall be made.

Road may be made through Lands omitted in Book of Reference.

LXXII. Provided always, and be it enacted, That it shall be lawful for the said Trustees to make the said Roads into, through, across, or over the several Lands, Hereditaments, and Premises of any Person or Persons, who is or are or may be Owner or Owners of Land over which the same are set out in the said Maps or Plans as aforesaid, although the Name or Names of such Person or Persons may happen to be omitted or mis-stated in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the said County, and be certified by Writing under their Hands that such Error or Omission proceeded from Mistake.

Power to erect Bridges.

LXXIII. And be it further enacted, That the said Trustees shall have Power to cause to be built new Arches and Bridges of Stone, Brick, Iron, or Timber, on the said Roads, and to cause to be taken down old Bridges become unnecessary, and to apply the Materials thereof as they shall see proper for the Purposes of this Act, and also to cause such Parts of the Turnpike Roads as are not of sufficient Width, to be widened to any Breadth, not exceeding Forty Feet, exclusive of the Footways, and clear of the Ditches, and to cause the Course of such Parts of the said Roads as they shall think proper, within the Limits aforesaid, to be altered, for shortening the same or making them more commodious and level; and the Road so altered and widened shall thereafter be taken and held to be a public Highway, and comprehended within this Act; provided that it shall be in the Power of all Proprietors and Occupiers of Land, as well entailed as unentailed, to give up and renounce every Claim of Damage, or otherwise competent to them by this Act, for such Ground and Materials as any new Road may occupy or require on their respective Properties; and that such Renunciation is and shall be equally binding on the Heirs of such Proprietors.

Claim for Damages may be renounced.

On Difference with the Owners, &c. Value to be ascertained, &c.

LXXIV. And be it enacted, That if in the taking Possession of the Ground necessary for straightening, widening, or altering the said Roads, or for other the Purposes of this Act, or if in removing any Fence, House, or other Building, or other Impediment under the Authority of this Act, the respective Owners or Occupiers of such Grounds, Fences,

Fences, Lands, Houſes, Buildings, or other Impediments, ſhall not come to a voluntary Agreement with the ſaid Truſtees for the Value thereof, or for the Damage ſuſtained by and the Recompence to be made to ſuch Owners or Occupiers, or in caſe the Claim of Damages or otherwiſe which may be thence incurred has not been renounced in Manner aforeſaid, it ſhall be lawful for either Party to apply to the Sheriff Depute of the County of *Elgin*, or One of his Subſtitutes, who upon ſuch Application is and are hereby authorized and required to ſummon a ſufficient Number of diſcreet, ſubſtantial, and diſintereſted Perſons, being either Owners or Occupiers of Lands within the County, to come and appear before them at ſuch Time and Place as by their Warrant and Precept ſhall be directed, Intimation of Fifteen Days being given by the Truſtees of ſuch Appointment to the Parties or their known Agents, and the Number of Perſons who ſhall attend ſhall then be reduced to Fifteen by the Truſtees and the Proprietors ſtriking off One alternately, beginning on the Part of the Proprietors, or in caſe both Parties ſhall not appear, by the Sheriff Depute or his Subſtitute, until it be ſo reduced, and the remaining Fifteen being duly ſworn, the Sheriff Depute or his Subſtitute ſhall proceed to examine upon Oath in their Preſence ſuch Witneſſes as ſhall be ſummoned by either Party, and upon their Depoſitions and other competent Evidence, ſuch Jury ſhall determine as to the Relevancy of the Facts alledged againſt taking ſuch Ground, and if ſuch Facts ſhall be found irrelevant, ſhall determine the Price to be paid by the ſaid Truſtees, and the ſaid Sheriff Depute or his Subſtitute ſhall thereupon order Payment to be made of the Sums awarded by the Jury, and ſhall ordain the Owners and Occupiers of the Premiſes, or their Truſtees, Tutors, or Curators, upon Payment or lawful Tender thereof, quietly to permit and ſuffer the ſaid Truſtees to take Poſſeſſion of the ſaid Grounds, and the Proceedings of the ſaid Sheriff Depute or his Subſtitutes, and the Verdict of the ſaid Jury ſhall be final and concluſive on all Parties, without being ſubject to Review in any Court, by Advocation, Suſpenſion, Reduction, or otherwiſe.

Expence of aſcertaining Value by whom to be paid.

LXXV. Providing always, and be it enacted, That if ſuch Jury ſhall by their Verdict adjudge the ſaid Premiſes to be of greater Value than the Truſtees ſhall have offered, but leſs than the Owner or Owners, Occupier or Occupiers ſhall have required, the Expence of ſuch Jury and all Expences connected therewith ſhall be defrayed and borne by the ſaid Truſtees, and ſuch Owner or Owners, Occupier or Occupiers equally; but in caſe the ſaid Jury ſhall award to ſuch Owner or Owners, Occupier or Occupiers the Sum required, or any greater Sum, the Whole of the ſaid Expence ſhall be paid by the ſaid Truſtees; and in caſe the ſaid Jury ſhall award the Sum offered by the ſaid Truſtees, or a leſs Sum, the Whole of the ſaid Expence ſhall be paid by the ſaid Owner or Owners, Occupier or Occupiers; and in all Caſes where any Perſon or Perſons ſhall by reaſon of unavoidable Abſence be prevented from treating with the ſaid Truſtees, ſuch Coſts and Expences ſhall be borne and paid by the ſaid Truſtees: And provided alſo, that after having offered and paid to the Owner or Owners, Occupier or Occupiers of any Lands, Houſes, or other Premiſes, or to their Agents or Factors, ſuch Sum as the ſaid Truſtees ſhall think reaſonable, or which ſhall have been awarded in Manner aforeſaid, or on Conſignation of the ſame in the Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of the *Britiſh* Linen Company, as the Caſe may be, in

Manner by this Act directed, and from thenceforth it ſhall and may be lawful for the ſaid Truſtees to enter into or upon ſuch Lands, Houſes, or other Premiſes for the Purpoſes of this Act, and no Stop ſhall in the meantime be put to the Operations of the ſaid Truſtees on Pretence of ſettling the ſaid Damages, or that they have not been ſatisfied and paid.

Penalty if Jurymen refuſe to act.

LXXVI. And be it enacted, That if any Perſon ſummoned as a Juryman or a Witneſs under the Authority of the ſaid Sheriff Depute, or his Subſtitute, in any manner ariſing out of this Act, ſhall neglect or fail to appear, or ſhall refuſe to act as a Juryman, or to give Evidence, the ſaid Sheriff Depute or his Subſtitute is hereby empowered to fine every ſuch Perſon for every ſuch Offence in any Sum not exceeding Five Pounds Sterling.

How Lands are to be veſted in the Truſtees.

LXXVII. And be it further enacted, That all Lands and Houſes which may be acquired by the ſaid Truſtees in purſuance of this Act, ſhall be veſted in the ſaid Truſtees by the ſimple Diſcharge of the agreed Price or appraiſed Value thereof, or by Conſignation of the ſaid Price or Value in the Bank of *Scotland*, or the Royal Bank of *Scotland*, or Bank of the *Britiſh* Linen Company, in Manner herein directed with regard to Conſignations, as the Caſe may be; and it ſhall be ſufficient to record the Diſcharge or the Voucher of Conſignation in the Sheriff-Court Books of the ſaid County, whereupon the ſaid Truſtees ſhall be entitled to take and uſe the ſaid Lands and Houſes, and ſhall hold the ſame as validly and effectually, to all Intents and Purpoſes, as if the reſpective Owners thereof had executed in their Favour regular Diſpoſitions of the ſame, and Infeftments had followed thereupon.

Incorporated Perſons, &c. empowered to convey.

LXXVIII. And be it further enacted, That the ſaid Truſtees ſhall be and they are hereby empowered to take and acquire, and all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Heirs of Entail, Huſbands, Truſtees, Tutors and Curators, and all and every Perſon and Perſons whatſoever, though under any legal Diſability or Incapacity, are hereby empowered and required to ſell, feu, let, and convey, all ſuch Lands or Houſes as may be neceſſary for the making, altering, or widening the ſaid Roads, or any of them, and erecting any Gate or Turnpike or Toll-Houſe, with a Stable and Garden adjoining thereto, and for ſtoring Materials, or otherwiſe, where Ground is neceſſary for the Purpoſes of this Act, upon ſuch Satisfaction being made to the Owner or Owners, and Occupier or Occupiers, as can be agreed upon by and between the ſaid Truſtees and ſuch Owner or Owners, Occupier or Occupiers; and in the Event that they cannot agree, then upon Payment of ſuch Sum or Sums of Money as ſhall be awarded in the Manner herein-before directed.

Application of Compenſation where exceeding 200l.

LXXIX. And be it further enacted, That if any Money ſhall be agreed or awarded to be paid for any Lands, Tenements, or Heritages, purchaſed, taken, or uſed by virtue of the Powers of this Act, for the Purpoſes thereof, which are held under Entail, or are ſubject to Life-Rents, Annuities, or other Incumbrances, or ſhall belong to any Incorporation, Married Women, Infant, Lunatic, or Perſon or Perſons under any Diſability or Incapacity, ſuch Money ſhall, in caſe the ſame ſhall amount to the Sum of Two hundred Pounds Sterling, under the Direction and by the Authority of

of the Court of Seſſion, be with all convenient Speed paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of the *Britiſh* Linen Company, to the Intent that ſuch Money ſhall be applied, under the Direction and with the Approbation of the ſaid Court, to be ſignified by an Order made upon a Petition to be preferred in a ſummary Way by the Perſon or Perſons who would have been entitled to the Rents and Profits of the ſaid Lands, Tenements, or Heritages, in the Redemption or Purchaſe of the Land Tax, or Diſcharge of any Debt or Debts, or ſuch other Incumbrance or Part thereof as the ſaid Court ſhall authorize to be paid, affecting the ſame Lands, Tenements, or Heritages, or affecting other Lands, Tenements, or Heritages ſtanding ſettled therewith, to the ſame or the like Uſes, Intents, or Purpoſes; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted, under the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Lands, Tenements, or Heritages, which ſhall be conveyed and ſettled to, for, and upon ſuch and the like Uſes, Truſts, Intents, and Purpoſes, in the ſame Manner as the Lands, Tenements, or Heritages, which ſhall be ſo purchaſed, taken, or uſed as aforeſaid, ſtood ſettled or limited, or ſuch of them as at the Time of making ſuch Conveyance and Settlement, ſhall be exiſting, undetermined, and capable of taking effect; and in the meantime, and until ſuch Purchaſe ſhall be made, the Intereſt or Annual Produce of ſuch Money ſhall from Time to Time be paid, by Order of the ſaid Court, to the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Heritages ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

Application where the Compenſation does not exceed 200l. nor leſs than 20l.

LXXX. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Lands, Tenements, or Heritages ſo purchaſed, taken, or uſed for the Purpoſes aforeſaid, and belonging to any Incorporation, or to any Perſon or Perſons under Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds Sterling, and not leſs than the Sum of Twenty Pounds Sterling, then and in all ſuch Caſes the ſame ſhall, at the Option of the Perſon or Perſons for the Time being entitled to the Rents and Profits of the Heritages ſo purchaſed, taken, or uſed, or of his, her, or their Tutors or Curators, in caſe of Infancy or Lunacy, to be ſignified in Writing under their reſpective Hands, under the like Direction and Authority, be paid into either of the ſaid Banks, and be placed to his or their Account as aforeſaid, in order to be applied in Manner herein-before directed; or otherwiſe the ſame ſhall be paid at the like Option to Two Truſtees to be nominated by the Perſon or Perſons making ſuch Option, and approved of by Five or more of the ſaid Truſtees, (ſuch Nomination and Approbation to be ſignified in Writing under the Hands of the nominating and approving Parties) in order that ſuch Principal Money, and the Intereſt ariſing therefrom, may be applied in any Manner herein-before directed, ſo far as the Caſe be applicable.

Application when the Money is leſs than 20l.

LXXXI. Provided alſo, and be it further enacted, That where ſuch Money ſo agreed or awarded to be paid as laſt before mentioned ſhall be leſs than Twenty Pounds Sterling, then and in all ſuch Caſes the ſame ſhall be applied to the Uſe of the Perſon or Perſons who would for the Time being

being have been entitled to the Rents and Profits of the Heritages ſo purchaſed, taken, or uſed for the Purpoſes of this Act, in ſuch Manner as the ſaid Truſtees, or any Five or more of them, ſhall think fit; or in caſe of Infancy or Lunacy then to his, her, or their Tutors and Curators, to and for the Uſe and Benefit of ſuch Perſon or Perſons ſo entitled reſpectively.

In caſe of not making out Titles, &c. Purchaſe Money to be paid into the Bank, ſubject to the Order of the Court of Seſſion.

LXXXII. And be it further enacted, That in caſe any Perſon or Perſons to whom any Sum or Sums of Money ſhall be awarded for the Purchaſe of any Lands, Tenements, or Heritages to be purchaſed by virtue of this Act, ſhall refuſe to accept the ſame, or ſhall not be able to make a good Title to the Premiſes, to the Satisfaction of the ſaid Truſtees, or in caſe ſuch Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo awarded as aforeſaid cannot be found, or if the Perſon or Perſons entitled to ſuch Lands, Tenements, or Heritages, be not known or diſcovered, then, and in every ſuch Caſe, it ſhall and may be lawful to and for the ſaid Truſtees, or any Five or more of them, to order the ſaid Sum or Sums of Money ſo awarded as aforeſaid to be paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, or the Bank of the *Britiſh* Linen Company, to the Credit of the Parties intereſted in the ſaid Lands, Tenements, or Heritages, (deſcribing them), ſubject to the Order, Controul, and Diſpoſition of the Court of Seſſion, which ſaid Court, on the Application of any Perſon or Perſons making Claim to ſuch Sum or Sums of Money, or any Part thereof, by Petition, ſhall be and is hereby empowered, in a ſummary Way of Proceeding, or otherwiſe, as to the ſame Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the Public Funds, and to order Diſtribution thereof, or Payment of the Dividends thereof, according to the reſpective Eſtate or Eſtates, Title or Intereſt, of the Perſon or Perſons making Claim thereunto, and to make ſuch other Order in the Premiſes as to the ſaid Court ſhall ſeem juſt and reaſonable; and the Caſhier or Caſhiers of the Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of the *Britiſh* Linen Company, who ſhall receive ſuch Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for ſuch Sum or Sums of Money, mentioning and ſpecifying for what and for whoſe Uſe the ſame is or are received, to ſuch Perſon or Perſons as ſhall pay any ſuch Sum or Sums of Money into the Bank as aforeſaid.

Where any Queſtion ſhall ariſe touching the Right of ſuch Money.

LXXXIII. And be it further enacted, That where any Queſtion ſhall ariſe touching the Title of any Perſon to any Money to be paid into the ſaid Banks in purſuance of this Act, for the Purchaſe of any Lands, Tenements, or Heritages, or of any Eſtate, Right, or Intereſt in any Lands, Tenements, or Heritages to be purchaſed in purſuance thereof, the Perſon or Perſons who ſhall have been in Poſſeſſion of ſuch Lands, Tenements, or Heritages at the Time of ſuch Purchaſe, and all Perſons claiming under ſuch Perſon or Perſons, or under the Poſſeſſion of ſuch Perſon or Perſons, ſhall be deemed and taken to have been lawfully entitled to ſuch Lands, Tenements, or Heritages, according to ſuch Poſſeſſion, until the contrary ſhall be ſhewn to the Satisfaction of the ſaid Court of Seſſion, and ſuch Money, and the Intereſt thereof, ſhall be paid, applied, and diſpoſed of accordingly, unleſs it ſhall be made appear to the ſaid Court that ſuch Poſſeſſion was a wrongful Poſſeſſion, and that ſome other Perſon or Perſons was or were lawfully entitled

titled to ſuch Lands, Tenements, or Heritages, or to ſome Eſtate or Intereſt therein.

The Court may order reaſonable Expences of Purchaſes to be paid by the Truſtees.

LXXXIV. Provided always, and be it further enacted, That where by reaſon of any Diſability or Incapacity of the Perſon or Perſons or Corporation entitled to any Lands, Tenements, or Heritages to be purchaſed under the Authority of this Act, the Purchaſe Money for the ſame ſhall be required to be paid into the ſaid Banks, and to be applied in the Purchaſe of other Lands, Tenements, or Heritages, to be ſettled to the like Uſes in purſuance of this Act; it ſhall be lawful for the ſaid Court to order the Expences of all Purchaſes from Time to Time to be made in purſuance of this Act, or ſo much of ſuch Expences as the Court ſhall deem reaſonable, together with the neceſſary Coſts and Charges of obtaining ſuch Order, to be paid by the ſaid Truſtees, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

Firſt Offer to whom to be made.

LXXXV. Provided always, and be it further enacted, That in caſe the ſaid Truſtees ſhall think proper to ſell or diſpoſe of any Piece of Pieces of Ground not wanted for the Purpoſes of this Act, they ſhall firſt offer the ſame for Sale to the Perſon or Perſons of whom the ſame ſhall have been purchaſed, or, in caſe ſuch Ground ſhall be a Piece or Pieces of old Road, to the Perſon or Perſons whoſe Lands ſhall adjoin thereto; and if ſuch Perſon or Perſons reſpectively ſhall then and thereupon refuſe, or ſhall not agree (except with reſpect to or on account of the Price thereof) to purchaſe the ſame reſpectively, an Affidavit to be made and ſworn before One of His Majeſty's Juſtices of the Peace for the ſaid County (who is hereby empowered to take ſuch Affidavit) by ſome Perſon or Perſons no way intereſted in the ſaid Piece or Pieces of Ground, ſtating that ſuch Offer was made by or on the Behalf of the ſaid Truſtees, and that ſuch Offer was then and thereupon refuſed, or was not agreed to by the Perſon or Perſons to whom the ſame was made, ſhall in all Courts whatſoever be ſufficient Evidence and Proof that ſuch Offer was made and was refuſed or not agreed to by the Perſon or Perſons to whom ſuch Offer was made (as the Caſe may be); and in caſe ſuch Perſon or Perſons ſhall be deſirous of purchaſing ſuch Piece or Pieces of Ground, and he, ſhe, or they, and the ſaid Truſtees, ſhall differ or not agree with reſpect to the Price thereof, then the Price or Prices thereof ſhall be aſcertained by the Juſtices of the Peace for the County or Place wherein ſuch Lands or Grounds ſhall lie, at their General Quarter Seſſion of the Peace to be held in and for the ſame County or Place next after ſuch Difference ſhall ariſe; and on Ten Days clear Notice thereof, to be given by the ſaid Truſtees to ſuch Owner or Owners, Occupier or Occupiers, or be left at his, her, or their reſpective Places of Abode, the ſaid Juſtices ſhall hear, ſettle, and determine the Matter of the ſaid Difference, and alſo the Coſts attending the hearing and determining the ſame, whoſe Judgment and Order therein ſhall be final and concluſive to all Parties; and the Money to ariſe by the Sale or Sales which may be made by the ſaid Truſtees of ſuch Piece or Pieces of Road or Ground as aforeſaid, ſhall be applied to the Purpoſes of this Act, but the Purchaſer or Purchaſers thereof ſhall not be anſwerable or accountable for any Miſapplication or Nonapplication of ſuch Money.

Truſtees may take Materials for making Roads, &c.;

LXXXVI. And be it further enacted, That the ſaid Truſtees, or ſuch Perſon or Perſons as they ſhall appoint, may dig, gather, take, and carry away, Gravel, Furze, Heath, Stones, or other ſuch like Materials, out of the ſeveral Grounds of any Perſon where ſuch Materials may be found, not being dug or raiſed for the private Uſe of the Proprietor of ſuch Grounds, for making, repairing, and amending the ſaid Roads, or for building Arches or Bridges as aforeſaid; and to open Acceſſes for carrying off the ſaid Materials, ſuch Acceſſes and the Places from which the ſaid Materials ſhall be propoſed to be taken, being firſt marked out by any Three or more of the ſaid Truſtees, or Two Juſtices of the Peace, if ſo required, by the Proprietor of ſuch Grounds, or his or her Factor, or by the Occupier thereof, they the ſaid Truſtees making reaſonable Satisfaction out of the Money ariſing by virtue of this Act, to the Owners or Occupiers of the Grounds reſpectively, from which ſuch Materials ſhall be taken, or over which the ſame may be carried, for the Damages to be done thereby; that is to ſay, in ſo far as concerns Toll Roads out of the Tolls thence ariſing, and in ſo far as concerns Roads to which the Converſion Money in lieu of Statute Labour is applicable, out of the Converſion Money of the Pariſh where the Materials are taken; but if ſuch Proprietor, Factor, or Occupier ſhall not be ſatisfied with the Compenſation offered by the ſaid Truſtees, the ſame ſhall be aſcertained by Two or more Juſtices of the Peace of the ſaid County, which Compenſation ſhall be levied and recovered in like Manner as any Penalties or Forfeitures are herein-after authorized to be levied and recovered.

on making Satisfaction to Owners or Occupiers of the Grounds.

Materials not to be taken from incloſed Lands without Notice to Occupier.

LXXXVII. Provided nevertheleſs, and be it enacted, That it ſhall not be lawful for any Surveyor, or any other Perſon or Perſons, under the Authority of this Act, to dig, gather, take, and carry away Materials for making or repairing the ſaid Roads, from any Lands or Grounds, until Ten Days previous Notice in Writing ſhall be given to the Owner and Occupier of the Premiſes from which ſuch Materials are intended to be taken, or left for ſuch Occupier at his uſual Place of Reſidence, to appear before Two Juſtices of the Peace acting for the ſaid County of *Elgin*, to ſhew cauſe why ſuch Materials ſhould not be had from ſuch Lands or Grounds; and in caſe ſuch Owner and Occupier ſhall attend purſuant to ſuch Notice, ſuch Juſtices ſhall, if they think proper, authorize ſuch Surveyors or other Perſons to dig, gather, take, and carry away ſuch Materials, at ſuch Time or Times as to ſuch Truſtees, or any Three or more of them, or to ſuch Juſtices ſhall ſeem proper; and if ſuch Occupier ſhall neglect or refuſe to appear by himſelf, or his Agent, the ſaid Truſtees, or any Three or more of them, or ſuch Juſtices, ſhall and may make ſuch Order therein as they ſhall think fit, as fully and effectually to all Intents and Purpoſes as if ſuch Occupier or his Agent had attended.

When uſeleſs Roads are ſhut up, Ground to be offered to Proprietors throughwhoſe Lands the Roads paſſed, at a fixed Value.

LXXXVIII. And be it further enacted, That whenever the Courſe of the ſaid Roads ſhall be altered, as ſoon as the New Roads ſhall be completed and made paſſable for Carriages, in caſe the Old Roads ſhall thereby become uſeleſs, and may be ſhut up without Inconvenience, the ſaid reſpective Truſtees ſhall be and are hereby empowered, if they ſee proper, to fix the Value thereof by a Jury to be impannelled in the Manner herein-before directed, and afterwards make offer of the ſame to the Proprietor or Proprietors through whoſe Lands they paſs, who are bound to purchaſe them at

at the eſtimated Price, to be paid at the firſt Term of *Whitſunday* or *Martinmas* after they are put in Poſſeſſion, proportionally according to the Extent of Surface added to their Lands, where there are more than One Proprietor, or in Whole, where only One has been benefited, and the Money ariſing from ſuch Sale ſhall be applied and diſpoſed of for the Purpoſes of this Act, and the Sale and Conveyance or Conveyances to be made of ſuch Lands and Grounds, compriſing the ſaid Old Roads, ſhall be good and effectual in Law to all Intents and Purpoſes whatſoever.

Power to carry the Roads through Miniſters' Glebes, making Addition to Glebe in Proportion to Ground taken off.

LXXXIX. And be it further enacted, That in altering the Courſe of the ſaid Roads, or widening the ſame, it ſhall be in the Power of the ſaid Truſtees to cauſe the ſame to be carried through any Miniſter's Glebe: Provided always, that ſuch Quantity of Ground ſhall be added to the Glebe lying moſt contiguous and convenient thereto, as ſhall be by the ſaid reſpective Truſtees deemed a ſufficient Compenſation for that taken for the ſaid Roads; which Grounds the ſaid Truſtees ſhall have Power to purchaſe in Manner herein-after mentioned, from the contiguous Owner or Owners, Occupier or Occupiers thereof, whether the ſame be under Entail or otherwiſe; and in caſe of any Difference with regard to the Addition to be made to ſuch Glebe, or the Price to be paid to ſuch Owner or Owners, Occupier or Occupiers, Application ſhall be made to the Sheriff Depute or his Subſtitute, of the ſaid County, who ſhall ſummon a Jury, and determine the Extent of the ſaid Addition and Amount of ſuch Price, in manner as herein-before directed in caſes of Land to be taken for the Purpoſes of this Act, and upon ſuch Determination, and upon Payment being made by the ſaid Truſtees of ſuch Price to the Owner or Owners, Occupier or Occupiers of the Ground, or Conſignation thereof, in any of the Banks of *Scotland*, the ſaid Truſtees ſhall, from thenceforth, have a Right to cauſe the Addition to be made to the Glebe, and to take and uſe the Part of the Glebe neceſſary for the Purpoſe of altering or widening the ſaid Roads, and the Proceedings and Order of the ſaid Sheriff Depute, or his Subſtitute, ſhall be final and concluſive: Provided always, and be it declared, that in every Caſe where it may be neceſſary to exchange or take Ground as thereinbefore allowed for the Purpoſes of this Act, the ſame ſhall not affect, alter, or diminiſh the valued Rent of the Lands from which ſuch Ground ſhall be ſo taken.

Valued Rent not to be altered in reſpect of Ground taken.

No Houſe or Orchard to be prejudiced.

XC. Provided always, That in altering, widening, or making any of the ſaid Roads, or digging or taking Materials as aforeſaid, no Houſe or Building ſhall be prejudiced, of which the Side Walls are above Twenty Feet high from the Surface of the adjoining Ground, nor any Garden, Orchard, or planted Walk, Lawn, or Pleaſure Ground, appertaining to ſuch Houſe, without the Conſent of the Owner thereof; and that it ſhall be in the Power of each Proprietor of Lands comprehended under this Act, to the Extent of One hundred Pounds of valued Rent, where any of the before mentioned Lines of Road come near to his Manſion Houſe, to cauſe the ſame to be turned off Three hundred Yards therefrom, with the Conſent of the Owners and Occupiers of the Lands over which ſuch Deviation is to be carried; but that in making Acceſſes into or paſſing through Royal Burghs, Towns, or Villages, it ſhall be lawful for the ſaid Truſtees to take down, or cauſe to be taken down, Houſes of the Height aforeſaid, after giving Six Months Notice to the Owners or Occupiers

to

to remove, and to make ſuch Roads through any Garden or other Grounds as to the ſaid Truſtees ſhall appear neceſſary: Provided alſo, that where encloſed Grounds ſhall be broken into for the Purpoſes aforeſaid, the Value of the ſame ſhall be aſcertained in Manner as herein-before directed.

Ditches on the Sides of the Roads to be ſcoured.

XCI. And be it further enacted, That where any Ditches have been or hereafter ſhall be made, near the Sides of the ſaid Roads, or through any Fields adjoining thereto, by the Proprietors or Occupiers of the ſaid Fields, ſuch Proprietors or Occupiers ſhall and they are hereby required to keep thoſe Ditches properly ſcoured, and not to allow the Water to ſtagnate therein, ſo that the Roads may be thereby damaged; and if they fail to do ſo, after Six Days Notice previouſly given, the ſaid Truſtees, or the Overſeers of the Roads, by the Direction of any of the Truſtees, may and are hereby required to order the ſaid Ditches to be opened, ſcoured, and cleanſed, at the Coſt of the ſaid Proprietors or Occupiers, ſuch Coſts to be recovered by Diſtreſs and Sale of any moveable Effects, in the ſame Manner as herein-before directed for levying the Aſſeſſment hereby granted; and if any Occupier of Land ſhall turn any Water acroſs or upon the Side or Sides of any of the ſaid Roads, he or ſhe ſhall conduct ſuch Water either in an open or covered Drain, of ſuch Form and Dimenſions as the ſaid Truſtees in a General or Committee Meeting aſſembled ſhall order and direct; and if ſuch Occupier of Land ſhall after Ten Days Notice refuſe or neglect to make ſuch Drain, according to the Direction of the ſaid Truſtees as aforeſaid, it ſhall be lawful for the ſaid Truſtees to order and cauſe ſuch Drain to be made; and the Perſon or Perſons refuſing or neglecting to make the ſame agreeably to the Orders and Directions of the ſaid Truſtees as aforeſaid, ſhall repay to the ſaid Truſtees all the Coſts, Charges, and Expences attending the making of ſuch Drain, and ſhall likewiſe pay a Penalty of Treble the Amount of ſuch Coſts, Charges, and Expences; the ſaid Coſts and Penalty to be levied by Diſtreſs and Sale in Manner herein-before directed, and to be applied for the Purpoſes of this Act.

Expences of Ditches and Drains how to be paid.

XCII. Provided always, That the Drains and Ditches to be made by order of the ſaid Truſtees, ſhall be ſcoured and kept in Repair out of the Money ariſing by virtue of this Act; and if any Occupier of Land through which ſuch Drains and Ditches are or ſhall be made, ſhall obſtruct or fill up any of them, the Perſon or Perſons ſo offending ſhall forfeit and pay Triple the Expence of repairing and ſcouring the ſame, to be recovered in Manner herein-after mentioned; and the ſaid Occupier ſhall be deemed the Tranſgreſſor, unleſs it ſhall appear to the Truſtees that he was not in the Fault; and where any Paſſage for Cattle or Carriages acroſs any Road for the Convenience of the Occupier of the Ground through which it paſſes ſhall be made, the Occupier of ſuch Ground ſhall always cover the Drains croſſing the Sides of ſuch Roads, with ſufficient Stones, ſo as the Courſe of the Water may not be interrupted, or the Road thereby prejudiced; and no Occupier of Land ſhall turn any Water upon the Side of any of the ſaid Roads, or conduct it acroſs any Part thereof, until he ſhall have obtained the Conſent of the ſaid Truſtees in a General or Committee Meeting aſſembled; and every ſuch Occupier ſhall be obliged to carry the Water acroſs the Road in a covered Drain, of ſuch Depth and Conſtruction as the Water may not prejudice the Road.

Regulations as to driving Carriages.

XCIII. And be it enacted, That no Driver of any Waggon, Wain, Cart, Coach, Chaiſe or other Carriage, Horſe, Aſs, Mule, or other Beaſt of Burden, whether the ſame be loaded or unloaded, ſhall drive or permit the ſame to travel or paſs upon the ſaid Roads, or any Part thereof, abreaſt or alongſide of any other Waggon, Wain, Cart, Coach, Chaiſe, or other Carriage, Horſe, Aſs, Mule, or other Beaſt of Burden, ſo as wilfully to obſtruct the free Paſſage of the ſaid Roads, or any Part thereof; and every Perſon and Perſons offending in the Premiſes ſhall forfeit a Sum not exceeding Twenty Shillings Sterling for each Offence.

Further Regulations as to the Mode of driving.

XCIV. And be it enacted, That the Driver of every Waggon, Wain, Cart, Coach, Chaiſe, or other Carriage, Horſe, Aſs, Mule, or other Beaſt of Burden, upon the ſaid Road, or any Part thereof, ſhall be obliged, upon meeting another Waggon, Wain, Cart, Coach, Chaiſe, or other Carriage, Horſe, Aſs, Mule, or other Beaſt of Burden, to make Way by holding or driving to his own Left Hand, or what is commonly called holding to the Near Side, and that without Diſtinction whether the Carriage, Waggon, Wain, Cart, Coach, Chaiſe, or other Carriage, Horſe, Aſs, Mule, or other Beaſt of Burden, ſo meeting One another are loaded or unloaded; and every ſuch Carriage, Horſe, or other Beaſt of Burden, overtaking any other Carriage, Horſe, or other Beaſt of Burden, ſhall paſs on the Right Hand thereof; and every Perſon offending in the Premiſes ſhall forfeit a Sum not exceeding Twenty Shillings Sterling for every ſuch Offence.

Footpaths may be made.

XCV. And be it further enacted, That the ſaid Truſtees may cauſe Footpaths, of the Breadth of Five Feet, to be made along the Sides of the ſaid Roads and Streets, in ſuch Places as can conveniently admit of the ſame; and if any Perſon ſhall ride or drive a Carriage or Cattle upon any Paths made or to be made, or ſhall in any Way wantonly or maliciouſly injure the ſame, every ſuch Perſon ſhall, for every ſuch Offence, forfeit a Sum not exceeding Five Shillings Sterling, to be levied in Manner hereinafter directed.

Trees on the Sides of the Road to be lopped.

XCVI. And be it further enacted, That where the Ground on the Side of any of the ſaid Roads is incloſed or planted, the Proprietors or Occupiers of ſuch Ground, ſhall be obliged to lop the Trees or Hedges at a proper Seaſon of the Year, in a proper Manner, ſo as to give ſufficient Breadth and Air to the Road; and in caſe they neglect or refuſe to do ſo for Six Months, after being required by an Order of any Three or more of the Truſtees, the Truſtees ſhall have Power to appoint the ſame to be done at a proper Seaſon of the Year, at the Defaulter's Expence; and no Proprietor or Occupier of Lands on the Sides of any of the ſaid Roads ſhall have Power to plant Trees within Six Feet therefrom, under a Penalty not exceeding Five Pounds Sterling, beſides removing the ſaid Trees.

Roads may be meaſured, and Stones or Poſts erected.

XCVII. And be it further enacted, That the ſaid Truſtees or any Three or more of them, may cauſe any of the ſaid Roads to be meaſured, and Stones and Poſts to be erected on the Sides thereof, denoting the Diſtance at each Mile, or at ſuch other Diſtances as they may judge convenient; and alſo to order or cauſe to be erected, Guide Poſts and Railings upon ſuch Parts of the ſaid Roads, where the Roads are croſſed or joined by other

other Roads, as they ſhall judge proper; and if any Perſon or Perſons ſhall break down, deſtroy, or deface any ſuch Mile Stones, Guide Poſts, or Railings, or ſhall break down any Cape Stones on the Ledges or Parapet Walls, at the Sides of any of the Bridges on the ſaid Roads, or turn any Stream of Water upon any Part of the ſaid Roads, unleſs a ſufficient covered or arched Drain or Paſſage ſhall have been previouſly made as before directed, or ſhall be aiding or aſſiſting therein, or ſhall reſcue, or attempt to reſcue, any Perſon apprehended for ſuch Offence; every Perſon offending in any of the Caſes aforeſaid, and being thereof lawfully convicted by the Oath or Oaths of One or more credible Witneſs or Witneſſes, before the Sheriff Depute of the ſaid County of *Elgin*, or his Subſtitute, or before Two or more Juſtices of the Peace for the ſaid County, ſhall be not only adjudged to pay the Whole of the Damages and Expences ſuſtained, but alſo a Penalty, not exceeding Five Pounds Sterling; and in caſe the ſaid Penalty, Damages, and Expences ſo adjudged ſhall not be inſtantly paid, or ſufficient Security given for the ſame, the ſaid Sheriff or Juſtices are hereby empowered and required to commit ſuch Perſon or Perſons ſo convicted to Priſon, for any Term not exceeding Three Calendar Months.

Penalty for damaging the Mile Stones, &c.

XCVIII. And, for preventing Annoyances in or upon the ſaid Roads, be it further enacted, That from and after Two Months from the Commencement of this Act, every Perſon, in ploughing any Field contiguous to any of the ſaid Roads, ſhall always make Head Ridges along the Sides of the ſaid Roads, of the Breadth of Twelve Feet at leaſt; and all Gates upon Incloſures, next to any of the ſaid Roads, ſhall open inwards to the Field, and no Perſon or Perſons whatſoever ſhall lay any dead Horſe, or leave ſuch Horſe for any longer Time than ſhall be neceſſary to remove the ſame, to be made out to the Satisfaction of the Juſtices or Sheriff before whom the Complaint ſhall be brought, or other Carrion, upon any of the ſaid Roads, or within Twenty Yards of the Sides of any of the ſaid Roads, or any Dung, Lime, or Soil, or Compoſt, or Matter whatſoever, either for manuring Land, or any other Purpoſe, nor any Cart or Carriage, or the Load thereof, longer than may be neceſſary for loading or unloading the ſame, or other Obſtruction whatever, upon any of the ſaid Roads, or within Five Yards of the Side thereof, or ſhall graze or leave on the ſaid Roads or the Sides thereof any Animal whatever, or ſhall make or aſſiſt in making any Fire or Fires whatſoever, or ſhall ſet fire to or let off or throw any Squib, Rocket, or other Firework whatſoever, or play at Foot-ball, or any other Game or Games whatſoever on any Part of the ſaid Roads, to the Annoyance of any Paſſenger or Paſſengers, nor ſhall any Perſon having blocked any Carriage whatſoever in going up any Hill or riſing Ground, leave on the ſaid Road the Stone or other Thing uſed in ſuch blocking; and that in making any covered or arched Paſſage or Drain for Water acroſs any of the ſaid Roads, a ſafe and eaſy Paſſage along One-half of ſuch Road ſhall be left without any Obſtruction, either by breaking the Road or laying down the Materials; and ſuch covered Drain or Paſſage ſhall be made acroſs and completely finiſhed on the One-half of the ſaid Road, before the other Half ſhall be opened; and the Whole, or the open Part thereof ſhall, if practicable, be completed in one Day, or otherwiſe the Materials for executing the ſame ſhall be ſo well fenced off, that Paſſengers may ſuffer no Injury thereby, which Precautions, and Manner of executing covered Drains as aforeſaid, ſhall

To prevent Annoyances on the Roads.

ſhall be ſtrictly obſerved by all Contractors or others employed in making or repairing the ſaid Roads; and every Perſon offending herein, ſhall not only forfeit the Materials laid down, but alſo a Sum not exceeding Forty Shillings Sterling for every Offence, to be levied and recovered in Manner herein-after directed, One Half thereof to be paid to the Informer, and the other Half to be applied for making or repairing the ſaid Roads; and every Contractor or other Perſon employed by the ſaid Truſtees for making, amending, widening, or repairing any of the ſaid Roads, ſhall be expreſsly prohibited from digging Pits or breaking up any Ground within Twelve Feet from the Sides of the ſaid Roads; and when that cannot conveniently be avoided, ſuch Contractor or other Perſon employed as aforeſaid ſhall be obliged to erect a ſufficient Fence between the Side of the Road, and any Pit which it may be found neceſſary to dig for the Purpoſes above mentioned, and that under a Penalty not exceeding Five Pounds Sterling.

Articles injuring the Road not to be dragged.

XCIX. And be it further enacted, That if after the paſſing of this Act any Perſon or Perſons ſhall haul or draw, or cauſe to be hauled or drawn, upon any Part of the ſaid Roads, any Tree, Log, or Piece of Timber or any Stone, Iron, Plough, Harrow, or other Thing whatſoever, otherwiſe than upon a Wheel Carriage, or ſhall ſuffer any Tree or other Matter whatſoever, which can be conveyed upon a Wheel Carriage, to drag upon any Part of the ſaid Roads, to the Prejudice thereof, every ſuch Perſon ſhall, for every ſuch Offence, forfeit a Sum not exceeding Ten Shillings Sterling, to be recovered and levied in Manner after directed.

Houſes not to be built within a certain Diſtance of the Road.

C. And be it further enacted, That after the paſſing of this Act no Houſes or Buildings of any Kind, which ſhall be erected at or along the Sides of any of the ſaid Roads, or in Villages at or near the Outlets of any Town within the ſaid County where Houſes have not formerly ſtood, ſhall be built within the Diſtance of Twenty Feet from the Middle of any of the ſaid Roads, without the Conſent of the Truſtees firſt obtained, under a Penalty not exceeding Forty Shillings Sterling for each Offence, over and above the Expence of demoliſhing ſuch Houſe or Building, and it ſhall be lawful for any Juſtice of the Peace to ſtop the building or erecting of any ſuch Houſe or Building which ſhall be within the ſaid Diſtance from the Middle of any of the ſaid Roads; and if any Building ſhall be erected hereafter within the Diſtance aforeſaid, any One or more Juſtice or Juſtices of the Peace, upon Application made to him or them by any one Truſtee, and upon Proof being adduced that the ſaid Building is within the Diſtance aforeſaid, may order ſuch Building to be taken down and removed at the Expence of the Erector or of the Proprietor of the Ground, and may grant a Warrant for levying and recovering the Penalty and Expences in Manner herein-after directed.

Proviſion in caſe of ſudden Damages done to Bridges.

CI. And be it further enacted, That in caſe of any ſudden Damage to a Bridge, it ſhall be in the Power of any Two Truſtees of the Diſtrict in which it is ſituated, or if it be ſituated on the Confines of Two Diſtricts, to any Two Truſtees of either Diſtrict, to give Orders for making ſuch immediate Repairs as may be neceſſary, the Expence of the ſame not exceeding Twenty Pounds Sterling; and the Money ſo expended ſhall be provided for and paid by Order of the next Meeting of Truſtees, within ſuch Diſtrict or Diſtricts, or, on their Failure or Neglect, by Order of the

next ſtated General Meeting of the Truſtees, out of the Funds of ſuch Pariſhes as they ſhall think proper, on an Application for that Purpoſe, and on a Proof of the Neceſſity of the Order, and that the Money was expended; and in caſe any of the ſaid Roads ſhall be ſhut up, and Public Communication obſtructed by means of Snow, it ſhall, in like Manner, be in the Power of the ſaid Truſtees to cauſe the ſaid Roads to be cleared, the reaſonable Expence of the ſame to be provided for, and paid in Manner as herein-before allowed.

Forfeitures and Penalties how to be levied and applied.

CII. And be it further enacted, That all Forfeitures and Penalties by this Act impoſed, the Manner of recovering whereof is not particularly ſpecified, ſhall, on a Proof of the Offence before Two or more Juſtices of the Peace, or the Sheriff-Depute of the ſaid County of *Elgin*, or his Subſtitute, either by the Confeſſion of the Party, the Oath of One or more credible Witneſs or Witneſſes, or other legal Evidence, be levied by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand of ſuch Juſtices or Sheriff (which Warrant they or any of them are hereby authorized and required to grant, and to adminiſter the Oaths *gratis*), ſuch Sale being always made by Public Auction to the higheſt Offerer, at ſuch Place as ſhall be directed in the ſaid Warrant, within Six Days after ſuch Diſtreſs ſhall have been made, and the Overplus Money ariſing from ſuch Sale, after Deduction of the Penalties impoſed, and Charges in Recovery thereof, ſhall be returned on Demand, to the Owner or Owners of ſuch Goods and Chattels; and all Penalties and Forfeitures impoſed by this Act, if not otherwiſe hereby appropriated, ſhall be paid to the ſaid Truſtees, or their Collectors, to be laid out and applied for the Purpoſes of this Act; and in caſe ſufficient Diſtreſs cannot be found, or ſuch Penalties and Forfeitures ſhall not be forthwith paid, or ſufficient Security given for Payment, it ſhall be lawful for any Two of the ſaid Juſtices of the Peace, or the ſaid Sheriff-Depute or his Subſtitute, together with any One Juſtice of the Peace, and they are hereby authorized and required, by Warrant under their Hands, to cauſe ſuch Offender or Offenders to be committed to Gaol, or to a Houſe of Correction, for any Time not exceeding One Calendar Month, unleſs ſuch Penalties and Forfeitures and all reaſonable Charges ſhall be ſooner paid.

Appeal to the Quarter Seſſions allowed to Perſons alleging themſelves to be aggrieved.

CIII. Provided always, and be it further enacted, That any Perſon who ſhall think himſelf or herſelf aggrieved by any Proceedings to be had in the Execution of this Act, for which no particular Relief has been hereby provided, may, within Six Months after the Matter complained of ſhall be done, but not afterwards, appeal to the Juſtices of the Peace at the Quarter Seſſions of the County of *Elgin*, the Appellant giving Fifteen Days previous Notice of ſuch Appeal to the Defender or Defenders, and to the Clerk of the ſaid Truſtees, and to the Clerk of the Juſtices of the Peace, which Juſtices ſhall have Authority to hear and determine the Matters in Diſpute, and their Judgements therein ſhall be final, without being ſubject to Review, Advocation, Suſpenſion, or otherwiſe howſoever.

Truſtees may act as Juſtices.

CIV. And be it enacted, That it ſhall be no Objection to any Perſon acting as a Judge or Juſtice of the Peace, or as a Juryman under this Act, in any Thing relative hereto, that he is a Truſtee, except where he is perſonally intereſted.

Limitations of Actions and Complaints.

CV. And be it further enacted, That all Actions and Complaints for all and every the Penalties and Forfeitures impoſed by this Act, or for any Wrongs done or Injuries ſuffered in any Matter thereto, relative or in conſequence of any of the Powers by this Act given and granted, ſhall be commenced within the Space of Six Calendar Months after the Penalty or Forfeiture is incurred, or Wrong done, or Injury ſuffered, and not afterwards.

Expences of this Act how to be paid.

CVI. And be it enacted, That the whole Expences in advertiſing for, preparing, procuring, and paſſing this Act, the ſurveying and eſtimating the ſaid Roads, prior to the paſſing thereof, and all other Expences attending the ſame, to be aſcertained at the Firſt, Second, or Third General Meeting of the ſaid Truſtees, ſhall be paid by an Aſſeſſment on all the Proprietors of Lands and Fiſhings valued in the Ceſs Books of the ſaid County of *Elgin*, agreeable to the reſpective valued Rents at which the ſaid Lands and Fiſhings ſtand rated in the Ceſs and Valuation Books of the ſaid County; and the ſaid Expences ſhall be levied and collected by ſuch Perſon or Perſons as the ſaid reſpective Truſtees ſhall appoint.

Public Act.

CVII. 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, without being ſpecially pleaded.

Commencement and Continuance of this Act.

CVIII. And be it alſo enacted, That this Act ſhall commence from the paſſing thereof, and in as far as reſpects the Roads upon which Power to erect Turnpikes and levy Tolls is given, ſhall remain in full Force, and have Continuance for and during the Term of Twenty-one Years, and from thence to the End of the then next Seſſion of Parliament.

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