For the purposes of any such purchase, the Lands Clauses Consolidation Act, 1845, and the Acts amending the same, (except so much thereof as relates to the purchase of land otherwise than by agreement,) are hereby incorporated with this Act, and in construing those Acts for the purposes of this Act the special Act shall be construed to mean this Act, and the promoters of the undertaking shall be construed to be the Commissioners of Works.

Provisions of Acts in schedule repealed.

5. The Acts mentioned in the schedule to this Act are hereby repealed, to the extent in the third column of the said schedule mentioned, without prejudice to anything already done or suffered or any right already acquired or accrued.

SCHEDULE.

Year and Chapter.	Title.	Extent of Repeal.
9 & 10 Vict. c. 95. -	The County Courts Act, 1846	Sections forty-eight and fifty to fifty-five, both inclusive.
29 & 30 Vict. c. 14. -	The County Courts Act, 1866	Section eight, except so far as it relates to money and securities for money, and section nine.
30 & 31 Vict. c. 142. -	The County Courts Act, 1867	Section eighteen.

CHAP. 16.

An Act to define the boundary between the counties of Inverness and Elgin or Moray, in the district of Strathspey; and for other purposes.

[20th June 1870.]

WHEREAS doubts exist with respect to the boundary between the county of Inverness and the county of Elgin or Moray (herein-after called the county of Elgin), in the district of Strathspey:

And whereas certain parts of the county of Elgin, and certain parts of the county of Inverness, situated in the same district, and comprehending the parishes, or portions of the parishes, of Duthil and Abernethy, and of the united parish of Cromdale and Inverallan, are wholly or partially detached from their respective counties, and it will be for public advantage that the boundary between those counties in the district of Strathspey should be defined, and that the detached portions of the county of Elgin should be annexed to and form part of the county of Inverness, and that the detached portions of the county of Inverness should be annexed to and form part of the county of Elgin:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as "The Inverness and Elgin County Boundaries Act, 1870."

Portions of counties described in schedule A. transferred to the county of Inverness.

2. Those parts and portions of the counties of Elgin and Inverness described in the schedule A. annexed to this Act, whether the same shall heretofore have been locally situated within the county of Elgin or the county of Inverness, shall, from and after the fifteenth day of May one thousand eight hundred and seventy, be held to be, and be, for all purposes whatsoever, except in so far as herein-after provided, part of the county, sheriffdom, and commissariot of Inverness.

Portions of counties described in schedule B. transferred to county of Elgin.

3. Those parts and portions of the counties of Inverness and Elgin described in the schedule B. annexed to this Act, whether the same shall heretofore have been locally situated within the county of Inverness or the county of Elgin, shall, from and after the fifteenth day of May one thousand eight hundred and seventy, be held to be, and be, for all purposes whatsoever, except in so far as herein-after provided, part of the county and sheriffdom of Elgin and commissariot of Elgin and Nairn.

Certain roads and bridges transferred to Commissioners of Supply of county of Inverness.

4. From and after the fifteenth day of May one thousand eight hundred and seventy, the roads and bridges presently maintained by the Elgin County Road Trustees under "The Elgin and Nairn Roads and Bridges Act, 1863," upon or within the district described in the schedule A. annexed to this Act, shall form part of the roads and bridges under the management and control of the Commissioners of Supply of the county of Inverness, and the assessment authorised to be levied by "The Highland Roads and Bridges Act, 1862," shall apply to and may be levied by the Commissioners of Supply of the county of Inverness upon and within the said district in like manner and to the same effect as if that district had formed part of the county of Inverness at the passing of the last-mentioned Act.

Certain roads and bridges transferred to Elgin County Road Trustees.

5. From and after the fifteenth day of May one thousand eight hundred and seventy the roads and bridges upon or within the district described in the schedule B. annexed to this Act shall form part of the roads and bridges under the management and control of the Elgin County Road Trustees acting under "The Elgin and Nairn Roads and Bridges Act, 1863," and the assessments authorised to be levied by that Act shall apply to and may be levied by the said Trustees upon and within the said district, in like manner and to the same effect as if that district had formed part of the county of Elgin at the passing of that Act.

As to contracts for maintenance of roads.

6. From and after the fifteenth day of May one thousand eight hundred and seventy, all contracts for the maintenance and repair of the roads and bridges throughout the district described in the schedule A. annexed to this Act shall cease and determine as regards the Elgin County Road Trustees, or any person or persons acting on their behalf, except in regard to any claims due and payable by the trustees prior to the said fifteenth day of May one thousand eight hundred and seventy; and such contracts shall thereafter be binding on and may be enforced by and against the Commissioners of Supply of the county of Inverness, acting under "The Highland Roads and Bridges Act, 1862," as fully and effectually as the same would have been binding on or might have been enforced by and against the Elgin County Road Trustees; and in like manner, from and after the said fifteenth day of May one thousand eight hundred and seventy, all contracts for the maintenance and repair of the roads and bridges throughout the district described in the schedule B. annexed to this Act shall cease and determine as regards the Commissioners of Supply of the county of Inverness, or the District Road Trustees of that county, or any person or persons acting on their behalf, except in regard to any claims due and payable by those Commissioners, or the District Trustees, prior to the said fifteenth day of May one thousand eight hundred and seventy, and such contracts shall thereafter be binding on and may be enforced by and against the Elgin County Road Trustees as fully and effectually as the same would have been binding on or might have been enforced by and against the said Commissioners or District Road Trustees.

Reserving rights of ministers with respect to stipends.

7. Nothing herein contained shall affect the right of the present ministers of the parishes of Cromdale, Abernethy, and Duthil, so long as they shall continue ministers of those parishes respectively, to be paid their stipends, according to the fiars prices of the county by which they are entitled to be paid at the date of the passing of this Act.

Reserving rights of schoolmasters to Dick Bequest.

8. Nothing herein contained shall affect the right of the present or future schoolmasters of the parish schools of the parishes of Duthil and Abernethy, in the county of Elgin, to participate in the benefits of the bequest of the late James Dick, esquire, of Finsbury Square, London, commonly called the Dick Bequest; but the schoolmasters of those parishes shall be entitled to all the benefits of the said bequest in the same way and

manner as if the parishes of Duthil and Abernethy had continued to be locally situated in the county of Elgin.

Reserving rights of inhabitants of Duthil and Abernethy as regards Elgin Institution.

9. Nothing herein contained shall affect the right of the inhabitants of the parishes of Duthil and Abernethy to be admitted into and to participate in the benefits of "The "Elgin Institution for the Support of Old Age and Education of Youth," established under the will of the late Major-General Andrew Anderson, of the late Honourable East India Company's service; but the inhabitants of those parishes shall be entitled to all the benefits of that institution in the same way and manner as if those parishes had continued to be locally situate in the county of Elgin.

Court-house at Grantown to be joint property of two counties.

10. The court-house erected in the village of Grantown, in virtue of the provisions of "The Sheriff Court-Houses (Scotland) Act, 1860," shall, from and after the passing of this Act, be vested in and become the property of the Commissioners of Supply of the county of Inverness and the Commissioners of Supply of the county of Elgin, jointly, for the joint use and benefit of those counties, excepting the police station, or the rooms in that court-house set apart for the use of a police constable, with the cells thereto attached, which shall be vested in and become the property of the Commissioners of Supply of the county of Elgin.

Payment of proportion of expense of court-house by county of Elgin and county of Inverness.

11. The Commissioners of Supply of the county of Elgin shall, on or before the fifteenth day of June one thousand eight hundred and seventy, pay to the Commissioners of Supply of the county of Inverness the sum of three hundred and seventy-one pounds sterling towards the expenses of erecting the said court-house, disbursed by the Commissioners of Supply of the county of Inverness, and the further sum of five hundred and two pounds sterling, being the whole expense of the said police station, or rooms and cells, disbursed by them, with interest at the rate of five pounds per centum per annum on those sums respectively from the fifteenth day of May one thousand eight hundred and seventy, till paid.

Provision for raising money by county of Elgin.

12. For the purpose of raising the money necessary to pay for the said court-house to the Commissioners of Supply of the county of Inverness, the Commissioners of Supply of the county of Elgin may raise and levy by assessment, in the manner provided by "The Sheriff Court-Houses (Scotland) Act, 1860," a sum not exceeding four hundred and twenty pounds sterling; and for the purpose of raising the money necessary to pay for the said police station, or rooms and cells, they may raise and levy by assessment, in the manner provided by the Act twenty and twenty-one Victoria, chapter seventy-two, the sum of five hundred and fifty pounds sterling; and for the purpose of raising such sums of money the provisions of "The Sheriff Court-Houses (Scotland) Act, 1860," and the Act twenty and twenty-one Victoria, chapter seventy-two, relative to assessments and the levying and recovering of the same, are incorporated with, and form part of this Act.

Sheriff of Inverness may hold courts under Small Debt Act within village of Grantown.

13. And whereas there is no place in the upper district of the county of Inverness where circuit courts can conveniently be held, except the village of Grantown, which is situate in the district by this Act annexed to the county of Elgin: Therefore, notwithstanding the provisions of this Act, the sheriff of the county of Inverness, or his substitutes, may respectively grant warrants and hold courts for the trial of all causes under the Act one Victoria, chapter forty-one, as extended by the Act sixteen and seventeen Victoria, chapter eighty, and also under the Act thirty and thirty-one Victoria, chapter ninety-six, and also under the Act twenty-seven and twenty-eight Victoria, chapter fifty-three, and he or they may respectively pronounce judgment therein, and act otherwise with respect thereto, within the said village of Grantown, in the same way, and to the same effect in all respects, as if such courts were held, and warrants granted, and judgments pronounced, and acts done within the county of Inverness; and the sheriff-clerk and officers of the county of Inverness may issue summonses and other writs and perform the other duties authorised by the last-recited Acts within the village of Grantown in like manner as within the county of Inverness.

Justices of the peace for Inverness may hold courts within the village of Grantown.

14. Notwithstanding the provisions of this Act, the justices of the peace of the county of Inverness may grant warrants, and hold courts for the trial of all causes, and for the disposal of all matters falling under their jurisdiction, and they may pronounce judgment therein, and act otherwise with respect thereto, within the said village of Grantown, in the same way and to the same effect in all respects as if such courts were held, and warrants granted, and judgments pronounced, and acts done within the county of Inverness; and the clerk of the peace and officers of the county of Inverness may issue summonses and other writs, and perform all the other duties pertaining to their offices, within the village of Grantown in like manner as within the county of Inverness.

Saving assessments, &c. already imposed.

15. Nothing herein contained shall affect any assessment due to or imposed by the Commissioners of Supply of the county of Inverness, or of the county of Elgin, or the Elgin County Road Trustees respectively, previous to the passing of this Act, but the same shall be paid and may be recovered in the same manner and to the same effect as if this Act had not been passed; and nothing herein contained shall affect any action or proceeding instituted, raised, or depending before any court, civil or criminal, previous to the passing of this Act, and the same may be proceeded with, determined, and followed forth by diligence or otherwise as if this Act had not been passed.

Expenses of Act.

16. All costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Commissioners of Supply of the county of Inverness, and the Commissioners of Supply of the county of Elgin, in equal moieties, out of the county general assessments levied by them respectively, under the provisions of "The County General Assessment, Scotland, Act, 1868."

SCHEDULE A.

Description of District transferred to County of Inverness.

The whole parish of Duthil. Those parts of the united parish of Cromdale and Inverallan on the north side of the River Spey lying to the west and south of the following line, viz.:—From the mouth of the River Dulnan, where it enters the River Spey, up the River Dulnan to the point where the Burn called the Muckrach or Findlarigg Burn enters it; and thence up the Muckrach or Findlarigg Burn to a point thereon where a stone marked "County Boundary" has been placed five hundred and seventy-two yards or thereby, measuring in a straight line from the well called Fuaranahanish Well, lying on the south side of the hill called Beinmore; and from the last-mentioned point on the said Muckrach or Findlarigg Burn in a straight line to the said well, which is a point on the present boundary between the counties of Inverness and Elgin or Moray. The whole parish of Abernethy as well those parts of the same situated in the county of Elgin or Moray as those parts situated in the county of Inverness.

SCHEDULE B.

Description of District transferred to County of Elgin or Moray.

Those parts and portions of the united parish of Cromdale and Inverallan, on the north side of the River Spey, lying to the north and east of the following line, viz.:—From the mouth of the River Dulnan, where it enters the River Spey, up the River Dulnan to the point where the Burn called the Muckrach or Findlarigg Burn enters it; thence up the Muckrach or Findlarigg Burn to a point thereon where a stone marked "County Boundary" has been placed five hundred and seventy-two yards or thereby, measuring in a straight line from the well called Fuaranahanish Well, lying on the south side of the hill called Beinmore; and from the last-mentioned point on the said Muckrach or Findlarigg Burn in a straight line to the said well, which is a point on the present boundary between the counties of Inverness and Elgin or Moray. Those parts of the united parish of Cromdale and Inverallan lying on the south side of the River Spey.