ANNO TERTIO

VICTORIÆ REGINÆ.

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and kept in repair; and for these Purposes if Powers were given to erect Turnpikes and levy Tolls thereon, and if the Road described in the said first-recited Act, and the other Roads last mentioned, were put under the Charge of the same Trustees; but as these Purposes cannot be effected without the Aid and Authority of Parliament, May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the said recited Act passed in the First Year of the Reign of His Majesty King *George* the Fourth, so far as respects the said Road therein directed to be made Turnpike, shall be and the same is hereby repealed.

Recited Act 1 G. 4. c. 85. repealed.

Claims, Demands, and Securities on the old Road to remain good thereon, and on the Branch from the same.

II. Provided always, and be it enacted, That all and every Person and Persons whatsoever who have or has any Claim, Demand, or Security on the Tolls authorized to be levied on the Road in the said first-recited Act mentioned and described, shall have and retain such Claim, Demand, or Security on the Tolls to be levied on the said Road under the present Act, and shall also have such Claim, Demand, and Security upon the Tolls to be levied on the new Line of Road herein-after described, branching off from the South Side of the Road above mentioned at or near the Plantation of *Easter Delnies*, and leading to the Confines of the County of *Nairn* towards *Inverness*, when the same shall be made.

Powers of 1 & 2 W. 4. c. 43. applied to this Act.

III. And be it further enacted, That the said recited Act of the First and Second Year of the Reign of His said late Majesty King *William* the Fourth, and all and sundry the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, (save and except such Parts thereof as are hereby expressly varied, altered, or repealed,) shall be applied to this Act, and shall be as good, valid, and effectual for carrying this Act into execution as if the same had been repeated and re-enacted in this Act.

Trustees.

IV. And 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 Liferenter, of the full Property or *Dominium utile* of Lands in the said County of *Nairn* rented at or of the yearly Value of One hundred Pounds Sterling, or valued in the Cess Books of the said County at One hundred Pounds *Scots*, and all and every the eldest Sons of such Proprietors and Liferenters, and in the Absence of such Proprietor or Liferenter One duly authorized and accredited Factor on his Behalf, One Tutor or Curator of each Minor enjoying and possessing Lands of the Valuation aforesaid, One Trustee of every Trust Estate of the Valuation aforesaid, One Manager or Factor for each Corporation or Associate Body holding Lands of the said Valuation, and the Provost or in his Absence the eldest Bailie of *Nairn*, the Sheriff of the County of *Nairn*, or in his Absence his Substitute, all for the Time being, shall be and they are hereby nominated and appointed

Trustees

Trustees for surveying, ordering, widening, improving, repairing and keeping in repair, and causing to be surveyed, ordered, widened, improved, repaired, and kept in repair, the Road mentioned and described in the said first-recited Act; *videlicet*, the Road from the Confines of the County of *Elgin* near to *Brodie House* to the Confines of the County of *Nairn* towards *Inverness* at the Western Boundary of the Lands of *Delnies*, passing through the Parishes of *Auldearn* and *Nairn* in the County of *Nairn*; and also for ordering, superintending, surveying, making, widening, improving, repairing, and keeping in repair, and causing to be ordered, surveyed, made, widened, improved, repaired, and kept in repair, the several new Lines of Road following; *videlicet*, a new Line of Road branching off from the South Side of the present *Nairnshire* Turnpike Road at or near the Plantation of *Easter Delnies*, and leading to the Confines of the County of *Nairn* towards *Inverness* so as to meet the projected new *Invernesshire* Road passing through the Parish of *Nairn* in the County of *Nairn*; a new Line of Road from the present Turnpike Road near *Nairn* to a Point at or near the Bridge of *Fairness*, passing through the Parishes of *Nairn*, *Auldearn*, and *Ardclach*, in the County of *Nairn*; a new Line of Road from the Village of *Auldearn*, by *Cawdor*, to the intended new *Invernesshire* Road at or near *Breachley*, passing through the Parishes of *Auldearn*, *Nairn*, *Cawdor*, *Croy*, and *Petty*, partly in the County of *Nairn* and partly in the County of *Inverness*; and a new Line of Road from the present Turnpike Road at *Auchnacloich* near *Nairn* to the *Hardmuir* Toll Bar near the Confines of the County of *Nairn* towards *Forres*, passing through the Parishes of *Nairn* and *Auldearn* in the County of *Nairn*; and for building, repairing, and maintaining the Bridges, Fences, and other Works and Buildings made or to be made on the said Roads or any of them, and for putting in execution all and every the Powers and Authorities in and by this Act given and granted. Purposes for which Trustees appointed.

V. Provided always, and be it enacted, That no such Tutor, Curator, Trustee, Factor, or Manager as aforesaid shall be capable of acting as a Trustee unless he shall be qualified to act as a Commissioner of Supply for the said County of *Nairn*, or unless he shall be possessed, either in his own Right or in Right of his Wife, of Lands or Heritages of the clear yearly Value of Fifty Pounds Sterling, or of a Personal Estate alone, or of a Real and Personal Estate together, of the Amount or Value of Five hundred Pounds Sterling; and no Person who shall keep a Public House for the selling or retailing of Beer, Ale, or Spirituous Liquors shall be capable to act as a Trustee, or to hold or enjoy any Office or Situation of Trust or Profit under this Act. Qualification of certain Trustees.

VI. And be it further enacted, That no Person claiming as a Trustee under this Act shall have more than One Vote on any Pretence whatsoever; but the Preses of every Meeting shall, in case of an equal Number of Votes, including his own, have a casting Vote. No Trustee to have more than One Vote.

VII. And be it further enacted, That the said Trustees shall hold their First Stated or General Meeting by virtue of this Act at *Nairn* upon First and subsequent

Stated or General Meetings.

upon the Third *Tuesday* after the passing of this Act, or as soon after as conveniently may be, and shall thereafter hold Two Stated or General 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 First *Thursday* of *October* yearly.

Quorum.

Power to adjourn.

VIII. And be it further enacted, That the Quorum or Number of Trustees necessary to do Business in Stated and Special General Meetings shall be Three; but if only Two or One shall be present at any of the Stated or other General Meetings, such Trustees or Trustee shall have Power to adjourn the Meeting, and if no Trustee be present the Clerk may adjourn the Meeting.

Plans and Books of Reference.

IX. And whereas Plans and Sections, describing the Lines or Situations of the said intended new Roads to be made and maintained under the Authority of this Act, with relative Books of Reference, containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers, of the Lands and Premises in or through which the said Roads are intended to be made, have been deposited with the Sheriff Clerks of the Counties of *Nairn* and *Inverness* respectively; be it enacted, That the said Plans and Sections, and Books of Reference, so deposited, shall remain in the Custody of the said Sheriff Clerks for the Inspection of all concerned, and all Persons interested therein shall have Liberty to inspect, peruse, and make Extracts therefrom and Copies thereof at reasonable Times, on Payment to the said Sheriff Clerks respectively of One Shilling for each Inspection, and One Shilling more for every Hour during which such Inspection shall continue after the first Hour, and paying for every Copy of One hundred Words the Sum of Sixpence, and so in proportion for any greater Number of Words; and the said Plans and Sections, and Books of Reference, or true Copies thereof, or of so much thereof as shall relate to any Matter which may be in question, certified by the said Sheriff Clerks or either of them, shall be and are hereby declared to be good Evidence in all Courts of Law or elsewhere.

Unintentional Errors in Plans or Books of Reference not to prevent Execution of Act.

X. And be it further enacted, That it shall be lawful for the said Trustees to take and use, and to make, complete, and maintain, the said Roads hereby authorized to be made and maintained, in or upon the Lands and Premises delineated on the said Plans, although such Lands and Premises, or any of them, or the Situation thereof respectively, or the Names of the Owners, Lessees, or Occupiers thereof respectively, may happen to be omitted or mis-stated or erroneously described in the said Plans or Books of Reference, if it shall appear to any One or more Justices of the Peace of the said Counties of *Nairn* or *Inverness*, or either of them, (in case of Dispute about the same,) and be certified by Writing under his or their Hands, that such Omission, Mis-statement, or erroneous Description appears to him or them to have proceeded from Mistake.

Limiting Deviations from Plan.

XI. And be it further enacted, That the said Trustees in making and constructing the said Roads shall not deviate more than One hundred

hundred Yards over any inclosed nor more than Three hundred Yards over any uninclosed Lands from the Course or Direction delineated on the said Plans, without the Consent in Writing of the Owners or reputed Owners of the Lands or Premises through which such Deviation is to be made first had and obtained.

Power to erect Gates and levy Tolls.

XII. And be it further enacted, That the said Trustees at their First Meeting or at any of the Stated Meetings assembled, or at a Meeting advertized for that special Purpose, may direct and authorize Gates and Turnpikes to be continued or erected across any Parts of the said several 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; (that is to say,)

Tolls.

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

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

For every Horse, Mule, Ox, or other Beast of Draught whatsoever, drawing any Waggon, Wain, Cart, or other such Carriage, when drawn by more than Five Horses, Oxen, or other Beasts of Draught, the Sum of One Shilling and Two-pence Sterling; and when drawn by Five Horses, Oxen, or other Beasts of Draught, the Sum of One Shilling Sterling; and when drawn by Four Horses, Oxen, or other Beasts of Draught, the Sum of Nine-pence Sterling; and when drawn by Three Horses, Oxen, or other Beasts of Draught, the Sum of Sixpence Sterling; and when drawn by Two Horses, Oxen, or other Beasts of Draught, the Sum of Four-pence Sterling; and when drawn by One Horse, Ox, or other Beast of Draught, the Sum of Four-pence Sterling:

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

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

For every Score of Calves, Hogs, Sheep, Lambs, or Goats, the Sum of Five-pence Sterling, and so in proportion for any greater or less Number:

For every Carriage moving or propelled by Steam or Machinery, or by any other Power than Animal Power, the Sum of Two Shillings.

Fractional Part of a Halfpenny in Toll.

XIII. And be it further enacted, That in all Cases where there shall be a fractional Part of a Halfpenny in the Calculation of the Tolls hereby granted and authorized to be taken, or any of them, the Sum of One Halfpenny shall be taken in lieu of such fractional Part.

Tolls for Carriages drawn by Oxen.

XIV. Provided nevertheless, and be it enacted, That it shall and may be lawful for the said Trustees, in any of their Stated General Meetings assembled, if they shall see Cause, with the Consent of the Persons entitled to Three Fourth Parts of the Money then due and owing on the Credit of the said Tolls, but not otherwise, 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 Machines.

XV. And be it further enacted, That the said Trustees shall, if they shall find it necessary, cause Weighing Engines to be erected upon such Parts of the said several Roads as they shall think fit, for weighing all Carriages that shall pass along the said several Roads, and shall receive and take (over and above the Tolls hereby granted), the following Sums of Money as additional Tolls; *videlicet*,

Additional Tolls for extra Weights.

For every Hundred Weight (of One hundred and twelve Pounds to the Hundred) which any Waggon, 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, as herein-after mentioned, without paying additional Toll, (that is to say,) for the First and Second Hundred of such Overweight the Sum of Three-pence Sterling for each Hundred, for each Hundred of such Overweight above Two Hundred and not exceeding Five Hundred the Sum of Six-pence 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 shall be respectively 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.

Single Weights or Loadings.

XVI. 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, shall 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

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 Fifteen Hundred Weight in Winter; every Waggon having the Fellies of the Breadth of Six Inches, Four Tons Five Hundred Weight in Summer and Three Tons Fifteen Hundred Weight in Winter; every Cart having the Fellies of the Breadth of Six Inches, Two Tons Twelve Hundred Weight in Summer and Two Tons Seven Hundred Weight in Winter; every Waggon having the Fellies of less Breadth than Six Inches, Three and a Half Tons 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 Seven Hundred Weight in Winter; and every such Cart drawn by One Horse, One Ton both in Summer and Winter; and for the foresaid 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.

Summer and Winter.

XVII. 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 several Roads across any Lanes or Ways 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 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.

Tickets at Side Gates.

XVIII. And be it further enacted, That, with and under the Exceptions stated in the said recited Act of the First and Second Year of the Reign of His late Majesty King *William* the Fourth, 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 afterwards pass, 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.

Tolls payable only Once in the same Day.

How Day computed.

XIX. And be it further enacted, That no Toll Bars shall be erected or Tolls levied on any of the said new Lines of Road until such new Lines of Road respectively shall be declared by a General Meeting of Trustees to be sufficiently made.

Toll Gates when to be erected on new Lines.

XX. And be it further enacted, That if any Turnpikes are erected on the said existing Road, or on any of the said new Lines of Road, within a less Distance of each other than Six Miles, any Person or Persons producing a Ticket to show that he, she, or they has or have

If on any of the Roads Gates are erected within Six

Miles of each other, Tickets to be granted.

have paid the Tolls at One Gate shall not pay any further Tolls till the Distance exceeds Six Statute Miles from the Gate at which he, she, or they shall have paid.

Penalty on passing Tickets to other Persons.

XXI. And for preventing Frauds and Abuses in regard to the said Tolls, be it further enacted, That if any Tacksman or Collector of Tolls shall give to any Person or Persons a Note or Ticket signifying the Payment of any Toll by this Act imposed, without receiving full Payment of such Toll, or if any Person having obtained any such Note or Ticket, whether fraudulently or on Payment of the Toll, shall pass or dispose of such Note or Ticket to any other Person or Persons, in order to enable him, her, or them to avoid Payment of the said Toll, every Person so giving, passing, or disposing of such Note or Ticket, and every Person receiving any Note or Ticket so given, passed, or disposed of, being convicted thereof before One or more Justice or Justices of the Peace, or before the Sheriff or Sheriff Substitute of the County within which such Person shall reside, shall for every such Offence forfeit and pay to the said Trustees or their Treasurer any Sum not exceeding Twenty Shillings Sterling; and every such Offender may be convicted on his own Oath or Confession, or on the Evidence of One Witness, and one Offender shall be admissible as a Witness against another Offender.

Penalty on obstructing Collector of Tolls.

XXII. 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, obstructed, or disturbed, any Collector, in the Collection of the Tolls or of any of them, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds Sterling.

No House or Orchard to be prejudiced.

XXIII. Provided always, and be it enacted, That in altering, widening, or making any of the said Roads, or digging or taking Materials for the same, no House or Building, nor any Garden, Orchard, or planted Walk, Lawn, or Pleasure Ground appertaining to such House, shall be partially taken, used, injured, or prejudiced 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 *Scots* of valued Rent, where any of the above-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.

Deviation of Line allowed from Mansion Houses in the Country.

In making Cross Drains Half of Road to be left passable.

XXIV. And be it further enacted, 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

Open Part to be completed in One Day, if practicable.

Manner

Manner of executing covered Drains as aforesaid 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.

Forfeiture and Penalty.

XXV. And be it further enacted, That every Contractor or other Person employed by the said Trustees for making, amending, widening, or repairing any of the said Roads shall be and are hereby 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.

No Pit to be dug or Ground broken within 12 Feet from Sides of Road, without erecting a Fence.

XXVI. And be it further enacted, That the Money so to be raised and collected as aforesaid shall be 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; and no Part thereof shall be expended without the Orders of the said Trustees or their Committees, or of some Person or Persons authorized by General Meetings for that Purpose.

Application of Money to be levied.

Orders for Payment.

XXVII. And be it further enacted, That if the Trustees for Roads or Highways in the County of *Inverness*, the Commissioners for Highland Roads and Bridges, or any other Parties, shall defray the Expence of making the said new Branch Line of Road first herein-before mentioned and described, without any Claim for Reimbursment of such Expence, it shall be lawful for the Trustees acting under this Act to maintain the said Branch Line when made, along with the said existing Turnpike Road, from the Tolls to be levied on or for the said Two Roads; and the surplus Produce of the Tolls to be levied on or for the said existing Road and the said Branch Line of Road, when the same shall be made, after defraying the Expence of Repairs and other necessary Charges thereon, and paying the Interest of the Money borrowed, subscribed, and advanced, or to be borrowed, subscribed, and advanced on the Credit of such Tolls, shall be appropriated annually to extinguish the Principal of the Money so borrowed, subscribed, and advanced, and to no other Purpose whatsoever.

Existing Road and Branch Line first mentioned, how to be maintained.

Application of surplus Produce of Tolls thereof.

XXVIII. And be it further enacted, That in regard to the Three other new Lines of Road herein-before mentioned and described, the said Trustees shall put this Act into execution only at such Period or Periods and in respect to such of the said Roads as shall from Time to Time be agreed and determined upon at any Annual General Meeting held under the Authority of this Act, or at any Special General Meeting to be called by the Clerk of the said Trustees, for the

The other Three new Roads may be made and maintained as separate or conjoined Trusts.

the Purpose of determining the same, by Advertisement inserted Twice in some One *Inverness* Newspaper; and it shall be lawful for the said Trustees to raise Money for making and maintaining the said new Roads, or any One or more of them, on the Credit of the Tolls to be levied on each or any One of them as a separate Trust or Trusts, or on the Credit of the Tolls to be levied on any Two of them as One Trust, or on the Credit of the Tolls to be levied on all of them as One Trust.

Present Turnpike and Branch may eventually be conjoined with Bridge of Fairness Road.

XXIX. Provided also, and be it further enacted, That after paying off all the Money borrowed, subscribed, advanced, or due on the Credit of the Tolls to be levied on the said existing Turnpike Road and the said new Branch Road first above mentioned, if the same shall be made, or sooner, with the Consent of all the Creditors thereon, it shall be lawful, by the Resolution of a Stated General Meeting or of a Special General Meeting called as aforesaid, to conjoin the said existing Turnpike Road and the said new Branch Road with the said new Line of Road leading towards Bridge of *Fairness* as One Trust, and to raise Money as aforesaid on the Credit of the Tolls to be levied on the Roads so to be conjoined, for making and maintaining the same; and in like Manner, after paying off all the Money borrowed, subscribed, advanced, or due on the Credit of the Tolls to be levied on the said conjoined Roads, or sooner, with the Consent of all the Creditors thereon, it shall be lawful, by a Resolution of a Stated General Meeting or of a Special General Meeting called as aforesaid, to conjoin the said Roads so conjoined as aforesaid with the other Two new Lines of Road herein-before mentioned and described, or either of them, and to raise Money as aforesaid on the Credit of the Tolls to be levied on all the Roads so to be conjoined, for making and maintaining the same: Provided always, that under any Conjunction or Consolidation the Tolls to be levied shall be so applied that the existing Turnpike Road shall be first in Order sufficiently maintained, that the said new Branch Line of Road first above mentioned shall, if made, be next in Order sufficiently maintained, and that the said Road leading towards Bridge of *Fairness* shall be next in Order sufficiently maintained.

Further eventual Conjunction of Roads.

Order of Preference of conjoined Roads.

Accounts of each Trust to be kept separate.

Application of Surplus Produce of Tolls.

XXX. Provided also, and be it further enacted, That, without Prejudice to the Conjunction of Trusts as aforesaid, the Funds and Accounts of each Trust, as constituted for the Time under this Act, shall be kept separate and distinct; and the surplus Produce of the Tolls, after defraying the Expence of Repairs and other necessary Charges on the Road or Roads embraced under each such Trust, and paying the Interest of the Money borrowed, subscribed, advanced, or due on the Credit of the Tolls thereof, shall be appropriated annually to extinguish the Principal of the Debt due thereon, and Money raised by Subscriptions for the same, and to no other Purpose.

Expences of this Act how to be paid.

XXXI. And be it enacted, That the Expences incurred and to be incurred 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, shall be paid

paid out of the Funds of the said existing Turnpike Trust, to such Extent only as such Expences are applicable to a simple Renewal of that Part of the said first-recited Act hereby in part repealed; and the Remainder of the said Expences shall be paid in the first instance out of the Funds of the said existing Turnpike Trust, reserving to the said existing Trust its Claim for Repayment thereof from the County of *Nairn* under an Agreement entered into in relation to the same; and the said Trustees appointed for carrying this Act into execution shall reimburse the said Trust, or the County of *Nairn*, for the Remainder of such Expences as aforesaid, with the Interest thereon, out of the Tolls and Duties to be levied on the said new Line of Road leading towards Bridge of *Fairness*, the said new Line of Road leading from *Auldearn* by *Cawdor* to the said intended new *Inverness-shire* Road, and the said new Line of Road leading from the present Turnpike Road at *Auchnacloich* to the *Hardmuir* Toll Bar, or on such One or more of the said new Lines of Road as shall be made, at such Time or Times and in such Proportions as the said Trustees shall think fit.

Roads not to be exempted from Provisions of any general Act.

XXXII. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the Turnpike Roads by this Act authorized to be made and maintained from the Provisions of any general Act relating to the Consolidation or other improved Arrangement of Turnpike Roads which may pass during the present or any future Session of Parliament.

Public Act.

XXXIII. 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.

Commencement and Continuance of this Act.

XXXIV. And be it further enacted, That this Act shall commence from and after the passing thereof, and shall remain in full Force, and have Continuance for and during the Term of Thirty-one Years, and from thence to the End of the then next Session of Parliament.

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