ANNO SECUNDO

GULIELMI IV. REGIS.

Cap. xlii.

An Act to alter and amend an Act passed in the Eleventh Year of the Reign of His late Majesty King *George* the Fourth, for rebuilding the Bridges over the Rivers *Spey* and *Findhorn*, for making Accesses thereto, and for making and maintaining certain new Roads in the County of *Elgin*, in so far as the same regards the Bridge over the River *Spey* near *Fochabers* in the said County of *Elgin*. [23d *May* 1832.]

WHEREAS certain Bridges over the Rivers *Spey* and *Findhorn* in the County of *Elgin* were carried away and destroyed by a great Flood in the said Rivers in the Month of *August* One thousand eight hundred and twenty-nine: And whereas an Act was passed in the Eleventh Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for rebuilding the Bridges over the Rivers* Spey *and* Findhorn, *for making Accesses thereto, and for making and maintaining certain new Roads in the County of* Elgin; and it was intended that such Bridges should have been rebuilt and maintained under the Powers and Authority of the said recited Act: And whereas it has been found that the Provisions in the said recited Act, in so far as the same regard the Bridge proposed to be erected over the said River *Spey* 11 G. 4. c. 129.

at or near the Place called *Boat of Bog*, near *Fochabers*, situated in the Parish of *Speymouth* in the said County of *Elgin*, to the opposite Side of the said River situated in the Parish of *Bellie* also in the said County of *Elgin*, are inadequate for the Purposes thereby intended, and it is expedient that the same, in so far as regards the said Bridge, should be altered and amended, and that other and further Powers should be granted in relation to such Bridge; but as these Purposes cannot be carried into effect without the Aid and 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, in lieu and place of the Trustees appointed in and by the said recited Act of the Eleventh Year of the Reign of His said late Majesty King *George* the Fourth, the Persons following; *videlicet*, the Honourable *Francis William Grant*, Commissioner serving in Parliament for the County of *Elgin*, or the Commissioner serving in Parliament for the said County for the Time being; Sir *Archibald Dunbar* of *Northfield* Baronet, Convener of the said County, or his Successor in Office for the Time being; *John Cunningham* Esquire, Sheriff of the said County, or in his Absence *Patrick Cameron* Esquire, his Substitute, and their Successors in Office for the Time being; Sir *James Wellwood Moncrieff* Baronet, one of the Senators of the College of Justice; *James Alexander Stewart Mackenzie* of *Seaforth*, Esquire; *William Gordon* of *Fyvie*, Esquire; *William Paul* Esquire, Accountant in *Edinburgh*, and the Reverend *John Anderson* in *Fochabers*, shall be and they are hereby appointed Trustees for putting into execution all and every the Powers and Authorities in and by the said recited Act given and granted in relation to the said Bridge over the said River *Spey*, and also for putting into execution all the Powers and Authorities in and by this Act given and granted.

Trustees in place of the Trustees formerly appointed.

Power to build the Bridge, &c.

II. And be it further enacted, That it shall be lawful for the said Trustees to erect and build, or cause to be erected and built, and to complete, maintain, and keep in repair, a Bridge over or across the said River *Spey* at or near the Place called *Boat of Bog*, near *Fochabers* aforesaid, situated in the said Parish of *Speymouth* and County of *Elgin*, to the opposite Side of the said River situated in the said Parish of *Bellie* also in the said County of *Elgin*; and also to make or cause to be made, and to maintain, the necessary Avenues and Approaches to communicate therewith; that is to say, one to communicate with the said Bridge and the present Turnpike Road leading from *Elgin* to *Fochabers*, and another to communicate with the said Bridge and the present Road leading from *Fochabers* to *Elgin*; and to carry into execution all and every the Powers and Authorities in and by the said recited Act given and granted to the Trustees thereby appointed in relation to the said Bridge, and the Avenues and Approaches herein-before specified, in so far as the same are not altered by this present Act; and to purchase and acquire Lands and other Heritages, and to dig, gather,

gather, quarry, take, and carry away Stones and other Materials for the Purposes aforesaid, in such and the same Manner, and under the like Powers, Provisoes, Authorities, and Regulations, as the Trustees appointed in and by the said recited Act could or might have done in relation to the same if this Act had not been made.

Plans deposited with the Clerk of the Parliaments to remain there and be open to Inspection.

III. And whereas a Map or Plan describing the Site of the said Bridge, and the Avenues and Approaches to the same, and the Lands, Tenements, and Hereditaments through, over, or upon which the same are intended to be carried or made, together with a Book of Reference thereto, containing a List of the Names of the Owners and Occupiers, or reputed Owners and Occupiers of such Lands, Tenements, and Hereditaments, have been deposited with the Clerk of the Parliaments; be it therefore further enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of and shall be kept by the said Clerk of the Parliaments; and all Persons interested in any Manner in any such Lands, Tenements, and Hereditaments shall at all reasonable Times have Liberty to inspect and peruse the same, and to have Copies of or Extracts from the same, paying to the said Clerk of the Parliaments the Sum of One Shilling for every such Inspection, and after the Rate of Sixpence for every Seventy-two Words of such Copies or Extracts; and the said Map or Plan and Book of Reference, or true Copies thereof, or of so much thereof as shall relate to any Matter which shall be in question, shall be and are hereby declared to be good Evidence in all Courts of Law or elsewhere.

Limiting the Deviation from Plan.

IV. And be it further enacted, That the said Trustees, in erecting and building the said Bridge, shall not deviate more than One hundred Yards from the Site laid down in the said Map or Plan without the Consent in Writing of the Person or Persons, Party or Parties, through, over, or upon whose Lands, Tenements, or Hereditaments any such Deviation shall be made; and that in making or forming the said Avenues and Approaches through any other Lands, Tenements, or Hereditaments, they shall not, without the like Consent as aforesaid, deviate more than One hundred Yards from the Line described on the said Map or Plan.

Lands to be purchased within Three Years.

V. And be it further enacted, That in case the Trustees hereby appointed shall not purchase and acquire the Lands and other Heritages necessary for carrying into effect the Purposes of this Act within the Space of Three Years from and after the passing thereof, then and in such Case all and every the Powers and Authorities for purchasing and acquiring Lands and other Heritages shall from thenceforth cease and determine, save and except with the Consent of the Owners thereof.

Power to appoint additional Trustees, and to supply Vacancies.

VI. And be it further enacted, That it shall and may be lawful for the said Trustees or any Three or more of them, and they are hereby authorized and required, at One or other of the Three first General Meetings to be holden in pursuance of this Act, to elect any Number of Persons, not exceeding Four in the whole,

to

to be Trustees for the Purposes of this Act together with the said Trustees hereby appointed; and that when and so often as any of the Trustees appointed or to be appointed under or by virtue of this Act shall die, or shall refuse or neglect to act, or shall become incapable of acting, then and in every such Case it shall be lawful for the surviving or remaining Trustees, at any Meeting to be called for that Purpose, from Time to Time to elect and appoint another fit and proper Person, or other fit and proper Persons, to be a Trustee or Trustees in the Place and Stead of such Trustee or Trustees as shall have died, refused or neglected to act, or become incapable of acting; and every Trustee who shall be so elected or appointed shall have the same Power and Authority to act in the Execution of this Act as if he had been appointed by this Act.

Qualification of Trustees to be elected or appointed.

VII. Provided always, and be it further enacted, That no Person shall be capable of being so elected or appointed a Trustee unless at the Time of his Election or Appointment he shall be seised and possessed, either in his own Right or in the Right of his Wife, of a Real or Heritable Estate of the clear Value of Two thousand Pounds Sterling; and if any such Person who shall be elected or appointed a Trustee under this Act shall act as such without being qualified as aforesaid, such Person shall for every such Offence forfeit and pay the Sum of Twenty Pounds Sterling, to be applied for the Purposes of this Act.

First and other General Meetings of Trustees.

VIII. And be it further enacted, That the said Trustees shall hold their First stated General Meeting by virtue of this Act at *Elgin* upon the Fourth *Thursday* after the passing of this Act, or as soon after as conveniently may be, and their Second stated General Meeting at the same Place on the Day on which the *Michaelmas* Meeting of the Freeholders of the said County next thereafter shall be held, and shall thereafter hold Two stated General Meetings in each Year during the Continuance of this Act, one upon the Day when the Commissioners of Supply of the said County shall meet for assessing the Land Tax, and the other upon the Day on which the *Michaelmas* Meeting of the Freeholders of the said County shall be held; with Power to the said Trustees, or the 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 to have the more immediate Care and Management of the said Bridge, and to give their Committees (whereof Two shall be a Quorum) such Instructions and such Powers as they shall think fit and expedient, for carrying this Act and the Powers thereof into execution; and all such Committees shall be accountable to the General Meetings of the said Trustees, and for that Purpose shall lay before them, once in the Year at least, or oftener if required, 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, or

to the Justices of the Peace of the said County at the Quarter Sessions or adjourned Quarter Sessions of such Justices; and such Sheriff or Justices shall grant a Warrant for summoning the Clerk of the Committee so failing, 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, with Expences of Suit, to be paid to the said Trustees, to be by them applied to the Purposes of this Act.

Power to appoint Officers.

IX. And be it further enacted, That it shall and may be lawful to and for the said Trustees, both at their General Meetings and Committee Meetings, to appoint a Treasurer or Treasurers, Clerk or Clerks, Surveyor or Surveyors, and such other Officer or Officers, Person or Persons, for the Execution of this Act, or for any other Matter or Thing relating to the Powers hereby vested in the said Trustees, as they the said Trustees shall think proper; and the said Trustees shall and may from Time to Time remove them or any of them, and in like Manner appoint others in the Room of those removed, and out of the Tolls or Pontages and other Monies to be raised and received by virtue of this Act pay such Salaries, Wages, or Allowances to the said Officers and other Persons as they the said Trustees shall think reasonable.

Trustees to take Security from their Officers.

X. And be it further 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 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 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 Trustees.

XI. And be it further enacted, That the Quorum or Number of Trustees necessary to do Business in General Meetings shall be Three, but if only One, or any Number less than Three, 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 *Elgin*, *Aberdeen*, or *Inverness*, the first of which Advertisements being at least Twenty Days before the Day of such adjourned Meeting; and at every Meeting or adjourned Meeting of the said Trustees a Preses shall be appointed before proceeding to Business, who, in case of an equal Number of Votes (including the Vote of the Preses), shall have a casting or decisive Vote; and any Two or more of the said Trustees, or the Clerk of the said Trustees, shall have Power, and the Clerk 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;

said; 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 *Elgin*, *Aberdeen*, or *Inverness* Newspaper, as aforesaid.

Books of Account to be kept, and to be open to the Inspection of Trustees and Creditors.

XII. And be it further enacted, That the said Trustees shall and they are hereby required, from Time to Time and at all Times, to order and direct a Book or Books to be provided and kept by their Clerk or Clerks for the Time being, in which Book or Books such Clerk or Clerks shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the said Bridge, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; and such Book or Books shall at all seasonable Times be open to the Inspection of the said Trustees, or any Heritor in the County of *Elgin*, or any Creditor or Creditors on the Tolls or Pontages on the said Bridge, without Fee or Reward; and the said Trustees or Heritors and Creditors, or any of them, shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same; and the said Book or Books shall be produced by the said Clerk at all Meetings of the said Trustees; and in case any Clerk shall refuse to permit or shall not permit any of the said Trustees, or any such Heritor or Creditor, to inspect any such Book or Books, or to take such Copies or Extracts as aforesaid, or in case such Clerk shall refuse or neglect to produce such Book or Books at any Meeting of the said Trustees, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds Sterling, to be levied and applied in the same Manner as other Penalties are hereby directed to be levied and applied; and the said Trustees shall annually at the Meeting of the *Michaelmas* Head Court of the said County, exhibit or cause to be exhibited to the Heritors assembled at such Court, an Account and Statement of their Intromissions in virtue of this Act; and such Statement shall when so exhibited be entered on the Records of the said Court, and shall be open to the Inspection of the Heritors of the said County in all Time thereafter.

Penalty not exceeding Five Pounds on Clerk for refusing Inspection, &c

Officers to account.

XIII. And be it further enacted, That all such Officers as shall be appointed by the Trustees in virtue of this Act shall, as often as required by the Trustees, render and give to them, or to such Person as they shall for that Purpose appoint, a true, exact, and perfect Account in Writing under their respective Hands, with the proper Vouchers, of all Monies which they shall respectively to the Time of rendering such Accounts have received, paid, and disbursed by virtue of this Act, or for or on account or by reason of their respective Offices; and in case any Money so received by any such Officer shall remain in his Hands, the same shall be paid to the Trustees, or to such Person as they shall in Writing under their Hands authorize and empower to receive the same; and if any such Officer shall refuse or wilfully neglect to render and give such Account, or to produce

Proceedings on Neglect of Officers.

and

and deliver up such Vouchers, or shall for the Space of Fourteen Days after being thereunto required by the said Trustees refuse or neglect to render and give up to them, or to such Person as they shall direct or appoint, all Books, Papers, Writings, Tools, Matters, and Things in his Hands, Custody, or Power, belonging or relating to the said Bridge, then it shall be lawful for the Sheriff or Stewart, or Justices of the Peace in Quarter Sessions assembled, for the Shire or Stewartry where the Officer so refusing or neglecting shall be or reside, upon Complaint made by or on behalf of the said Trustees, to hear and determine such Complaint in a summary Way, and to cause such Money as shall appear to be due and unpaid to be levied by Poinding and Sale of the Goods and Effects of such Officer, rendering to him the Surplus, if any, of the Money remaining due, after deducting the Expences of such Poinding and Sale; and if sufficient Goods and Effects cannot be found, or if it shall appear to any such Sheriff, Stewart, or Justices assembled as aforesaid, that any such Officer shall have wilfully refused to give such Account, or to deliver up all or any Books, Papers, Writings, Tools, Matters, and Things in his Custody or Power, relating to the Execution of his Office, such Sheriff, Stewart, and Justices shall commit him to the House of Correction or Common Gaol of the District where such Offender shall be or reside, there to remain until he shall make and give a true and perfect Account, and verify the same in manner aforesaid, and shall produce and deliver up the Vouchers relating thereto, and shall have paid the Money, if any, remaining in his Hands as aforesaid, according to the Direction of the Trustees, or shall have compounded with the said Trustees for such Money, and paid such Composition, according to their Direction, which Composition the said Trustees are hereby empowered to make or receive, or until he shall have delivered up such Books, Papers, and Writings, Tools, Matters, and Things as aforesaid, or have given Satisfaction to the Trustees concerning the same; but no such Officer who shall be committed on account of his not having sufficient Goods and Effects as aforesaid shall be detained in Prison by virtue of this Act for any longer Time than Six Calendar Months.

Trustees may sue and be sued in the Name of any One of them, or in the Name of the Clerk or Treasurer.

XIV. And be it further enacted, That the said Trustees may, in all Actions and Proceedings which may be necessary to be brought or instituted for or in respect of any Matter or Thing arising out of or relating to this Act, sue and be sued in the Name or Names of any One or more of them, or in the Name or Names of their Clerk or Clerks, Treasurer or Treasurers, for the Time being; and no Action or Proceeding which may be brought or instituted by or against the said Trustees, by virtue of or on account of this Act, shall abate or be discontinued by reason of the Person or Persons, or any or either of them, in whose Name or Names such Action or Proceeding may be brought or instituted, or may be defended, ceasing to be a Trustee or Trustees, or by reason of the Death of such Trustee or Trustees, or the Death, Suspension, or Removal of such Clerk or Clerks, Treasurer or Treasurers, or by any Act or Default of such Trustee or Trustees, Clerk or Clerks, Treasurer or Treasurers, done or suffered without the Consent or Direction of the said Trustees; but such Trustee or Trustees,

Trustees, Clerk or Clerks, or Treasurer or Treasurers, shall be deemed Pursuer or Defender in any such Action or Proceeding, as the Case may be, except in Cases of Actions or Proceedings between the said Trustees and their Clerk or Clerks, or Treasurer or Treasurers, for the Time being, in all which Actions or Proceedings any One or more of the said Trustees shall always be Pursuer or Defender, as the Case may be.

Restricting the floating of Timber on the River.

XV. And be it further enacted, That in order to prevent Obstructions to the Erection of the said Bridge it shall not be lawful for any Person or Persons to float any Timber on the said River from the Time Piles shall be begun to be driven for the Foundations of the said Bridge until the First Day of *January* in the Year One thousand eight hundred and thirty-three, unless the Service Bridge, and Centres supporting the Arches of the new Bridge, shall have been previously removed and taken away, and that under the Penalty of Fifty Pounds Sterling, besides paying all Damages; and thereafter, when the Bridge shall have been completed, no Person or Persons shall float any Timber upon the said River through any of the Arches of the said Bridge, except the same shall be fastened together as Rafts; and if any Timber shall be floated through any of the Arches of the said Bridge in any other Manner, or if any Damage shall be done to the said Bridge, or to the Piers or Abutments thereof, whether to those now existing or to those still to be built, by any Timber or Raft of Timber, the Owner or Owners of such Timber or Raft of Timber shall not only pay the Damage sustained, but shall forfeit and pay any Sum not exceeding Ten Pounds Sterling nor less than Five Pounds Sterling for every such Offence.

For preventing wilful Damage to the Bridge, &c.

XVI. And be it further enacted, That if any Person or Persons shall wilfully or maliciously damage the said Bridge or any Part thereof, or any of the Avenues or Approaches to the same, or any Embankment, Gate, Turnpike, or other Work belonging thereunto, or shall wilfully and maliciously, or without Authority from the said Trustees, or their Agents, Surveyors, or other Person acting under the Authority of this Act, remove or take away any Work, Material, or Thing thereunto belonging, or in any Way direct or procure the same to be done, or shall be aiding or assisting therein, whereby the said Bridge or other Works as aforesaid may be damaged, or any Toll Gatherer be disturbed in the Exercise of his Office, the Person or Persons so offending shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds Sterling, and also the Amount of the Damage done, and the Expence of repairing the same.

Penalty on Obstructions.

XVII. And be it further enacted by the Authority aforesaid, That no Carman, Carter, or Driver shall wilfully remain with his Cart, Wain, Waggon, or other Carriage on the said Bridge longer than shall be necessary for going over the same, or leave any empty Carriage upon the said Bridge; and no Person or Persons shall put any Rubbish, Dung, Filth, Ashes, or any other Nuisance on the said Bridge, or on the Avenues or Approaches leading thereunto, or

do any Act which may be an Obstruction or Annoyance to the Passage thereof; and each and every Person so offending, and being thereof convicted, shall for every such Offence forfeit and pay the Sum of Forty Shillings Sterling.

Power to erect Toll Gates and Toll Houses.

XVIII. And be it further enacted, That it shall be lawful for the said Trustees to erect and build, or cause to be erected and built, upon or across the said Bridge, and upon or across the said Avenues and Approaches or either of them, or any Part or Parts thereof respectively, when, where, and as they shall judge necessary, a Gate or Gates, and Turnpike or Turnpikes, with a Toll House or Toll Houses thereat, and a Garden or Gardens adjacent thereto, not exceeding One Fourth Part of an Acre respectively, and from Time to Time to alter the Situation of any of such Gates and Turnpikes, Toll Houses and Gardens, as they the said Trustees shall think proper; and they are hereby empowered, by themselves, their Collectors, Tacksmen, or others duly authorized by them, to take thereat any Tolls or Pontages, not exceeding the following, as they shall from Time to Time direct, and in such Manner as is hereinafter expressed and declared; *videlicet*,

Toll or Pontage Duties.

For every Horse or Beast of Draught drawing any Coach, Berlin, Landau, Chariot, Chaise, Calash, or other such Carriage with Four Wheels, when the Number drawing shall be Six or Three, the Sum of One Shilling; and when the Number shall be Four or Two, the Sum of One Shilling and Three-pence; and when the Number shall be One, the Sum of Two Shillings:

For every Horse or Beast of Draught drawing any Chaise, Gig, Curricle, or other like Carriage with Two Wheels, when the Number drawing shall be Two, the Sum of Ten-pence; and when the Number drawing shall be One, the Sum of One Shilling and Six-pence:

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

For every Horse or other Beast of Draught drawing any Waggon, Wain, Cart, or other like Carriage, when the Number drawing shall amount to Five and shall not exceed Six, the Sum of One Shilling; and when the Number drawing shall be Four, the Sum of Nine-pence; and when the Number drawing shall be Three, Two, or One, the Sum of Sixpence:

For every Van or Caravan, or any Waggon, Wain, or Cart, or other such Carriage with more than Two Wheels, drawn or propelled otherwise than by any Horse or other Beast, the Sum of Two Shillings and Sixpence; and having only Two Wheels, the Sum of Two Shillings:

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

For every Drove of Oxen, Neat Cattle, Asses, Horses, or Fillies, unshod, the Sum of One Shilling and Eight-pence *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 Sixpence *per* Score, and so in proportion for any greater or less Number:

And for each Person passing the said Bridge on Foot, the Sum of One Halfpenny:

Which respective Duties in Name of Pontage, or such other Duties not exceeding the aforesaid Rates, as the said Trustees shall direct, shall be payable each and every Time the said Bridge shall be passed; provided that Carts or Carriages which shall have paid on passing loaded shall not pay on returning empty; and that Carts or Carriages which shall have paid on passing empty shall not pay on returning loaded the same Day.

Trustees may diminish the Tolls.

XIX. And be it further 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 Four Fifth Parts of the Money then due and owing on the Credit of the said Tolls or Pontages, to diminish, for such a Length of Time, and to such Extent as they shall judge fit, any of the Tolls or Pontages payable under this Act; and to raise the Tolls or Pontages again, so as that the same shall not at any Time exceed the Rate of the Tolls or Pontages by this Act granted.

Power in regard to the Toll upon Foot Passengers.

XX. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, when they shall see Cause, wholly to discontinue the said Toll upon Foot Passengers payable at the said Bridge, for such Time as they shall think fit, and to impose the same again at their Pleasure, but so as not to exceed the Toll upon Foot Passengers hereby granted.

Trustees may erect Weighing Machines.

XXI. And be it further enacted, That the said Trustees shall, if they find it necessary, cause Weighing Engines to be erected upon such Part of the said Bridge, or the Avenues or Approaches leading to the same, as they shall think fit, for weighing all Carriages that shall pass along the said Bridge, and shall receive and take (over and above the Tolls or Pontages hereby granted) the following Sums of Money as additional Tolls or Pontages: 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 without paying additional Toll; that is to say, for the First and Second Hundred the Sum of Three-pence for each Hundred; for every Hundred of such Overweight above Two Hundred and not exceeding Five Hundred, the Sum of Sixpence; for every Hundred of such Overweight above Five Hundred and not exceeding Ten Hundred, the Sum of Two Shillings and Sixpence; for every Hundred of such Overweight above Ten Hundred and not exceeding Fifteen Hundred, the Sum of Five Shillings; and for every Hundred of such Overweight above Fifteen Hundred, the Sum of Twenty Shillings, before they shall respectively be permitted to pass through such Gate or Turnpike, and the same shall be applied as the other Tolls or Pontages are directed by this Act 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

Toll on Overweight.

Offence

Offence forfeit any Sum not exceeding Ten Shillings, besides all necessary Expences.

Exemptions for broad Wheels.

XXII. And be it further enacted, That every Waggon, Wain, Cart, or Carriage shall be allowed to pass without paying any additional Toll or Pontage, provided such Waggon, Wain, 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 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 and a Half Tons 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 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.

Table of Tolls to be put up, and Tickets provided.

XXIII. And be it further enacted, That before any Tolls or Pontages shall be taken by virtue of this Act, the said Trustees shall and they are hereby required to cause to be put up and continued at every such Toll Gate and Toll Bar a Table, painted in distinct and legible Characters, either in Black Letters on a White Ground or White Letters on a Black Ground, containing at the Top thereof the Name of the Gate at which the same shall be put up, and also a List of all the Tolls or Pontages payable at such Gate, and to renew such Board whenever any of the Letters or Figures thereof shall be worn out or obliterated; and in case there shall at any Time or Times be more than One Gate at which Tolls or Pontages shall be collected, the said Trustees shall provide Tickets denoting the Payment of the Toll or Pontage, and on such several Tickets shall be named and specified the Name of the Gate at which the same shall respectively be delivered, and also the Name or Names of the Gate or several Gates freed by such Tickets and One of which Tickets shall be delivered to every Person paying Toll or Pontage, and on the Production of such Ticket at any Gate or Gates therein mentioned to be cleared as aforesaid by the Payment of the Tolls or Pontages at the Gate where such Ticket was delivered, the Person producing the same shall pass through the Gate or Gates therein mentioned without paying any further additional Toll or Pontage; and it shall not be lawful for the said Trustees to demand or take any Tolls or Pontages for

for or in respect of any Carriage, Horse, Beast, Cattle, or Passenger, but for and during such Time as the Board on which such Tolls or Pontages shall be so painted as aforesaid shall remain affixed at any such Toll Gate or Toll Bar on the said Bridge, Avenues, and Approaches as aforesaid.

Penalty on destroying Boards.

XXIV. And be it further enacted, That if any Person shall wilfully pull down, deface, or destroy any Board whereon any Table of Tolls may have been painted as aforesaid, or shall concur or aid therein, he shall on Conviction forfeit and pay to the said Trustees a Sum not exceeding Two Pounds Sterling for every such Offence.

To prevent Evasion of Tolls.

XXV. And be it enacted, That all Persons passing over the said Bridge shall be liable in Payment of the Tolls or Pontages hereby granted, notwithstanding such Persons may be carried in or upon any Waggon, Wain, Cart, or other such Carriage, or on Horseback, or otherwise riding, and that over and above and besides the Pontage Duties payable for every such Waggon, Wain, Cart, or other such Carriage, and for every Horse, Mule, or Ass, excepting always the proper Driver or Drivers of every such Waggon, Wain, Cart, or other such Carriage, and the Person or Persons for whose proper Use every such Waggon, Wain, Cart, or other such Carriage may be *bonâ fide* employed when so passing, and excepting also One Rider upon every Horse, Mare, Gelding, Mule, or Ass not drawing; and if any Person shall claim Exemption from the Payment of the said Tolls or Pontages, not being entitled thereto, every such Person shall forfeit and pay any Sum not exceeding Ten Shillings Sterling for every such Offence.

Tolls to be recovered by Distress and Sale.

XXVI. And be it enacted, That if any Person or Persons subject to the Payment of any of the said Tolls or Pontages shall refuse to pay the same or any Part thereof, it shall be lawful for the Person or Persons appointed to collect the said Tolls or Pontages as aforesaid to seize and distrain any Horse or other Cattle, or any Carriage, or other Matter or Thing upon or in respect whereof any such Tolls or Pontages are by this Act imposed, or the Goods and Chattels of any such Person or Persons who ought to pay the same, and to detain and keep such Distress for any Time not exceeding the Space of Three Days, and then, if such Tolls or Pontages, together with the Charges of such Seizure, Distress, and Detainer, shall not be fully paid and satisfied, the Person or Persons so distraining shall and may, upon obtaining a Warrant for that Purpose from Two of the Justices of the Peace for the County of *Elgin*, (which Warrant any Two of such Justices are hereby authorized and empowered to grant,) sell the Cattle or other Goods so distrained, returning the Overplus in Money (if any be), upon Demand, to the Owner thereof, after such Tolls or Pontages, and all reasonable Charges occasioned by such Distress, Detention, and Sale, shall be deducted.

Trustees may shut up certain Fords and Ferries.

XXVII. And be it further enacted, That for the better securing the said Pontage Duties hereby granted it shall be in the Power of the said Trustees to prohibit the Use of and shut up all private Fords

and Ferries within One Mile above and One Mile below the said Bridge.

Owners, &c may use Fords and Ferries on their own Lands.

XXVIII. Provided always, and be it further enacted, That nothing in this Act contained shall be construed to prohibit the Owners and Occupiers of Lands on the Sides of the said River within the Limits before mentioned, or their Families and Servants residing on such Lands, from making use of any Boats or Vessels or of any Fords within such Limits, for the Purpose of crossing the said River, as they were entitled to do previous to the passing of this Act.

Penalty on Tollgatherers guilty of Malversation.

XXIX. And be it further enacted, That if any Person employed to collect the said Tolls or Pontages shall absent himself from the Gate or Turnpike where his Duty may be, so as to occasion Delay to Travellers, or shall knowingly exact any higher Rate of Toll or Pontage than what is hereby authorized to be taken, he shall for every such Offence forfeit and pay a Sum not exceeding Ten Shillings Sterling.

Exemptions from Toll and Pontage.

XXX. Provided also, and it is hereby further enacted, That no Toll or Pontage shall be demanded or taken at the Gates or Turnpikes to be erected by virtue of this Act for any Horse belonging to His Majesty, or attending any of the Royal Family, or returning after having so attended, or for any Horse or Carriage employed in carrying or conveying the Mails of Letters or Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying the same or in returning after having conveyed the same, except in so far as such Horse or Carriage is specially made liable to the Payment of Tolls and Duties by virtue of an Act made in the Fifty-third Year of the Reign of His Majesty King *George* the Third, 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 shall any Toll or Pontage be demanded or taken for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, which shall be employed in 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; nor for the Horses or Carriages of Officers or Soldiers upon their March or upon Duty; nor for any Horses, Cattle, or Carriages employed in carrying and 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 Persons belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry, and rode by them in going to or returning from the Place appointed for and on the Days of Exercise: Provided always, that such Persons shall be dressed in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements according to the Regulations appointed for each Corps

53 G. 3. c. 68.

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 and 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 One Pound Sterling.

Penalty of claiming Exemption where not entitled.

Penalty for assaulting Officers.

XXXI. And be it enacted, That if any Person or Persons liable to pay the said Tolls or Pontages shall assault any Collector of the Tolls or Pontages, or any other Person acting under the Authority of the said Trustees, and shall be convicted of any such Offence before any One or more Justice or Justices of the Peace for the said County, every Person so offending shall forfeit and pay a Sum not exceeding One Pound Sterling, besides making Payment of the Tolls or Pontage to which such Person was liable.

Tolls may be let.

XXXII. And be it further enacted, That it shall and may be lawful for the said Trustees, upon making public Advertisement for the same in some One of the said Newspapers Fifteen Days previous to the Day of letting, to let the Tolls or Pontages arising by virtue of this Act, by public Auction or Roup, to any Person or Persons, for any Time not exceeding Three Years, for the highest Rent that can be gotten for the same, payable at such Times and to such Person or Persons, and under such Security for Payment of the same, as the said Trustees shall think proper; and the Monies thereby arising shall be applied in such Manner as the Tolls and Pontages so to be let are hereby directed to be applied.

Power to raise Money by Subscription or Loan on the Credit of the Tolls.

XXXIII. And be it further enacted, That it shall and may be lawful for the said Trustees and they are hereby authorized and empowered to raise or borrow, by Subscription or Loan, on the Credit of the Tolls or Pontages to be levied on the said Bridge hereby authorized to be erected, or the Avenues or Approaches thereto, any Sum or Sums of Money necessary for the erecting and making the said Bridge, Avenues, and Approaches, not exceeding Five thousand Pounds in the whole, and to assign and make over to the Lender or Person advancing the same, in Security for the Repayment of any such Sum or Sums, and the Interest to become due thereon, the Tolls or Pontages hereby authorized to be levied on the said Bridge and Accesses thereto; and the Assignment of the Tolls or Pontages, for Money so borrowed or advanced, shall be entered in a Book or Books, to be kept by the said Trustees or such Person or Persons as they shall appoint; which Book or Books may be seen and perused at all seasonable Times, by any Person or Persons any way interested, 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 two or more subscribing Witnesses: Provided also, that the said Trustees shall not be held or adjudged to have rendered themselves personally liable for the Repayment of any Money borrowed, or Interest thereof, by reason of having signed such Assignments or Securities; and such

Assignments and Securities shall be held and considered as granted upon the sole Credit and Security of the Tolls or Pontages thereby assigned; 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.

Subscriptions how to be recovered.

XXXIV. And be it further enacted, That if any Person or Persons who has or have subscribed or shall subscribe towards the building the said Bridge, and the Avenues and Approaches thereto, by this Act intended to be made and repaired, shall, after One Month's 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 or Pontages collected on the said Bridge, and the Avenues and Approaches thereto, for the Use of which the Money was subscribed, next after any Assignments that may have been made of such Tolls or Pontages for Money borrowed as aforesaid, previously to the actual Payment of such Subscription Money.

Tolls and other Property acquired under this Act vested in Trustees.

XXXV. And be it further enacted, That all the Tolls and Pontages leviable under this Act, and Monies to be raised or borrowed under the same, shall be vested in the said Trustees; and the Right of Property of all and every the said Bridge, 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 Bridge, and the Avenues and Approaches thereto, shall in like Manner be vested in the said Trustees, who may and are hereby authorized to dispose of them as they shall think proper for the Purposes of this Act only.

Application of Monies raised.

XXXVI. And be it further enacted, That the said Trustees shall and they are hereby authorized and directed to apply the Monies so hereby vested in them as aforesaid, and also all Sum and Sums of Money to be raised or received under or by virtue of this Act, and also all Tolls, Pontages, and Sums of Money hereby granted, in the Order and Manner following; (that is to say,) in the first place, in paying and defraying the Costs, Charges, and Expences incident to and attending the applying for and obtaining the passing of this Act, and also all Costs, Charges, and Expences incident to or attending the making or obtaining of Surveys, Plans, Sections, and Estimates for the said Bridge, and also the necessary Avenues and Approaches, and other Works hereby authorized; and next in paying the Costs, Charges, and Expences incident to and attending the erecting and building of the said Bridge, and making the said Avenues and Approaches to communicate therewith, and all other Things necessary and requisite for completing and maintaining the said Bridge, Avenues, and Approaches, and other Works hereby authorized, or relating thereto;

thereto; and after the said Bridge, Avenues, and Approaches shall be completed and open to the Public, all and singular the Tolls, Pontages, and Sums of Money collected and arising therefrom shall be applied by the said Trustees in the Manner following; (that is to say,) in the first place, in the Payment and Discharge of the Costs, Charges, and Expences attending the Maintenance and Repair of the said Bridge, Avenues, and Approaches, and other Works hereby authorized respectively, and all Salaries of Officers and other incidental Expences in any ways relating to the due Execution of this Act; and, after Payment thereof, in paying to every Person who shall have advanced any Money by way of Loan on Security for the Purposes of this Act, an Interest at and after the Rate of Five Pounds *per Centum per Annum* on the several Sums so by them advanced or lent respectively, or at and after such less Rate of Interest upon which such respective Sums may have been advanced or lent; and, after such Payment thereof, thirdly, in paying to every Person who shall have subscribed any Money for the Purposes of this Act an Interest at and after the said Rate of Five Pounds *per Centum per Annum* on the several Sums so by them subscribed as aforesaid, or at and after such less Rate of Interest upon which such Sums may have been so subscribed; such Interests to commence and be computed from the Day on which such Tolls and Pontages hereby granted shall become payable and be collected as aforesaid.

Surplus Pontage to be applied to extinguish Debts.

XXXVII. And be it further enacted, That the surplus Tolls or Pontages hereby authorized to be levied, after defraying the Expence of Repair and other necessary Charges on the said Bridge, Avenues and Approaches communicating therewith, and paying the Interest of Money borrowed, subscribed, and advanced, shall be appropriated annually, in the first place, to extinguish the Principal of the Debt and Money raised by Loan, and, secondly, to extinguish the Principal of the Debt and Money raised by Subscription on the said Bridge, Avenues and Approaches thereto; and after such Payment thereof, thirdly, all the Rest and Residue of such Tolls or Pontages shall form a Sinking Fund as herein-after mentioned, and to or for no other Use or Purpose whatsoever.

When the Tolls are to cease.

XXXVIII. And be it further enacted, That when all the Monies borrowed and raised under the Authority of this Act, for which Securities for the Repayment thereof shall have been given, shall have been paid off, the said Trustees shall and they are hereby authorized to allow the Tolls and Pontages and other Monies to be collected as aforesaid to accumulate; which Accumulation, as well as the Dividends, Interest, and annual Produce arising therefrom, shall from Time to Time, when and as often as the same amounts to the Sum of Five hundred Pounds, be laid out in the Name of any of the said Trustees, or of the Treasurer for the Time being of the Trustees under this Act, upon Government or Real Securities, until the Sums so invested shall amount to the Sum of Five thousand Pounds; which Sum, together with the Dividends, Interest, and annual Produce thereof, shall form a Fund for the future Maintenance and Support of the said Bridge, Avenues, and Approaches, and other Works hereby autho-

authorized, and the same, or so much thereof as shall from Time to Time be required, may be laid out and applied by the said Trustees for such Purpose; and when and so soon as the said Fund shall have amounted to the said Sum of Five thousand Pounds, the Tolls and Pontages on the said Bridge, Avenues, and Approaches, hereby authorized to be collected, shall cease and determine, and be no longer paid or payable; and the said Funds and Securities so to be purchased, or any Part thereof, shall from Time to Time be transferred, sold, and disposed of as the said Trustees shall direct; and the Proceeds thereof, and also the Dividends and Interest of the same, in the meantime, shall from Time to Time be paid to the Treasurer for the Time being to the said Trustees, for the Purposes of this Act, whose Receipt shall be a good and sufficient Discharge for the Amount expressed to be received.

Trustees to rebuild or repair the Bridge when necessary, and in the meantime to provide a temporary Bridge or Ferry.

XXXIX. And be it further enacted, That in case the said Bridge shall at any Time become impassable or unsafe for Carriages, Horses, Cattle, and Passengers, the said Trustees shall and they are hereby empowered to cause the same to be forthwith rebuilt or repaired, and made safe and commodious for the Passage of Carriages, Horses, Cattle, and Passengers; and in the meantime, until the said Bridge shall be so rebuilt or repaired, and made safe and commodious, it shall be lawful for the said Trustees, during all such Time as the said Bridge shall be impassable or unsafe as aforesaid, to erect, construct, or to provide a temporary Bridge, or to provide a proper and convenient Ferry, and Boats and Barges, for the Passage of Carriages, Horses, Cattle, and Passengers over the said River, as near to the Site of the said Bridge as conveniently may be; and it shall be lawful for such Person or Persons as the said Trustees shall appoint for that Purpose to demand, collect, and receive, for the Passage of such Carriages, Horses, Cattle, and Passengers in or over the said temporary Bridge or Ferry, before they respectively shall be permitted to pass, the like Tolls as are hereby authorized to be taken for passing over the said Bridge; any thing herein contained to the contrary notwithstanding.

Power to impose an occasional Toll as Exigencies may require.

XL. Provided always, and be it further enacted, That it shall be lawful for the said Trustees, at any Meeting or Meetings to be called for that special Purpose, and they are hereby fully authorized and empowered, from Time to Time and at any Time or Times after the said Tolls and Pontages shall have so ceased as aforesaid, again to impose and collect such further Tolls and Pontages (not exceeding the Amount of the Tolls by this Act granted) as they shall find necessary or expedient to be raised for defraying the Expences of repairing and keeping in repair the said Bridge, Avenues, and Approaches, and, in case of Accident or Necessity, of rebuilding the said Bridge as aforesaid; and the said Trustees shall have Power and Authority from Time to Time to suspend and discontinue the said Tolls and Pontages, or any Part of them, and again to impose and collect others, (with such Exceptions and Exemptions as aforesaid, not exceeding the Amount aforesaid,) as they shall find necessary, for the Repairs of the said Bridge, Avenues, and Approaches,

or for rebuilding the said Bridge, or as Exigencies may require; and whilst such farther or occasional Tolls and Pontages shall continue to be raised and levied, all and every the Provisions, Powers, and Authorities herein contained with reference to the Tolls and Pontages hereby granted, and to the raising Money on the Credit thereof, shall be applicable in all respects to such further or occasional Tolls.

Act may be pleaded in Justification.

XLI. And be it further enacted, That no Suit shall be commenced against the said Trustees, or any Person or Persons employed by them in the Execution of this Act, for any thing done in pursuance thereof, after Six Months after the Fact committed or Cause of Action occurred for which such Suit or Action shall be brought, and the Defender or Defenders in such Suit or Action may produce and plead this Act in Justification, and if it shall appear that he, she, or they have acted agreeably thereto, they shall be absolved or acquitted, and full Costs shall be awarded to be paid to them by the Prosecutor or Prosecutors of such Suit or Action.

Notice how to be served on Trustees.

XLII. And be it further enacted, That in all Cases where it may be requisite or necessary for any Person or Persons, or Party or Parties, to serve any Notice or Notices, or any Citation or Summons, or other legal Proceedings, upon the said Trustees, the Service upon any One of the said Trustees, or delivered to some Inmate at his last or usual Place of Abode, or upon the Collector or Collectors of the said Trustees, or any One of them, or other Officer employed by the said Trustees, or delivered to some Inmate at his last or usual Place of Abode, shall be deemed good and sufficient Service of the same respectively on the said Trustees.

Proceedings not to be quashed for Want of Form only.

XLIII. And be it enacted, That no Order, Verdict, Judgment, or other Proceeding touching or concerning any of the Matters aforesaid, or touching or concerning the Conviction of any Offender or Offenders against this Act, shall be quashed or vacated for Want of Form only, or be removed or removable by Advocation, Suspension, or by any other Process whatsoever, to the Court of Session; any Law or Statute to the contrary notwithstanding.

Testimony of Officers competent.

XLIV. And be it further enacted, That no Person or Persons shall be deemed incompetent to give Evidence in any Causes and Matters which shall be heard and determined relative to this Act, by reason only or on account of such Person or Persons acting officially under the Appointment of the said Trustees.

Recovery and Application of Penalties.

XLV. And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Collector, Treasurer, or Clerk appointed by them, to prosecute for and recover the several Fines, Penalties, Damages, and Costs of Suit by this Act imposed, by Action or Complaint, within Three Months after the Offence is committed, before One or more of the Justices of the Peace for the County of *Elgin*, although the said Justices should be Trustees under this Act; and such Justices shall proceed to the Trial of such Offences in a summary Way; and upon Convic-

tion of the Offenders, either by their own Confession, or by the Oath of any One or more credible Witnesses, shall award and give Orders, Judgments, and Decrees, as to them shall seem most agreeable to the true Intent and Meaning of this Act; and in default of Payment of the several Fines, Penalties, Forfeitures, Damages, and Costs of Suit awarded, the Person or Persons liable in Payment thereof shall and may be committed to the Gaol or House of Correction nearest to the Place where the Offender or Offenders shall be tried, there to be detained for such Time as the said Justice or Justices shall direct, not exceeding One Month; and the whole Fines, Penalties, and Forfeitures as aforesaid, after Deduction of the necessary Charges for recovering them, shall be applied for the Purposes of this Act, and to no other Use or Purpose whatever: Provided always, that it shall and may be lawful to and for the said Justice or Justices as aforesaid, by whom such Judgment, Sentence, or Determination shall be given, to mitigate or lessen any of the Penalties aforesaid as he or they shall think fit; and every such Mitigation shall be a sufficient Discharge to the Person or Persons offending for so much of the said Penalties and Forfeitures as may be mitigated or remitted.

Power to mitigate Penalties.

XLVI. Provided always, and be it enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Decision, Warrant, or Order of any Justice or Justices of the Peace for the said County in the Execution of this Act, it shall be competent to such Person or Persons to apply for Redress by Way of Appeal either to the Sheriff of the County of *Elgin* or to the Justices at the Quarter Sessions of the Peace for the said County, provided that such Appeals or Applications for Redress shall be entered within Six Days after the Decision of the said Justice or Justices shall have been given, and that Security for the Payment of the Costs and Issue of Suit shall have been given by the Party appealing or applying for Redress; and the said Sheriff or the said Justices in their Quarter Sessions shall in all Cases proceed and determine summarily, and their Decision shall be final and conclusive, without being subject to the Review of any superior Court by Suspension, Advocation, or Reduction, or to any Stay or Challenge by any other Process of Law whatsoever; any Law or Practice to the contrary notwithstanding.

Appeal to Quarter Sessions allowed.

XLVII. 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.

Public Act.

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