



ANNO UNDECIMO

# GEORGIIV. REGIS.

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## Cap. cxxix.

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*.

[17th June 1830.]

**W**HEREAS the Bridge over the River *Spey* at or near the Place called the *Boat of Bog*, near *Fochabers* in the Parishes of *Speymouth* and *Belley* in the County of *Elgin*, and the Bridge over the River *Findhorn* near *Dalvey* in the Parishes of *Forres* and *Dyke* in the said County, were destroyed by a Flood which prevailed in the North of *Scotland* in the Month of *August* last; and it is expedient and necessary, in order to restore and preserve the Communication and Intercourse of that Part of the United Kingdom, that the said Bridges should be rebuilt or repaired, and suitable Roads of Access thereto should be made and maintained: And whereas it would be for the Public Accommodation and Advantage if certain new Roads were made and maintained in the said County: And whereas an Act was passed in the Fourth Year of the Reign of His present Majesty King *George* the Fourth, intituled *An Act for regulating Turnpike Roads in that Part of Great Britain called Scotland*: 4 G. 4. c. 49. 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 the said recited Act of the Fourth Year of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and

[Local.]

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Powers of recited Act applied to this Act.

and Things therein contained, (save and except such Parts thereof as are expressly varied, altered, or repealed,) shall be as good, valid, and effectual, for carrying this Act into execution, as if the same had been herein repealed and re-enacted :

Trustees.

II. And be it further enacted, That every Person who is at present or hereafter shall be, in his own Right or in Right of his Wife, in the actual Possession and Enjoyment, as Proprietor or Liferenter, of the full Property or *Dominium utile* of Lands or Fishings lying in the said County of *Elgin* rented at One hundred Pounds Sterling, or valued in the Cess Books of the said County at One hundred Pounds *Scots*; all and every the eldest Sons of such Proprietor and Liferenter, or, in the Absence of such Proprietor or Liferenter, the Factor on his Estate in the said County; One Guardian of each Minor enjoying and possessing Lands of the Rent or Valuation aforesaid; One Trustee of every Estate of the Rent or Valuation aforesaid; One Manager or Factor for each Corporation or Associated Body holding Lands of the Rent or Valuation aforesaid; the Provost and eldest Baillie of the Burgh of *Elgin*; the eldest Baillie and Dean of Guild of the Burgh of *Forres*; the Baron Baillie or Chief Magistrate of *Fochabers*, *Roths*, *Lossiemouth*, *Burghead*, *Grantown*, *Covesea*, *Longbride*, and *Findhorn*; the Sheriff Depute of the County of *Elgin*, and his Substitute, all for the Time being, shall be and they are hereby appointed Trustees for putting into execution all the Powers and Authorities in and by this Act given and granted; and also every Person who shall become and continue a Creditor on either of the said Bridges to the Extent of Two hundred Pounds Sterling shall be entitled to act as a Trustee so far as regards the Bridge on which he shall be a Creditor as aforesaid.

Qualifica-  
tion of Trus-  
tees; and  
Regulations  
as to Votes.

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

Power to re-  
build or re-  
pair Bridges  
and make  
Roads.

IV. And be it further enacted, That it shall and may be lawful for the said Trustees, and they are hereby empowered, to rebuild or repair the Bridge over the River *Spey* at or near the Place called the *Boat of Bog*, near *Fochabers*, where the Bridge formerly stood which has recently been destroyed, situated in the said Parishes of *Speymouth* and *Belley*, and also to rebuild or repair the Bridge over the River *Findhorn* near *Dalvey* where the Bridge formerly stood, or to build

a new, secure, and commodious Bridge over the said River *Findhorn* at or near the Rock called the *Coulternose*, in the said Parishes of *Forres* and *Dyke*, and to make Roads of Access thereto, through the Parishes of *Dyke*, *Rafford*, and *Forres*, to join the present Turnpike Roads, and to erect a Foot Bridge across the said River *Findhorn* opposite the Lands of *Balnageith* or *Edgefield*, and to make Paths of Access thereto through the said Parishes of *Dyke* and *Forres*; and it shall also be lawful for the said Trustees and they are hereby empowered to make, maintain, and keep in repair the following new Roads; *videlicet*, a Road from the Bridge now building over the River *Spey* at a Place called *Boat of Bridge* to join the great Turnpike Road from *Fochabers* to the Town of *Elgin* between *Longbride* and the Bridge of *Sherriffston* in the County of *Elgin*, and passing through the Parishes of *Roths*, *Speymouth*, *Longbride*, *Urquhart*, and *Elgin*, and a Road from *Dava*, to join the present Turnpike Road from *Forres* at or near *Pitnisk* by *Edinkillie*, with a Branch from *Edinkillie* towards *Elgin* to join the Line described in an Act of the Fifty-ninth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for more effectually making and maintaining certain Turnpike Roads in the County of Elgin*; and for more effectually converting into Money the Statute Labour in the said County, for repairing the Highways and Bridges therein, at *Craigmill*, and from thence to *Rimmichie*, at the West End of the Valley of *Pluscardine*, situated in the said County of *Elgin*, and partly in the Counties of *Nairn* and *Inverness*, and passing through the Parishes of *Cromdale*, *Ardclach*, *Edinkillie*, *Dallas*, and *Elgin*.

59 G. 3. c. 57.

V. And be it further enacted, That it shall be lawful for the said Trustees to treat, contract, and agree for, and they are hereby authorized and empowered to take, acquire, and use, and it shall be lawful for every Proprietor, Body or Bodies Politic or Corporate or Collegiate, Corporations Aggregate and Sole, Heirs of Entail, Husbands, Trustees, and also Guardians, Tutors, and Curators of every Person whatsoever under any legal Disability or Incapacity, and they are hereby empowered, to sell, feu, and convey all Lands, Grounds, Houses, Erections, Buildings, Tenements, and Hereditaments, and all other Property of whatever Description, which the said Trustees shall or may deem requisite and necessary for the said Bridges and Roads, and other Purposes of this Act, and to renounce any Claim of Damage or Compensation therefor; and in case the said Trustees shall not come to an Agreement with the respective Owner or Owners, and Occupier or Occupiers, or in case the Claim of Damage or Compensation shall not be renounced, and not agreed on, the same shall be ascertained by a Jury in the Manner and according to the Rules contained in the said recited Act of the Fourth Year of the Reign of His present Majesty; and on Payment or Consignation of the Price so agreed upon, or fixed by such Jury, it shall and may be lawful for the said Trustees to enter upon, take, and use all such Lands, Grounds, Houses, and other Property for the Purposes of this Act.

Trustees  
may acquire  
Lands.

VI. And whereas Maps or Plans describing the said several intended new Roads and Accesses, and the Lands through which the same are intended to pass, together with Books of Reference containing the

Plans depo-  
sited with  
the Clerk of  
the Peace to  
remain.

the Names of the Owners and Occupiers of such Lands, have been deposited with the several Clerks of the Peace for the said Counties of *Elgin*, *Nairn*, and *Inverness*, so far as any of them are intended to pass through the said several Counties; be it further enacted, That the said Maps or Plans and Books of Reference shall remain in the Custody of the said several Clerks of the Peace; and every and any Person, being an Owner or Occupier of any Lands or Tenements on the Line or Lines of the said Roads and Accesses, shall at all seasonable Times have Access to the said Maps or Plans and Books of Reference, and shall be entitled to inspect and peruse the same, paying for every such Inspection the Sum of One Shilling, and to take Copies or Extracts thereof, paying to the said Clerk at the Rate of Sixpence for every One hundred Words of such Copies or Extracts.

Trustees not  
to deviate;

nor take or  
use Houses,  
Gardens, &c.  
without Con-  
sent.

VII. And be it further enacted, That the said Trustees, in making or altering the said Roads and Accesses hereby authorized to be made, shall not deviate more than One hundred Yards from the Lines described in the said Maps or Plans, without the Consent and Approbation in Writing of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviation shall be made; neither shall they take down or remove any Dwelling House or other Building the Side Walls of which exceed Twenty Feet in Height, or take or make use of any Policy, Orchard, or Garden the Contents of which exceed Half an Acre, or any Lawn, planted Walk, or Avenue to a House, or any inclosed Ground planted as an Ornament or Shelter to a House, without the Consent in Writing of the Owner thereof, or in his Absence of his Agent or Factor: Provided always, that it shall and may be lawful to and for the said Trustees to make, alter, or vary the said Roads, on, into, through, across, or over the several Lands, Grounds, or Tenements of any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, who is or are or shall be Owner or Owners of Land over, in, or through which the same is set out and described in the said Maps or Plans, although the Name or Names of such Person or Persons may happen to be omitted in the said Books of Reference, in case it shall be made to appear to the Satisfaction of any Two or more Justices of the Peace for the County in which the same are situated, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

Lands to be  
purchased  
within Five  
Years.

VIII. Provided always, and be it enacted, That in case the said Trustees shall not purchase or acquire the said Lands, Tenements, or Grounds within the Space of Five Years from the passing of this Act, then and in such Case all the Powers hereby granted for purchasing and acquiring the same shall from thenceforth cease and determine, save and except with the Consent of the Owners thereof.

First and  
other Gene-  
ral Meetings  
of Trustees.

IX. And be it further enacted, That the said Trustees shall hold their First stated or General Meeting by virtue of this Act at *Elgin* upon the Third *Monday* of *June* next, or as soon after as conveniently may be; and their Second stated General Meeting at *Elgin* on the  
Day

Day on which the *Michaelmas* Meeting of the Freeholders of the said County for the said Year is held, and shall thereafter hold Two stated 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 Day of the *Michaelmas* Meeting of Freeholders of the said County; 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, being Heritors, or Factors of Heritors, in the respective Parishes in which the Bridge is situated, or through which the Road passes, intended to be put under the Charge of such Committee, to have the more immediate Care and Management of such Bridge or particular Parts of the said Roads, and to give their Committees (whereof Two to be a Quorum) such Instructions and such Powers as they shall think fit and expedient; and also with Power to the said Trustees, both in their General Meetings and Committee Meetings, to appoint Clerks, Cashiers, Collectors, Surveyors, Overseers, and other Officers, with reasonable Salaries for their Trouble; all which Clerks, Cashiers, Collectors, and others appointed to Offices of Trust, shall account to such Committee or other Persons appointed to receive their Accounts once every Twelve Months, or oftener (if required), for all Monies received by them, and pay over the Balance to the said Trustees or their Order; and in case of Default in accounting or Payment, it shall be lawful for any Two or more Justices of the Peace, or the Sheriffs Depute or Substitute of the County in which such Bridge or Road is situated, at the Suit of the said Trustees or any Two of them, to commit the Defaulter to Prison till a faithful Account be rendered, or until he shall have compounded with the said Trustees for the Balance due from him as aforesaid; which Composition the said Trustees are hereby authorized and empowered to make: Provided always, that no Person shall be committed for Want of sufficient Goods or Property whereon to make Distress for such Balance for any longer Space of Time than Six Calendar Months.

Power to appoint Committees.

Power to appoint Clerks and other Officers, who shall account.

X. Provided also, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint any Person who has been or may be appointed the Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, the Treasurer for the Purposes of this Act, or to continue or appoint any Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, the Clerk to the said Trustees; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person, being the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, shall

Same Person not to be Treasurer and Clerk.

[Local.]

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accept

accept the Office of Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any such Treasurer shall hold any Place or Office of Profit or Trust under the said Trustees other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds Sterling to any Person or Persons who shall sue for the same, to be recovered, with Expences, by summary Action in the Court of Session.

Trustees to  
take Security  
from their  
Officers.

XI. 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 such Offices of Trust, for the due Execution of their Offices, as to the said Trustees shall seem meet; and no such Person or Persons so appointed shall enter on the Execution 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.

XII. And be it further enacted, That the Quorum or Number of Trustees necessary to do Business in General Meetings shall be Five; but if only One, or any Number less than Five, shall be present at any of the stated or other General Meetings, such Trustee or Trustees shall have Power to adjourn the Meeting, and in that case Notice shall be given of the Day, Place, and Purpose of such adjourned Meeting by Two several Advertisements in any Newspaper published in *Elgin, Aberdeen, or Inverness*, the first of which Advertisements being at least Fourteen Days before the Day of such adjourned Meeting; or 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; 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.

General  
Meetings  
may be  
called.

Accounts to  
be kept.

XIII. And be it further enacted, That all the Proceedings of the said Trustees, and an exact Account of all the Money received by virtue of this Act, and of the Application of the same, shall be entered in a separate Book, or separate Sets of Books, for the said Bridges and Roads, *videlicet*, a Book or Set of Books to be kept for the said intended Bridge over the River *Spey* and Accesses thereto, another for the said intended Bridge and Foot Bridge over the River *Findhorn* and Accesses thereto, and another for the said intended new Roads, to be kept by the Clerk or Clerks to the said Trustees, or Clerk or Clerks of the Committees to be appointed by the said Trustees; and in case of Misapplication of Money borrowed, collected, received, or levied by or under this Act, all and every Person

or Persons who shall so misapply, or by whose Authority the Misapplication shall be made, shall forfeit double the Sum misapplied, with Costs of Suit, to be recovered at the Suit of any Two or more Heritors of the County of *Elgin* by a summary Process before the Sheriff of the said County or his Substitute, out of which Sum, when recovered, the Sum so misapplied shall be paid to the Trustees for the Purposes of this Act, and the Remainder be divided into Two Moieties, one to be paid to the Trustees for the like Purposes, and the other to the Persons suing for the same; and all Committees to be appointed as aforesaid shall be accountable to the General Meetings, and for that Purpose shall lay before them, once in the Year at least, a State of their Accounts and all other their Transactions, to be by them at one of their stated General Meetings examined, audited, and approved; and in case of Failure or Neglect the Clerk of the General Meeting shall and he is hereby required to apply to the Sheriff Depute or Substitute, or to the Justices of the Peace of the County or Counties, or any of them, in which such Committee shall be appointed, 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, to be paid to the said Trustees, to be by them applied to the Purposes of this Act.

XIV. And be it further enacted, That in the Book or Books to be kept as aforesaid the said 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 Road or Bridge for which such Clerk shall act, 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 collected and taken on the Road to which such Books relate, without Fee or Reward; and the said Trustees or Heritors and Creditors, or any of them, shall or 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 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, to be levied and applied in the same Manner as other Penalties are hereby directed to be levied and applied.

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

Penalty on Clerk for refusing Inspection, &c.

XV. And be it further enacted, That all such Officers as shall be appointed by the Trustees on the said Bridges or either of them, 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

Officers to account.

Proceedings  
on Neglect  
of Officers.

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 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 Bridge for which he shall act, 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 Pounding 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 Pounding 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 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 all Trustees are hereby empowered to make and receive, or until he shall receive 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.

Pontages to  
be taken at  
Bridges over  
the Spey and  
Findhorn.

XVI. 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 advertised for that special Purpose, may direct and authorize a Gate and Turnpike to be erected across any Part of each of the said intended Bridges to be built over the Rivers *Spey* and *Findhorn*, or Accesses to be made leading thereto, or on the Sides of such Accesses, and Toll House or Toll Houses thereat, with Gardens adjacent thereto, not exceeding a Fourth Part of an Acre, and from Time to

Time



Time to alter the Situation of such Gates or Turnpikes and Toll Houses and Gardens, and are hereby empowered, by themselves, their Collectors or Tacksmen, or others duly authorized by them, to take and levy, before permitting any Passage at such Gate or Turnpike to be placed at the said intended Bridge over the River *Spey*, the following Pontages; *videlicet*,

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: Pontages on the Spey Bridge.

For every Horse or Beast of Draught drawing any Chaise, Gig, Curricule, 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:

And to levy and take at the Gate to be placed at the said intended Bridge over the River *Findhorn*, before any Passage be permitted, One Half of the said several Pontages; and for every Horse not drawing, the Sum of Two-pence; and for every Foot Passenger passing the same, for every Time he or she shall pass, the Sum of One Halfpenny: Pontages on the Bridge over the Findhorn.

And also to levy and take at the Gate to be placed at the said intended Foot Bridge over the River *Findhorn*, for every Person passing the said Bridge on Foot, for every Time he or she shall pass, the Sum of One Halfpenny: Pontage on Foot Bridge over the Findhorn.

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 respective Bridges

shall be passed; provided that Carts or Carriages which have paid on passing loaded shall not pay on returning empty, and that Carts or Carriages which have paid on passing empty shall not pay on returning loaded the same Day.

Tolls on the  
Roads.

XVII. 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 called by Advertisement for that special Purpose, may direct and authorize Gates and Turnpikes to be erected across any Part of the said Roads, and such Number of Toll Houses as they shall think fit, with suitable Gardens, not exceeding the Fourth Part of an Acre, or to alter the Situation thereof, as may be necessary; and the said Trustees, or any Person or Persons duly authorized by them, are hereby authorized and empowered to demand, levy, and take, at each of the said Gates, before any Passage be permitted, a Sum or Sums of Money not exceeding the following Rates for the said several Roads; *videlicet*,

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, the Sum of One Shilling; and when the Number drawing shall be Four or Two, the Sum of Nine-pence; and when the Number drawing shall be Three or One, the Sum of Eight-pence:

For every Horse or other Beast of Draught drawing any Chaise, Gig, Curricule, or other like Carriage with Two Wheels, the Sum of Sixpence:

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

For every Horse or other Beast of Draught drawing any Waggon, Wain, Cart, or other like Carriage, when the Number drawing shall be Six, the Sum of One Shilling and Two-pence; and when the Number shall be Five, the Sum of One Shilling; and when the Number shall be Four, the Sum of Nine-pence; and when the Number shall be Three, the Sum of Sixpence; and when the Number shall be Two or One, the Sum of Four-pence:

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 Five-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 Five-pence *per* Score, and so in proportion for any greater or less Number.

Rates may  
be varied.

XVIII. And be it further enacted, That the said Trustees shall be and they are hereby empowered to diminish or lessen any or all of the said Rates upon the said Roads and Bridges or any Part thereof,

with the Consent of the Persons entitled to Five Sixth Parts of the Money then due and owing on the Credit of the said Tolls and Pontages, but not otherwise; and also to raise the Rates again, if they shall see Cause, but so as not at any Time to exceed the Rates authorized as aforesaid by this Act.

XIX. 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 like Consent as aforesaid, to diminish, for such a Length of Time as they shall judge fit, the Tolls and Pontages payable for Wains and other Carriages drawn by Oxen, such Diminution not exceeding One Half of the Tolls and Pontages payable for the same Carriages drawn by Horses; and to raise the said Tolls and Pontages again, so as that the same shall not at any Time exceed the Rate of Tolls and Pontages by this Act granted.

Trustees  
may vary the  
Tolls and  
Pontages on  
Carriages  
drawn by  
Oxen.

XX. And be it further enacted, That the said Trustees shall, if they find it necessary, cause Weighing Engines to be erected upon such Parts of the said Roads and Bridges as they shall think fit, for weighing all Carriages that shall pass along the said Roads or Bridges, and shall receive and take (over and above the Tolls and Pontages hereby granted) the following Sums of Money as additional Tolls and 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 and 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 Offence forfeit any Sum not exceeding Ten Shillings, besides all necessary Expences.

Trustees  
may erect  
Weighing  
Machines.

Tolls on  
Overweight.

XXI. 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 Sole or Bottom of the Fellies of the Breadth of Nine Inches, Six Tons in Summer and Five Tons and a Half in Winter; every Cart having the Fellies of the Breadth of Nine Inches, Three  
Tons

Exemptions  
for broad  
Wheels.

Tons in Summer, and Two Tons and One thousand five hundred Weight in Winter; every Waggon having the Fellies of the Breadth of Six Inches, Four Tons and Five hundred Weight in Summer, and Three Tons and One thousand five hundred Weight in Winter; every Cart having the Fellies of the Breadth of Six Inches, Two Tons and One thousand two hundred Weight in Summer, and Two Tons and Seven hundred Weight in Winter; every Waggon having the Fellies of less Breadth than Six Inches, Three 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 and Seven hundred Weight in Winter; and every such Cart drawn by One Horse, One Ton both in Summer and Winter; and for the aforesaid Purposes it shall be deemed Summer from the First Day of *May* to the Thirty-first Day of *October*, and Winter from the First Day of *November* to the Thirtieth Day of *April*, both inclusive.

Trustees may shut up Fords and Ferries within a certain Distance of Bridges.

XXII. 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 intended Bridge over the River *Spey*, and the said intended Bridge for Carriages over the River *Findhorn*.

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

XXIII. 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 Rivers, 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 Rivers, as they were entitled to do previous to the passing of this Act.

Certain Rights of Ferries, &c. to be compensated.

XXIV. Provided also, and be it enacted, That if any such Fords or Ferries be constituted or conferred by Royal Grant or Act of Parliament, the said Trustees shall make Compensation therefor, if demanded; and such Compensation shall, in case of Difference as to the Amount thereof, be ascertained and paid according to and in Terms of the Provisions contained in the said recited Act of the Fourth Year of the Reign of His present Majesty.

Tolls and Toll Houses, Monies, and other Property acquired under this Act, vested in Trustees.

XXV. And be it further enacted, That all the Tolls, Pontages, and Duties leviable under this Act, and Monies to be raised or borrowed under the same, shall be vested in the said Trustees; and the Right and Property of all and every the said Turnpikes, Toll Houses, and Premises to be erected by virtue of this Act, and Materials thereof, with the Materials that shall be collected and dug up for making and repairing the said Roads and Bridges, shall 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 the Monies to be raised.

XXVI. And be it further enacted, That at any of the annual General Meetings of the said Trustees (the Purpose of the said Meeting being specially announced by public Advertisement in an *Elgin, Aberdeen,*  
or

or *Inverness* Newspaper,) it shall be lawful for them to direct the Monies to be raised or borrowed under the Authority of this Act, and the Tolls arising at the Turnpikes or Toll Bars erected or to be erected on the said Roads, to be applied towards the making, repairing, and upholding of the aforesaid Roads, in such Manner as the said Trustees shall think fit; and as soon as the same shall be so adjusted, the Clerk of the said Trustees is hereby authorized and required to enter and record the same in a Book to be kept for that Purpose: Provided always, that in all Time thereafter, during the Continuance of this Act, it shall not be in the Power of the said Trustees or any Number of them to vary or alter the final Determination or Allocation so made.

XXVII. And be it further enacted, That a Ticket received at any Side Gate or Cross Bar, Gates or Turnpikes, other than the Gate or Gates at the said Bridges, shall entitle the Receiver thereof to pass Toll-free through the next Gate or Turnpike other than the Gate or Gates at the said Bridges, 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; and any Person or Persons producing a Ticket denoting Payment of the Tolls or Duties at any one Bar, as aforesaid, shall be entitled to pass Toll-free at any other Bar within the said Distance of Six Miles as aforesaid: Provided always, that the said Exemptions shall only take place in the Case of any Person or Persons continuing to travel on the same Line of Road, or Branches thereof, made in virtue of this Act.

Toll to be taken only once in Six Miles.

XXVIII. And be it further enacted, That the surplus Produce of the said Tolls and Pontages hereby authorized to be levied, after defraying the Expence of Repairs and other necessary Charges on the said several Roads and Bridges, and paying the Interest of Money borrowed, subscribed, and advanced, shall be appropriated annually to extinguish the Principal of the Debt and Money raised by Subscriptions for the said several Roads and Bridges, and to no other Purpose.

Surplus Produce of Tolls to be applied to extinguish Debts.

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

Act to be put in force as directed by an Annual General Meeting.

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

Penalty on damaging Bridges by floating Timber.

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

XXXI. 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 Bridges hereby authorized to be erected, or Accesses thereto, or any of the said Roads hereby authorized to be made, any Sum or Sums of Money necessary for the erecting and making the said Bridges, Accesses, and Roads, 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 and Pontages hereby authorized to be levied on the said Bridges, Accesses, and Roads respectively, on the Credit whereof such Sum or Sums shall be borrowed or advanced; provided always, that the whole Amount of the Money so borrowed on account of the said Bridge to be erected over the River *Spey* and Accesses thereto shall not at any one Time exceed the Sum of Thirteen thousand two hundred Pounds, and on account of the said Bridge and Foot Bridge to be erected over the River *Findhorn* and Accesses thereto the Sum of Twelve thousand Pounds, and on account of the said Roads the Sum of Five hundred Pounds Sterling *per Statute Mile*, and proportionally for any Part of a Mile; and the Assignment of the Tolls and 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 as a Land Owner in the County in which such Road or Bridge and Accesses thereto is or are situated, or as a Creditor or Subscriber as aforesaid, without Fee or Reward; and the Securities to be granted by the said Trustees for the Purposes aforesaid shall be transferrable by Indorsement, duly subscribed by the Party transferring in the Presence of One or more subscribing Witness or Witnesses, such Transference or Indorsement not to be held as complete until it has been intimated to the Treasurer of the Trustees on the Line on which the Money has been advanced, and entered in their Books; 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, which Securities are to be held and considered as granted upon the sole Credit and Security of the Tolls and 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.

Application of Monies to be raised.

XXXII. And be it further enacted, That the said Trustees shall and may apply the Monies so borrowed or raised in defraying the Expences incurred in procuring and passing this Act, and incident thereto, in building the Bridge or Bridges and Accesses thereto, and making, amending, or completing the Road or Roads respectively on the Credit of which such Money shall be borrowed or obtained.

Recovery of Subscriptions.

XXXIII. And be it further enacted, That if any Person or Persons who has or have subscribed or shall subscribe towards the building

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

XXXIV. And be it further enacted, That this Act shall be deemed Public Act. and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others, without being specially pleaded.

XXXV. And be it further enacted, That the Expences of preparing Expences of Act. and passing this Act shall be defrayed in the first place by an Assessment on all the Proprietors of Lands and Fishings, according to the respective valued Rents at which such Lands and Fishings stand rated in the Cess and Valuation Books of the said County of *Elgin*, and shall afterwards be borne and defrayed in the following Proportions; *videlicet*, One Third out of the Monies to be raised for the said intended Bridge to be built over the River *Spey* and Accesses thereto; One Third out of the Monies to be raised for the said intended Bridge and Foot Bridge to be built over the River *Findhorn* and Accesses thereto; and the Remainder out of the Monies to be raised for the said intended new Roads.

XXXVI. And be it further enacted, That the Powers granted by this Act shall commence from and after the passing thereof, and shall continue, so far as regards the said Roads and Accesses, from thence during the Term of Thirty-one Years, and from thence to the End Commence-  
ment and  
Continuance  
of Act. of the then next Session of Parliament.

