



ANNO QUARTO & QUINTO

GULIELMI IV. REGIS.

Cap. lxxx.

An Act for erecting and maintaining a new Gaol and Court House and other Offices for the Burgh of *Elgin* and the County of *Elgin* and *Forres*; and for erecting and maintaining a new Gaol and Court House and other Offices for the Burgh of *Forres*; and for other Purposes relative thereto.

[25th July 1834.]

WHEREAS the present Court House of the Burgh of *Elgin* and County of *Elgin* and *Forres*, which is used for public Meetings of the Magistrates and Council of the said Burgh of *Elgin* and Landholders of the said County, and for the Administration of Justice both in Civil and Criminal Cases, and the present public Gaol of the Burgh of *Elgin* contiguous to the said Court House, and which Gaol is used for the Reception and Confinement of Prisoners of all Descriptions committed within and from the said County, as well as from the said Burgh of *Elgin*, are in a State of much Decay and Disrepair, and are inconveniently situated, and are neither sufficiently large nor in other respects well adapted for the various public Purposes to which such Buildings must necessarily be applied: And whereas the present Court House of the Burgh of *Forres*, which is used for public Meetings of the Magistrates and Council of that Burgh, and for the Administration of

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Justice

Justice both in Civil and Criminal Cases, and the public Gaol contiguous to the same, which is used for the Reception and Confinement of Prisoners of all Descriptions committed within the said Burgh of *Forres*, as well as occasionally of those committed from Parts of the said County, are in a ruinous and insufficient State, and are not well adapted for the various public Purposes to which such Buildings must necessarily be applied: And whereas there are not provided in either of those Burghs Gaolers Accommodation, Rooms for the Deposit and safe Custody of the Public Records, and Apartments for Clerks and other Public Officers, nor Airing Grounds for Prisoners: And whereas a new Gaol, Gaolers Accommodation, Court Rooms, Record Rooms, Clerks and other Apartments for the Burgh of *Elgin* and the County of *Elgin* and *Forres*, and likewise for the Burgh of *Forres*, have consequently become necessary, with suitable Airing Grounds attached to each: And whereas the Provisions of the Act of the Fifty-ninth of *George* the Third, Chapter Sixty-one, are not sufficient for raising the necessary Sum for erecting the said Buildings, and the most advisable Mode of obtaining a proper Gaol, Court Rooms, Record Rooms, and other Accommodation as aforesaid for the said County and Burgh, will be by levying an Assessment for defraying the Expences of erecting the same on the Owners of Land and other Heritages within the said County and Burghs of *Elgin* and *Forres*, and on the Owners of Houses and Premises, as well within the said Burghs and Suburbs thereof as within the other Towns and Villages situated in the said County: 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 His Majesty's Lieutenant for the said County, and the Convener and Sheriff Depute and Sheriff Substitute for the same, and the Provost, and in his Absence the Senior Baillie of *Elgin* and *Forres*, all for the Time being, and their Successors in each of these several Offices, along with Ten Commissioners of Supply for the said County, to be annually chosen and appointed by the said County in manner hereinafter mentioned, together also with One Member of the Town Council of *Elgin* to be named annually by that Body, and Two Heritors in the Burgh of *Elgin* to be named yearly by the Heritors of that Burgh, likewise One Member of the Town Council of *Forres* to be named annually by that Body, and Two Heritors of the Burgh of *Forres* to be named yearly by the Heritors of that Burgh, shall be and they are hereby nominated and appointed Commissioners for erecting and maintaining a new Gaol, Court Rooms, Offices, and Buildings for the Use and Accommodation of the County and Burgh of *Elgin* and *Forres* as herein-before and after mentioned, and for executing all and singular the Powers and Authorities hereby committed to them.

Appointment
of Commis-
sioners.

Additional
Commission-
ers to be
named.

II. And be it enacted, That the Commissioners to be chosen and appointed by the Commissioners of Supply for the said County shall be nominated by them out of their own Number at the first *April* or *October* General Meeting of the County which shall happen after the passing of this Act, or at any General Meeting to be called for that Purpose by the Convener of the County in the Form usually adopted in calling General Meetings thereof; and the Commissioners of Supply shall have Power annually, at their General Meeting on the Thirtieth Day of *October* (or

on whatever other Day the said General Meeting shall happen to be held), to renew the Appointment of the said Commissioners or any of them for the Purposes of this Act, or to nominate a like Number in lieu of those previously appointed, or so many as shall be necessary to supply the Place of those who may not be re-appointed to the Office of Commissioners, at any Meeting to be held by them after the passing of this Act, and shall be annually re-appointed or changed, in whole or in part, in manner before expressed, at a Special Meeting to be called for that Purpose within Fourteen Days after the annual Election of the Magistrates for the Burghs; which Commissioners so chosen shall enter on their Duties each Year on the First Day of *November*, and their Duty cease upon the Thirty-first Day of *October* thereafter.

III. And be it enacted, That the said Commissioners shall hold their First stated Meeting for the Execution of this Act at *Elgin*, within the present Court House thereof, upon the Third *Monday* after the passing of this Act, or upon the *Monday* after the Commissioners not specially named in this Act shall be nominated and appointed, of which First Meeting the Clerk to the Commissioners of Supply of the said County is hereby required to give Notice by Advertisement in any One Newspaper usually circulated through the said County at least Ten Days before the Day of such Meeting, and their next stated Meeting at *Elgin*, on the Thirtieth Day of the *April* or *Michaelmas* General Meeting of the said County, whichever shall first happen after the said First Meeting; and that the said Commissioners shall thereafter hold Two stated Meetings either at *Elgin* or *Forres* in every Year, One on the Thirtieth Day of *April*, or first lawful Day thereafter, and the other on the Day of the *Michaelmas* Meeting of the said County; and the Clerk of the said Commissioners shall have Power, and he is hereby ordered, when required (by a Writing under the Hands of any Three or more Commissioners), to call at any Time an extraordinary Meeting of Commissioners to be held at *Elgin* or *Forres*, as shall be specified in the Requisition, giving the like previous Notice of the Time as herein-before directed with regard to the First stated Meeting, and also Notice of the Purpose of the Meeting: Provided always, that all such Meetings respecting the *Elgin* Gaol shall be held at *Elgin*, and all Meetings regarding the *Forres* Gaol shall be held at *Forres*; and it shall not be in the Power of any ordinary or extraordinary Meeting to rescind, vary, or alter the Determinations or Resolutions of any former Meeting, unless previous Notice of the Intention of a Proposition so to do, and the Time of the Meeting, be given in a Newspaper as aforesaid.

First and subsequent Meetings of Commissioners.

IV. And be it enacted, That at all ordinary or extraordinary Meetings of the said Commissioners any Five of them shall be a Quorum, and at such Meetings the Commissioners shall have Power to adjourn to another Day; and if a Quorum shall not be present any Three or more of the Commissioners present shall have Power to adjourn, but not to do any other Business.

Quorum of Commissioners.

V. And be it enacted, That the said Commissioners shall at all their Meetings by a Plurality of Votes elect a Preses, who shall have a casting as well as a deliberative Vote in Cases of Equality of Votes; and at their First or any subsequent Meeting, on due Notice of their Purpose being given as aforesaid, appoint a Clerk and Treasurer and also Superintendent

Commissioners at their Meetings to elect Preses, and to appoint a Clerk of

and other
Officers.

of Works, or other Officers, to perform the Duties imposed by this Act, at the Will and during the Pleasure of the said Commissioners, with reasonable Allowances for their Trouble; and the Officers to be so appointed shall, if required, find Security for their Intrusions, and shall at all Times obey the lawful Directions of the said Commissioners, and be removable from their said Offices at any Meeting of which the Purpose shall be duly intimated as aforesaid.

Commis-
sioners not
to accept
Places of
Profit.

VI. And be it enacted, That no Person appointed by this Act, or elected in virtue of the Powers herein contained, as a Commissioner for putting the same into execution, shall hold the Office of Clerk, Treasurer, or Superintendent under the said Commissioners, or shall hold any Place of Profit arising out of or by reason of any Assessment hereby authorized to be levied.

Penalty for
acting as
Commis-
sioner with-
out being
qualified

VII. And be it further enacted, That if any Person not duly authorized and qualified as a Commissioner in Terms of this Act shall notwithstanding presume to act as a Commissioner in the Execution of this Act, every such Person shall for every such Offence forfeit and pay any Sum not exceeding One hundred Pounds Sterling, besides the Expence of Prosecution, to be recovered and levied by summary Complaint of any of the said Commissioners before the Justices of the Peace for the said County of *Elgin*, or before the Sheriff of the said County or his Substitutes, to be paid to the said Commissioners or their Treasurer, and applied to the Purposes of this Act; and the Proof of Qualification shall be upon the Person complained of.

Clerk and
Treasurer
not to be
the same
Person.

VIII. And be it enacted, That it shall not be lawful for the said Commissioners to appoint the Person who shall be appointed their Clerk in the Execution of the Act, or the Partner or any Person in the Employment or Service of any such Clerk or of his Partner, the Treasurer for the Purposes of this Act, or to appoint any Person who may be appointed Treasurer, or any Person in the Service or Employment of such Treasurer or of his Partner, the Clerk to the said Commissioners; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any, being the Partner of any such Clerk, or in the Service and Employment of any such Clerk or of his Partner, shall accept the Office of Treasurer, or shall act as his Deputy or Assistant, or being the Partner of any such Treasurer, or in the Service or Employment of any such Treasurer or of his Partner, shall accept the said Office of Clerk, or act as his Deputy or Assistant, or if any such Treasurer shall hold or accept any Place or Office of Trust under the the said Commissioners other than that of Treasurer, every 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 full Costs of Suit, in the same Way in which any of the Penalties by this Act imposed may be sued for and recovered.

Commission-
ers may
appoint
Committees;

IX. And be it enacted, That the said Commissioners or their Quorum may, if they shall think fit, from Time to Time appoint a Committee or Committees of their Number to superintend the Progress of the Buildings to be erected, or to carry into effect any of the Purposes of this Act: Provided always, that no Commissioner under this Act, being a Member
of

of the Town Council of *Elgin* or of *Forres*, shall be eligible to be appointed a Member of a Committee for carrying into effect any of the Purposes of this Act, except in the Burgh in which he holds such Office, to which Committee or Committees the Commissioners may delegate such of the Powers hereby granted to them as they shall think proper.

X. And be it enacted, That the said Commissioners may sue and be sued for any Matter or Thing to be done in the Execution of this Act, either in the Name of One of their own Number, or in the Name of their Clerk for the Time being; and that no Action or Suit wherein the said Commissioners shall be concerned as Pursuers or Defenders in the Name of their Clerk by virtue of this Act shall fall by the Death or Removal of any such Clerk and Collector, but that the Clerk and Collector to the said Commissioners for the Time being shall be deemed to be the Pursuer or Defender (as the Case may be) in every such Action or Suit.

may sue and be sued in Name of One of their own Number, or in Name of their Clerk;

XI. And be it enacted, That the said Commissioners shall have full Power and Authority to acquire Sites for the said Buildings, and to employ Artists, Tradesmen, and other Persons for making Plans, and for erecting the said Gaols, Court Houses, Halls, or Council Chambers, and other Offices and Accommodations, and supplying with Water and lighting the same in all Time coming, and to direct obvious Improvements in the said Buildings at all Times during the Execution of the said Works, and to do whatever may be necessary and expedient for carrying the Purposes of this Act into complete Effect, and to purchase suitable Furniture for the said Gaols, Court Rooms, and Gaolers Accommodation, and others foresaid, when the same respectively are completed.

may acquire Sites for Gaols, and contract with Tradesmen and others.

XII. And be it enacted, That it shall and may be lawful for the said Commissioners to treat and agree with the several Persons whose Names are set forth in the Schedules marked (A.) and (B.) hereunto annexed, being the Owners and Occupiers, Life Renters and Lessees, and with every other Person interested, for the Purchase of, and to acquire for the Purposes of this Act, the Lands, Houses, Tenements, and other Heritages specified in the said Schedules; and in the first instance to pay out of the Funds to be assessed and levied under this Act, as after mentioned, the Prices or Value thereof; and upon Payment of the Prices or Value of such Lands, Houses, Tenements, and other Heritages, or Consignation thereof, to enter into or on Possession of the same, as in manner herein-after mentioned; and it shall and may be lawful for the said Commissioners respectively to acquire any other Lands, Houses, Tenements, or Heritages, though not mentioned in the said Schedules, necessary for the Purposes of this Act, with the Consent of the Owners and Occupiers thereof.

Property to be taken.

XIII. Provided always, and be it enacted, That although any of the Owners, and Occupiers, or Life Renters of any of the said Lands, Houses, Tenements, and other Heritages have been therein erroneously described, such Omission or Misnomer or erroneous Description shall not afford any Ground or Pretence for objecting to or interrupting the Execution of the Works to be done by the Commissioners under this Act, provided that it shall be made to appear to the Satisfaction of any Two Justices of the Peace of the said County of *Elgin* that such Omission, Misnomer, or erroneous Description proceeded from Accident or Mistake, and was not wilful.

Misnomers not to interrupt the Execution of the Works.

Commissioners may call upon Magistrates for the Repayment of Advances for Sites for Gaols, &c.

XIV. And be it enacted, That it shall be lawful to the said Commissioners, and they are hereby authorized and empowered, after having acquired Sites for the said Gaols and other Buildings, as herein-after provided, to call upon the Magistrates and Town Councils of the said Burghs to repay to them any Sum or Sums of Money they may have advanced for such Sites, or in the Event of such having been acquired by the said Commissioners by way of Feu, or for Payment of a Ground Rent or other annual Burden, to call on the Magistrates and Town Councils to relieve them of the same; and the said Magistrates and Town Councils shall, upon being required so to do, repay the said Commissioners any Sum or Sums of Money they may have so advanced, or shall grant a valid and formal Deed of Obligation relieving the said Commissioners in all Time coming of such annual Payment or Feu Duty, provided such Payment does not exceed Three hundred Pounds for a Site for the *Elgin* Buildings, nor Two hundred Pounds Sterling for those to be erected at *Forres*, nor the Feu Duty exceed, in the Case of *Elgin*, Fifteen Pounds Sterling, and in the Case of *Forres* Ten Pounds Sterling, *per Annum*, and which Obligation shall be recorded along with the Conveyance in favour of the said Commissioners in the Record of Sasines, Reversions, *et cetera*, kept for said Burgh of *Elgin*; and the said Magistrates and Town Councils shall, and they are hereby authorized so to do, repay such Price to the said Commissioners, or annually pay such Feu Duty out of the common Good of the said Burghs.

Buildings and other Accommodations to be provided the Commissioners.

XV. And be it enacted, That the said Commissioners or their Committee shall have Power and they are hereby authorized to cause to be built, erected, provided, and established suitable Buildings and Inclosures in each of the said Burghs of *Elgin* and *Forres* for the Purpose of a Gaol, Gaol Yard, or Court Yard, and Gaoler's Apartments, a Court House for the Purposes to which the present Court House thereof is or may lawfully be applied, suitable Apartments for Clerks of Court and other Persons attending the Courts of Justice commonly held in the said Burghs for the County and Burghs respectively, and for the Custody of the Public Records kept in and for the same, with a Hall or Council Chamber for the Use of the said County and of the Magistrates and Council of the said Burgh of *Elgin*, and to enter into all Contracts necessary for effecting the above Purposes, and also to provide and maintain such Areas and Court-yards adjoining to the said Buildings, and such Accesses thereto, and such Supply of Water and Light as may appear to them necessary or advantageous, with proper Common Sewers and other Conveniences.

Bodies Politic and others empowered to sell and convey for the Purposes of this Act.

XVI. And be it further enacted, That it shall and may be lawful for the said Commissioners to acquire, and to and for all Bodies Politic, Corporate, or Collegiate, Heirs of Entail, Guardians, Trustees, Tutors, and Curators, and all other Persons and Trustees whomsoever, not only for and on behalf of those having the beneficial Interest, whether Persons under Age, Issues unborn, Lunatics, Idiots, or fatuous or furious Persons, or other Person or Persons, and for every other Person or Persons whomsoever, who shall be seised, possessed of, or interested in any Lands, Tenements, or other Heritages which shall be required for the Purposes of this Act, whether by a Destination to Series of Heirs or under Settlement of Entail, to agree for, sell, and convey the same, and every or any Part thereof, for the Purposes of this Act, to the said Commissioners; and all

Contracts, Agreements, Sales, and other Writings and Conveyances that shall be so made shall be valid to all Intents and Purposes, any Law, Statute, or Usage, or any Matter or Thing whatever, to the contrary notwithstanding; and all Bodies Politic, Corporate, or Collegiate, Trustees, Tutors, Curators, and others whomsoever, are and shall be hereby indemnified for what he, she, or any of them shall respectively do in the Premises by virtue and in pursuance of this Act.

XVII. And be it enacted, That the whole Funds and Property of every Description, heritable and moveable, to be raised and levied, purchased or acquired, in pursuance or for the Purposes of this Act, shall to all Intents and Purposes be held and deemed to be fully vested in and belonging to the said Commissioners for the Purposes of this Act for the Time being, to be by them used and disposed of as they shall consider most eligible for accomplishing such Purposes, by Conveyances thereof in favour of their Clerk for the Time being and his Successors in Office, for behoof of the said Commissioners.

Funds, &c. to be vested in Commissioners.

XVIII. And be it enacted, That all Conveyances which shall be made of any Lands, Tenements, or Heritages whatsoever to the said Commissioners, for the Purposes of this Act, shall be according to the following Form, or as near thereto as the Circumstances of the Case will admit :

Form of Conveyance

‘ I [or We], in pursuance of an Act passed in the Year of His
‘ Majesty King *William* the Fourth, intituled [*here set forth the Title of*
‘ *this Act*] in consideration of the Sum of to me
‘ [or us] paid by the Commissioners appointed by the said Act, [or
‘ *other Consideration, as the Case may be,*] do hereby assign, dispo, and
‘ convey to and in favour of [*here insert the Name of the Clerk*], as Clerk
‘ to the said Commissioners, and to his Successors in Office, in Trust for
‘ the Use and Behoof of the Burghs of and County
‘ of *Elgin*, all and whole [*here describe the Subjects conveyed*], together
‘ with all my [or our] Right, Title, and Interest in and to the said Subjects
‘ above conveyed, and every Part, Pertinent, and Portion thereof, to be
‘ holden by the said as Clerk to the said
‘ Commissioners, and his Successors in Office, but in Trust for the Use
‘ and Behoof of the said Burghs and County, from the
‘ Day of and from thenceforth for ever in all Time there-
‘ after [*here insert the Conditions of Sale, if any be, and a Clause of War-
‘ randice and Registration*]. In witness whereof these Presents, written
‘ upon this and the preceding Pages by are
‘ subscribed by me [or us] at the Day of
‘ in the Year One thousand eight hundred and before these
‘ Witnesses and ’

And all such Conveyances shall be registered within Sixty Days of the Date thereof in the particular Register of Sasines, Reversions, *et cetera*, kept in and for the said Burghs of *Elgin* and *Forres* respectively, in so far as regards the Grounds and other Heritages to be acquired for the Purposes of this Act within these respective Burghs; and the Keeper of such Register is hereby authorized and required to record the same, which shall thereupon be as valid and effectual to all Intents and Purposes as

as if a formal, absolute, and irredeemable Disposition or other Deed of Conveyance known in Law had been granted and executed, and followed by Infestment and Sasine thereon duly recorded, and shall be a complete Bar and be preferable to all other Rights, Titles, Trusts, Interests, and heritable or other Burdens to, in, or upon the same whatever.

Satisfaction
to be made
for Lands
taken.

XIX. Provided always, and be it enacted, That all and every Body Politic, Corporate, or Collegiate, Trustees or other Persons herein-before capacitated to sell and convey any Lands, Tenements, and other Heritages, or any Owner or Owners, and the Occupier or Occupiers of any Lands, Tenements, or other Heritages required to be taken for the Purposes of this Act, may accept and receive Satisfaction for the Value of such Lands and others, or of any such Interests as aforesaid; and from and after the Time of making and executing such Sale and Conveyance, or any Charter or Contracts or Missives for the same, and the Payment or Consignation of the agreed-on Price or Prices, to or for behoof of the Persons entitled thereto, the said Commissioners requiring the same for the Purposes of this Act may and shall be at liberty to enter upon and from thenceforth for ever to use the said Lands and others for the Purposes of this Act.

If Parties
disagree,
refuse, or are
unable to
treat &c.
a Jury to
assess the
Value.

XX. And be it further enacted, That in case the said Commissioners, and the Trustees, Tutors, and Curators, Corporations, Proprietor or Proprietors, Occupier or Occupiers, or other Person or Persons having any Estate or Interest as aforesaid in the Lands, Tenements, and other Heritages hereby authorized to be disposed of and purchased, cannot agree on the Price or Consideration to be paid for the same or any Part thereof, or such Person or Persons shall refuse or delay to transact or agree as aforesaid, or by reason of Absence or Disability cannot agree with the said Commissioners for the Sale and Conveyance of their respective Estates and Interests therein, or cannot be found or known, or shall not produce or evince a clear Title to the Premises they may be in Possession of, or to the Interest they shall claim therein, to the Satisfaction of the said Commissioners, or the Lands and others foresaid shall be under Judicial Management or Sale, then and in any of these Events it shall be lawful for the said Commissioners, after Twenty-one Days previous Notice in Writing to be left at the Dwelling Place of such Person or Persons, or of the head Officer of such Body or Bodies Politic, Corporate, or Collegiate, or with some Tenant or Occupier of the Premises respectively intended to be valued, to apply by summary Petition to the Sheriff of the said County or his Substitute, who is hereby empowered and required to order the Respondent or Respondents to put in Answers to the same within such Period, not exceeding One Calendar Month, as to him shall seem proper; which Order the Clerk to the said Commissioners may and shall intimate by inserting a Copy thereof once in any Newspaper printed within the said County, or circulating through the same, and thereafter, upon advising the same, with or without Answers, to appoint a Jury of Seven Persons to be summoned and chosen in the Manner in which Juries are summoned and chosen by Sheriffs in *Scotland*; and the said Sheriff or his Substitute may order the said Jury when chosen, or any Three or more of them, to view the Place or Places or Matters or Things in controversy; and such Jury shall, upon their Oaths, inquire into and estimate and give their Verdict by a Plurality of Voices for the Sum or Sums of Money to be paid by the said Commissioners for such Lands,
Tenements,

Tenements, or other Heritages, or for the Loss or Damage which any Person or Persons having an Interest in the same may sustain; and the said Sheriff or his Substitute is further hereby empowered and required to issue his Writ or Writs for summoning and enforcing the Attendance of such Witnesses and Havers as may be called on to give Evidence on their Oaths, or to produce the written Documents specified or described in their respective Citations before such Jury at the Instance of the said Commissioners and their Clerk, or the Person or Persons aforesaid, or others interested in the said Lands, Tenements, and Heritages, and to administer the usual Oaths to the said Jury and Witnesses; and after a Verdict is pronounced by the said Jury the said Sheriff Depute or his Substitute shall decern the Sum or Sums of Money thereby awarded to be paid by the said Commissioners to the Person or Persons entitled thereto; which Verdict, and the Decree or Decrees following thereon, shall be final and conclusive, and shall not be subject to Review by Advocation, Suspension, Reduction, Appeal, or otherwise, any Law, Statute, or Practice to the contrary notwithstanding.

XXI. And be it further enacted, That all the said Verdicts and Decrees shall be deemed to be and shall become Part of the Records of the Court of the said Sheriff to all Intents and Purposes; and the same, or Extracts thereof, signed by the Clerk of Court, shall be probative in Law, and all Persons may inspect the same on Payment of One Shilling Sterling to the said Clerk, and take Copies thereof, paying therefore One Shilling *per* Sheet of One hundred and fifty Words.

Verdicts and Decrees to form Part of Sheriff's Records.

XXII. And be it further enacted, That after the Payment or legal Tender of such Sum or Sums of Money as shall have been agreed upon between the Parties, or Payment of such Sum or Sums of Money as shall have been awarded and decreed in manner aforesaid to the Person or Persons entitled to receive the same, at any Time after the same shall have been so agreed for or awarded and decreed, or upon Judicial Tender thereof made to him, her, or them respectively by a Minute in the said Process for ascertaining the said Value, whether Appearance has been made therein by the Party or Parties interested or not; or in case of his, her, or their Absence or Refusal or Inability to accept the same; to make a good Title to the Premises to the Satisfaction of the said Commissioners, or to execute a Conveyance or Conveyances of the Premises which shall be required for the Purposes of this Act; or in case the Subjects are entailed or burdened, or that the Value thereof cannot be legally paid to and discharged by the Parties interested, then upon Consignation of the said Sum or Sums of Money into the Bank of *Scotland*, Royal Bank of *Scotland*, Bank of the *British* Linen Company, Commercial Bank of *Scotland*, or National Bank of *Scotland*, for the Use of such Person or Persons, which Consignation shall be intimated in a Newspaper generally circulating in the County as aforesaid, it shall and may be lawful to and for the said Commissioners, and their Agents, Servants, and Workmen, to enter into or upon such Lands, Tenements, or Heritages; and the Fee Simple and Inheritance thereof, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of any Person or Persons therein, shall from thenceforth be vested in the said Commissioners to and for the Purposes of this Act for ever; and no Stop shall be put to the Operations of the said Commissioners on Pretence of settling the said Damages, or

Power to take Possession on Payment, Tender, or Consignation of Purchase Money.

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that the same have not been satisfied or paid; and in case any Warrant shall have been obtained for stopping the Execution of any of the Operations hereby authorized, the Judge who granted the same, or any other competent Judge or Judges, upon an Application by the said Commissioners through their Clerk, are hereby directed and required immediately to recal such Warrant, and remove any Sist or Interdict that may have been obtained as aforesaid: Providing always, that until such Payment or Consignation as aforesaid it shall not be lawful for the said Commissioners or any Person acting under the Authority of this Act to take down, remove, or otherwise affect any House or other heritable Subjects hereby authorized to be purchased or acquired, without the Permission in Writing of the Person or Persons respectively entitled to insist on such Payment or Consignation.

Expences of
Jury Trial
how to be
paid.

XXIII. And be it further enacted, That in each and every Case, whether a Verdict shall be given for more Money as a Recompence or Satisfaction for the absolute Sale of any Lands or other heritable Subjects of or belonging to any Body or Bodies Politic or Corporate, or to any Trustees, Tutors, or Curators, or to any other Person or Persons whomsoever, or as a Compensation for any Interest therein as aforesaid, than shall have been previously offered in Writing by or on behalf of the said Commissioners before the summoning such Jury, and when no Compensation shall have been previously offered by them or on their Behalf, or where, by reason of Absence or other Impediment or Disability as aforesaid, there shall not be found any Person or Persons at hand who may be legally entitled to enter into a Contract with, and make Conveyances to, and receive Compensations from the said Commissioners as herein-before mentioned, then and in all such Cases all Expences connected with such Verdict and Decree or Decrees shall be ascertained by the said Sheriff or his Substitute, and paid by the said Commissioners or their Treasurer; and in case such Expences shall not be paid to the Person entitled to receive the same after Demand made in Writing, then the same shall and may be recovered by Arrestment and Forthcoming or Poinding and Sale of the moveable Estate and Effects to be acquired by the said Commissioners in virtue of this Act, or by both of these Forms of Procedure if necessary, but not otherwise; but if any Verdict shall be given for the same Sum as had been previously offered in Writing by or on behalf of the said Commissioners, or for a less Sum than had been so previously offered, or in case of such Refusal to treat with or make Conveyances to the said Commissioners by any Body or Bodies Politic, Corporate, or Collegiate, or by any Person or Persons whomsoever who is or are by this Act or otherwise legally empowered to treat and convey or receive such Compensation as aforesaid, then and in all such Cases (except when by reason of Absence or otherwise any Person shall have been prevented from treating and agreeing as aforesaid, in which Case all such Costs and Expences shall be borne and paid by the said Commissioners,) the foresaid Expences shall be ascertained in like Manner, and be paid by the Body or Bodies Politic or Corporate, Trustees, Tutors, or Curators, or other Person or Persons with whom the said Commissioners shall so be at issue, and by the said Commissioners, in equal Shares; and the Share thereof payable by the Party or Parties with whom the said Commissioners shall have such Controversy or Dispute shall and may be deducted out of the Money so assessed and decreed, as so much Money advanced to and for the Use of such Body or Bodies Politic or Corporate, or such Trustees, Tutors, or

Curators, or other Person or Persons as aforesaid; and the Payment, Tender, or Consignation of the Remainder of the Money so assessed and decreed shall be deemed and taken to all Intents and Purposes to be a Payment, Tender, or Consignation of the whole Amount thereof.

XXIV. And be it enacted, That the said Sheriff or his Substitute shall have Power to impose a Fine not exceeding Five Pounds Sterling on any of the Persons who shall be duly summoned on any Jury who, without reasonable Excuse, shall not appear, or who shall refuse to be sworn (or, being Quakers, to affirm,) on the said Jury, or, being sworn (or having affirmed), shall not give his or their Verdict, and shall have Power to impose a like Fine, or Imprisonment for a Space not exceeding Two Days, on any Person or Persons who shall be summoned to give Evidence or produce Documents before the said Sheriff or his Substitute and the said Jury, and shall not without reasonable Excuse attend, or shall refuse to be sworn, (or, being Quakers, to affirm,) or who, being sworn, shall refuse to give his or their Evidence or to answer respecting such written Documents as shall have been described in his, her, or their Citations, and produce such of them as he, she, or they may be possessed of, and to grant Warrant for summarily levying such Fine or Fines by Pounding and Sale of the Offender's Effects, with the Expence of such Procedure, returning the Overplus, if any, to the Owners; all such Fines to be applied for the Purposes of this Act.

Sheriff may punish Jurymen and Witnesses for Nonattendance or Contempt.

XXV. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Heritages, or for any other Right or Interest whatsoever, purchased, taken, or used by virtue of the Powers conferred by this Act for the Purposes thereof, which are held under Entail, or are subject to Life Rents or other Incumbrances, or shall belong to any Corporation, married Woman, Infant, Lunatic, fatuous or furious Person, or other Person or Persons under any Disability or Incapacity as aforesaid, or be vested in Trustees for any other Purpose than that of Sale, or are under Judicial Management or Sequestration, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds Sterling or upwards, under the Direction and by the Authority of the Court of Session, be with all convenient Speed paid into any one of the said Banks; to the Intent that such Money shall be applied, under the Direction of the said Court, to be signified by an Order made upon a Petition, to be entertained in a summary Way, to be presented by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Heritages, in the Purchase or Redemption of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the said Lands, Tenements, or Heritages, or affecting other Lands, Tenements, or other Heritages burdened therewith, to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction, in the Purchase of other Lands, Tenements, or Heritages, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands, Tenements, or Heritages which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance or Settlement shall be existing undetermined and capable of taking effect; and in the meantime

Application of Compensation when Subjects entailed, &c. shall amount to 200*l.* and upwards.

and

and until such Purchase shall be made the Interest or annual Produce of such Money shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Heritages so hereby directed to be purchased in case such Purchase or Settlement were made.

When less than 200*l.* and exceeding 20*l.*

XXVI. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid shall be less than the Sum of Two hundred Pounds Sterling, and shall exceed the Sum of Twenty Pounds Sterling, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Heritages purchased, taken, or used as aforesaid, or of his, her, or their Tutors or Curators, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, under the like Direction and Authority, be paid into any of the said Banks, and be placed to his, her, or their Accounts as aforesaid, in order to be applied as before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated in Writing by the Person or Persons making such Option, and approved of also in Writing by Three or more of the said Commissioners, in order that such Principal Money and the Interest thereon may be applied in any Manner herein-before directed, in so far as the Case may be applicable.

When less than 20*l.*

XXVII. Provided also, and be it further enacted, That when such Money so agreed or awarded to be paid shall be less than Twenty Pounds Sterling, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Heritages so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Commissioners, or any Three or more of them, shall think fit, or in case of Infancy or Lunacy, then to his, her, or their Tutors or Curators, to and for the Use and Behoof of such Person or Persons so entitled respectively.

Ownership to be presumed from Possession.

XXVIII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be so paid into any of the said Banks, under the Direction aforesaid, as the Purchase Money of any Lands, Tenements, or Heritages, or any Estate, Right, or Interest in the same, or to any Lands, Tenements, or Heritages to be purchased with any such Money, or to the Rents or Profits thereof, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Heritages at the Time of the Purchase or Acquisition thereof, (whether voluntary or upon the Verdict of a Jury as aforesaid,) and all Persons claiming under such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Heritages, according to such Possession Title, till the contrary shall be shown to the Satisfaction of the said Court of Session; and the Lands and Tenements and Heritages to be purchased with such Money, and the Rents and Profits thereof, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was illegal, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Heritages, or to some Estate or Interest therein.

XXIX. And

XXIX. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded as the Value of any Lands, Tenements, or Heritages to be acquired by virtue of this Act shall not accept the same, or shall not show a good Title to the Premises to the Satisfaction of the said Commissioners, or shall refuse to execute such Conveyance or Conveyances, or in case such Person or Persons, or the real Proprietor of such Heritages, be not known or cannot be found, then and in every such Case it shall and may be lawful to and for the said Commissioners to order the said Sum or Sums of Money to be paid into any one of the said Banks to the Credit of the Parties interested in the said Lands and others, upon a Receipt describing the said Lands and others, and also the said Parties interested therein, if known, and specifying the Purpose of the Consignation, subject to the Orders of the Court of Session, upon a summary Application by any Party or Parties having Interest therein; which Court is hereby authorized and directed to order the Disposal of the said Money in such Way as shall appear to be most beneficial for the whole Parties interested therein.

In case Money is refused, or Title is insufficient to be consigned.

XXX. Provided also, and be it further enacted, That when, by reason of any Disability or Incapacity of the Person or Persons aforesaid, or Corporation, entitled to any Lands, Tenements, or Heritages to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into one of the said Banks, and to be applied in the Purchase of other Lands, Tenements, and Heritages to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of any Purchase to be made with the said consigned Money, or any Part of the said Expences, to be paid by the said Commissioners.

Court of Session may award Expence of Reinvestment of consigned Money.

XXXI. And be it further enacted, That for raising the Money necessary for the defraying the Costs and Expences incident to or attending the obtaining and passing of this Act, and for carrying the several Powers, Purposes, and Provisions hereof into execution, or for any other Purpose hereby authorized, it shall and may be lawful to the said Commissioners, and they are hereby authorized and empowered, if they shall find it necessary, from Time to Time to raise and borrow from any Person or Persons, or Bodies Politic or Corporate, who may be willing to advance and lend the same, on the Credit respectively of the Rates or Assessments hereby authorized to be raised in the said County and within the said Burghs according to the Boundaries after mentioned, any Sum or Sums of Money not exceeding in the whole Principal and Interest payable thereon the Sum hereby authorized to be levied in such County, and within such Burghs aforesaid; and the said Commissioners, for and on behalf of the said Burghs and for and on behalf of the said County, or any Five of them respectively, are hereby authorized and empowered, by Bond and Assignment or Writing under their Hands respectively, to assign and convey over the Whole or any Part of the said Rates or Assessments hereby imposed upon the Lands, inhabited Houses, and other Heritages particularly and generally before mentioned, in the said County and within the foresaid Limits of the said Burghs respectively, to the Person or Persons, or Bodies Politic or Corporate, who shall advance or lend such Money, as a Security for the same, or for the Repayment of the Money so to be borrowed as aforesaid, together with such Rate of Interest

Power to borrow.

[Local.]

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terest as the said Commissioners and the Party lending such Money shall agree upon; which Interest shall be charged against and allowed out of the Sums authorized by this Act to be assessed, raised, levied, and recovered as Part of the Sums expended for the Purposes thereof; and the Charges or Expences of such Security or Securities respectively shall be from Time to Time defrayed out of the Money advanced upon such Security: Provided always, that the said Commissioners shall not be personally subject or liable to pay the Money so borrowed by reason of their subscribing such Assignments, or authorizing the same; and in case of borrowing on their own personal Security for the said Purposes, the said Commissioners respectively shall have Security and Relief for Repayment of the Amount so borrowed upon the Funds, Property, and Assessments within the said County, or within the foresaid Limits of the said Burghs, according as the same shall have been borrowed by the said Commissioners in respect of the said Burghs or County respectively.

Form of
Bond and
Assignment.

XXXII. And be it further enacted, That such Bonds and Assignments and Securities for the Amount to be borrowed as aforesaid shall be in the Words and of the Form and Tenor following, or in Words to the Effect following; *videlicet*,

‘ Number [*here state the Number.*]
 ‘ **BY** virtue of an Act made in the Year of the Reign
 ‘ of His Majesty King *William* the Fourth, intituled [*here set forth*
 ‘ *the Title of this Act*], we, whose Names are hereunto set and subscribed,
 ‘ being Commissioners by the said Act appointed and by the Authority
 ‘ of the said Commissioners, in consideration of the Sum of
 ‘ Sterling [*here state in Words at length the Amount of the Sum for which*
 ‘ *the Bond and Assignment is granted*], instantly lent and paid to the said
 ‘ Commissioners, and for the Purposes of the said Act, by *E. F. of G.*,
 ‘ do hereby bind and oblige the said Commissioners for the Time being,
 ‘ out of the first and readiest of the Monies to be raised under the Assess-
 ‘ ment authorized by the said Act to be imposed and levied in the said
 ‘ County, [*or in the foresaid Limits of the said Burghs, as the Case may*
 ‘ *be,*] to pay to the said *E. F.*, his Executors, Administrators, or Assigns,
 ‘ Interest for the said Sum at the Rate of [*here state the agreed-on Rate*
 ‘ *of Interest*] *per Centum per Annum*, regularly in the Year
 ‘ at least, on [*here state the agreed-on Term of Payment of the Interest*],
 ‘ if demanded, from the Date hereof, and to repay such Principal Sum of
 ‘ [*here state the Amount of the Sum lent*], and all Interest which shall arise
 ‘ thereon, not before paid, to the said *E. F.*, his Executors, Adminis-
 ‘ trators, or Assigns, at the Term of [*here state the agreed-on Term of*
 ‘ *Payment of the Principal,*] which shall be in the Year [*here state the*
 ‘ *agreed-on Year of Payment of the Principal*]; and for the further Secu-
 ‘ rity of the said *E. F.* and his foresaids we do hereby assign to the said
 ‘ *E. F.*, his Executors, Administrators, or Assigns, such Proportion of
 ‘ the said Monies to be raised under the said Assessment for the said
 ‘ County or Burghs [*as the Case may be*] as shall be equivalent to the
 ‘ said Sum of [*here again state the Amount lent*] and the Interest to become
 ‘ due thereon as aforesaid from the Date hereof to the said Term of
 ‘ Payment. In witness whereof these Presents, written by [*here insert*
 ‘ *the Name and Designation of the Writer*], are subscribed by us, Three of
 ‘ the said Commissioners, for and on behalf of the County of *Elgin*, or the
 ‘ Burghs

‘ Burghs of *Elgin* or *Forres*, [as the Case may be,] as authorized by the
 ‘ said Commissioners at [here insert the Place and Date of subscribing in
 ‘ Words at length], before these Witnesses [here insert the Names and De-
 ‘ signations of the subscribing Witnesses.]

‘ G. H. Witness.

A. B.

‘ K. L. Witness.

C. D.’

And every such Bond and Assignment, being duly subscribed by at least Three of the said Commissioners respectively, and authorized at a regular Meeting of the said Commissioners, shall be good and sufficient to all Intents and Purposes till Repayment of the Principal Monies and Interest to arise thereon; and such Bonds and Assignments respectively shall be a Lien and Charge on the Rates and Assessments granted by this Act in the said Burghs and County respectively assigned by such Deed, and shall entitle the Holder of such Securities for the Time being to recover such Principal Monies and Interest from the said Commissioners respectively, and their Treasurer, Collector, or other Officers having the Management of or receiving such Rates or Monies arising from such Assessments, out of the first and readiest of the Rates and Monies assigned, and that by ordinary Action, to be brought, if necessary, before the Magistrates of *Elgin*, or Sheriff of the County of *Elgin*, or his Substitute, or by any other Form known in the Law of *Scotland*, together with the full necessary Expences of such Action, and of recovering such Monies and Interests.

Bonds to be subscribed by Three Commissioners and to form a Lien upon the Assessment.

XXXIII. And be it further enacted, That all Bonds and Assignments to be granted in Security of Money to be borrowed for the Purposes of this Act shall be transferrable from Time to Time by Transfer or Indorsement by the Creditor in such Bond, which may be written on the Back thereof, and subscribed by the Creditor or Creditors transferring in Presence of Two subscribing Witnesses; and that such Transfer and Indorsement shall be in the following Words, or in Words to the like Effect; *videlicet*,

Bonds to be transferrable by Indorsement.

‘ I *E. F.*, within designed, do transfer this Bond and Assignment, with
 ‘ all Right, Title, or Interest which I have under the same, to *M. N.*,
 ‘ his [her or their, as may be,] Executors, Administrators, or Assigns.
 ‘ Signed by me at this Day of

‘ O. P. Witness.

‘ R. S. Witness.

(Signed) *E. F.*’

XXXIV. And be it further enacted, That all such Bonds and Assignments in Security of Money to be borrowed as aforesaid, and such Transferences or Indorsements thereof, shall, within Thirty Days of the Date thereof respectively, be produced to the Clerk of the said Commissioners, and shall by him be entered in a Book to be kept for that Purpose; and after such Entry so made, and also certified by the said Clerk on the Back of such Bond, or upon such Indorsement and Transference, every such Bond and Assignment shall be held to be duly and legally intimated, and shall entitle the Assignee or Transferee to the full legal Right and Benefit of the Principal Sum and Interest due in respect of such Bond assigned and transferred without other or further Registration or Intimation; and the Person or Persons to whom any such Principal Money and Interest shall be so assigned or transferred, and the respective

Transferences to be entered in a Book.

Executors,

Executors, Representatives, or Assigns, shall be Creditors on the said Assessment in the said Burghs or in the said County respectively, and of the Heritors or Owners of the Lands and other Heritages or Houses and Tenements and others therein respectively assessed as aforesaid, and their Heirs and Successors, so far as such Assessments respectively are due and remain unpaid by them or their foresaids.

Money raised to be lodged in a Bank.

XXXV. And be it further enacted, That the said Commissioners respectively or their Treasurers shall lodge all and every Sum or Sums of Money which they shall receive or borrow in virtue of the Powers hereby granted with the Bank of the *British Linen Company*, National Bank of *Scotland*, or Commercial Bank of *Scotland*, therein to remain until the same shall be required.

Books to be kept.

XXXVI. And be it further enacted, That the said Commissioners shall and they are hereby required to order and direct a Book or Books to be provided and kept by their Clerk, Treasurer, or other Officer for the Time being, in which Book or Books shall be entered Minutes of their Proceedings in the Execution of this Act, and true and regular Accounts of all Sums of Money assessed, received, paid, laid out, and expended by virtue or in pursuance of this Act, and of the several Articles, Matters, and Things for which such Sums of Money shall have been so disbursed, laid out, and paid under the Authority of this Act, which Accounts shall be annually examined, with the Vouchers, and docquetted by the said Commissioners; and an Abstract of the Receipt and Expenditure, authenticated by the Signature of Six or more of the said Commissioners, shall be made out and entered in the said Books; and the Books so kept shall at all reasonable Times be open to the Inspection of the said Commissioners, and of all and every Person and Persons rated and assessed for the Purposes of this Act, or paying the Rates imposed by this Act, or otherwise affected thereby, without Fee or Reward; and the said Commissioners and Persons aforesaid, or any of them, shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof respectively, without paying for the same.

Court Rooms to vest in Commissioners.

XXXVII. And be it further enacted, That the said Court House, Hall, or Council Chamber, Record Room, and Apartments for Clerks and others, to be so erected in each of the said Burghs, when finished, with the Furniture thereof, and the Stairs and Passages leading to the same, excepting the Apartments herein-after provided to be given over to and invested in the Magistrates and Councils of the said Burghs, together with all Materials used or provided for the Use of the same which are not the Property of the Contractor or Workmen, shall become and remain vested in the said Commissioners for the Purposes of this Act, with full Power to them to lay out, divide, and appropriate the Area and Seats of the said new Court Houses and the Apartments so vested in them in such Manner as may appear to them best calculated to accommodate the different Descriptions of Persons having Occasion to frequent the same, and to alter such Appropriation from Time to Time as they may see necessary and expedient.

Records, &c. to be removed into

XXXVIII. And be it enacted, That when the said Court Houses and other public Offices shall be completed and fit for the safe Custody of Writings

Writings and Records, and so declared by Intimation published in any Newspaper circulated in the said County, the Sheriff Clerk of the said County and the Town Clerks of the said Burghs respectively shall thereafter as soon as may be remove or cause to be removed into the public Offices hereby authorized to be erected all the public Books, Documents, Records, and Writings in their Custody and Keeping as public Officers respectively.

the public
Offices when
erected.

XXXIX. And be it further enacted, That after the said new Gaol, Court Room, Hall, or Council Chamber, and other Accommodations for the said County and the said Burgh of *Elgin* are completed, the Magistrates of *Elgin* are hereby required, within Six Months after the Completion of the new Buildings, to pull down and remove the Materials of the said old Gaol, Court House, and Erections, and the said Area shall thenceforward remain open and unoccupied, and form Part of the public Street of the said Burgh of *Elgin*.

Site of old
Gaol of *Elgin*
to become
Part of the
public
Street.

XL. And be it further enacted, That in the Event of the said new Gaols of *Elgin* and *Forres* not being rebuilt on the present Sites it shall be competent for the Magistrates of the said Burghs to transfer all Prisoners that may be presented for Incarceration in the said Gaols, and also during the Time the present Gaols are being pulled down and the new Gaols being rebuilt, and to transfer to any other Gaol all such Prisoners as may be in the Gaols of the said Burghs at the Time fixed for pulling down the same.

Power to
transfer Pri-
soners to
other Gaols.

XLI. And be it further enacted, That when the said new Gaol in each of the said Burghs of *Elgin* and *Forres* shall be fit for the Reception of Prisoners, the same, together with the Yards or Airing Grounds attached thereto, shall be held and declared to be legal Prisons, and shall be given over to and remain vested in the Magistrates and Councils of the said Burghs respectively, and such shall be taken, considered, and made use of in all Time coming as follows; *videlicet*, the said Gaol so to be erected in the said Burgh of *Elgin* as the Common Gaol of the said Burgh of *Elgin* and County of *Elgin* and *Forres* for Criminals and Debtors of every Description and Vagrants, and for Persons in Custody for Examination from the said County and last-mentioned Burgh, and for Prisoners brought to Trial for the said County, and tried and sentenced at the Circuit Courts of Justiciary held at *Inverness*, or other competent Court held or to be held in *Elgin*, or within the said County (excepting the said Burgh of *Forres*), and for all such other Purposes whatsoever as the present Gaol is or can by Law be used; and the said Gaol so to be erected in *Forres* as the Common Gaol of that Burgh for Criminals, Debtors, and Vagrants, and also for such other Purposes as the present Gaol thereof is or may be used; and it shall be in the Power of the Magistrates of *Elgin* and *Forres*, as the legal Keepers of the said respective Gaols, to commit Prisoners of all Descriptions to such Parts thereof respectively as they shall think proper, and to remove the said Prisoners from one Part thereof to another from Time to Time as they may judge expedient; and the Magistrates and Council of the said respective Burghs, and the Gaolers or Keepers of the said Gaols, shall be liable and answerable, to all Intents and Purposes whatsoever, for the safe Custody of all such Persons as may from Time to Time be committed to their Custody and confined in the said Gaols, in like Manner as they are now liable by Law for the safe Custody of all

Magistrates
and Coun-
cils of *Elgin*
and *Forres*
to have
Charge of
new Gaols.

[*Local.*]

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Persons

Persons committed to or confined in the present Gaols of the said Burghs ; and the Magistrates and Council of each of the said Burghs shall have the same Power over their new Gaol as they have or might have over the present Gaol by any Law now in force, and shall be bound to defray the Expences necessary for keeping in repair and maintaining the said new Gaols and Yards or Airing Grounds, as well as the Accommodations for the Gaolers, and Apartments for keeping the Burgh Records, and for the Accommodation of the Town Clerks, which shall in like Manner be given over and remain vested in the Magistrates and Council of the said respective Burghs in all Time coming, and for keeping up the necessary Establishment and other Charges thereof, in the same Manner and to the same Extent as they are bound with regard to the present Gaol, and as all Magistrates of Royal Burghs in *Scotland* are bound with regard to the Gaols within the Burghs.

Prisoners to be removed to the new Gaols.

XLII. And be it further enacted, That when the said new Gaols are built and erected as aforesaid, and shall be ready for the Reception of Prisoners, the Magistrates of the said Burghs respectively for the Time being shall thereupon remove or cause to be removed to such new Gaols all Debtors, Felons, and other Prisoners then in Custody ; and such Removal, and the Airings and Exercisings of Debtors, Felons, and other Prisoners who shall be confined in said new Gaols, or in any Yards, Courts, Out-Offices, or Conveniences thereto belonging, shall not be deemed or taken to be an Escape or Escapes, or to infer any Risk or Damage whatever.

Imprisonment not to infer Settlement.

XLIII. And be it further enacted, That no Period of Confinement in the said Gaols to be erected in virtue of this Act shall be held to constitute a legal Settlement so as in virtue thereof to give any Claim on the Poor's Funds, or under that Pretence to enable any Person to become a Burden on the same.

Wine and Liquors prohibited within the Gaols.

XLIV. And be it further enacted, That no Wine or Spirituous Liquors of any Kind whatever shall be sold within the said Gaols, nor be admitted therein, unless by Order of a Medical Practitioner or Permission of a Magistrate, or, when necessary, by way of Medicine ; and no Profit or Advantage shall, directly or indirectly, arise to the Keepers or any of the Servants therein from the Sale or Admission of such Wine or Liquors ; and any such Keeper, Gaoler, Assistant, or Servant offending against this Law, or receiving any Fee or Gratuity from any Prisoner confined in the said Gaols, shall be dismissed from his Office.

Assessment to be levied.

XLV. And be it further enacted, That in order to defray the Expences attending the Execution of this Act it shall be lawful to the said Commissioners, and they are hereby authorized and required, at the First or any subsequent General Meeting, to cause to be levied and assessed in manner herein-after mentioned such a Sum as they shall think necessary for the Purposes aforesaid, not exceeding Four thousand five hundred and fourteen Pounds Fourteen Shillings Sterling, whereof a Sum not exceeding Two thousand eight hundred and fifty-four Pounds Fourteen Shillings Sterling shall be laid out on the Buildings herein provided to be erected within the Burgh of *Elgin*, and a Sum not exceeding One thousand and sixty Pounds Sterling on those within the Burgh of *Forres*, so that there shall remain a

Sum not exceeding Six hundred Pounds Sterling to defray the Expence of preparing, applying for, procuring, and passing this Act; and any Surplus that may remain after paying the Expences of this Act shall be applied exclusively towards the Buildings to be erected within the Burgh of *Elgin*; and the said Sum so levied and assessed shall be payable by Four equal Instalments, the First thereof to be raised and paid within One Year from the Date of the passing of this Act, the Second within One Year after the Date of Payment of the First, the Third within One Year after the Date of Payment of the Second, and the Fourth and last within One Year after the Date of Payment of the Third; the Dates of Payment of the said Instalments (excepting those payable by the Burghs as after mentioned) to be at any Times within the said respective Period as to the said Commissioners shall seem most expedient.

XLVI. And be it enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, to assess or cause to be assessed, rateably and proportionally as after mentioned, upon all Lands and Teinds, River Fishings, Houses, Buildings, and other Heritages whatsoever situated within the said County, exclusive of the said Burghs of *Elgin* and *Forres*, which shall be held to include and be comprehended within the Boundaries assigned to the said Towns by an Act passed in the Second and Third Years of the Reign of His present Majesty, Caput Sixty-five, intituled *An Act to amend the Representation of the People in Scotland*, and which shall for the Purposes of this Act be deemed and taken to be the Boundaries of the said Burgh, the Sum of Three thousand three hundred Pounds Sterling; and which Assessment shall be imposed by the said Commissioners in manner following; *videlicet*, upon all Lands and Heritages contained in the Valuation Books of the said County, and lying beyond the Boundaries of the said Burghs, according to the valued Rent of the same, and upon all Lands not contained in the said Valuation Books, inhabited and other Houses, Shops, Warehouses, and other Buildings and Heritages held in Feu, or on Leases of an Endurance of Three Terms of Nineteen Years, lying beyond the same Boundaries (but excepting the common Good of the said Burgh), according to the real Rent or annual Value (but declaring that Four Fifths of the gross Rents of such Houses and other Buildings shall be deemed and taken to be the annual Value of the same), as such shall be ascertained by Valuers upon Oath to be named by the Sheriff of the County or his Substitute upon the Application of the said Commissioners; but declaring always, that it shall be no Exemption to the Proprietors of Houses, Tenements, or Feus that the Ground upon which such Houses are built is included in said Valuation Books.

3,300*l.* to be levied from the County.

XLVII. And be it enacted, That it shall be lawful for the Magistrates and Councils of the said respective Burghs, and they are hereby empowered and required, on the Requisition of the said Commissioners, to assess or cause to be assessed, rateably and proportionally upon all Lands, Houses, Shops, Warehouses, and other Buildings and Heritages situated within the foresaid Boundaries of the annual Value of Five Pounds Sterling and upwards, according to the real Rent or annual Value of such Heritages as the same shall be ascertained by Valuers upon Oath to be named by the Sheriff of the County or his Substitute, upon the Application of the Magistrates and Commissioners, the following Sums of Money; *videlicet*, on all such Lands and Heritages situated within the Boundaries of the

Sums to be levied from the Burghs.

Burgh

Burgh of *Elgin* a Sum of Seven hundred and fifty-four Pounds Fourteen Shillings Sterling, and on all such Lands and Heritages situated within the Boundaries of the Burgh of *Forres* a Sum equal to Four hundred and sixty Pounds Sterling; and it is hereby provided and declared, that the said Sums shall become due and payable in the Instalments foresaid of the Dates to be fixed jointly by the said Commissioners and by the said Magistrates and Councils respectively, and within the Periods before specified, hereby specially authorizing the Magistrates and Town Councils of the said Burghs of *Elgin* and *Forres* to appoint Collectors to levy the Assessments so to be raised within the said Burghs respectively, who shall pay over the same to the General Collector to be named by the Commissioners at the Dates to be fixed jointly by the said Commissioners and Magistrates and Councils: Provided always, that no Assessment shall be imposed upon Farmhouses or other Buildings used exclusively for Agricultural Purposes, Churches, and other Places of Public Worship, or Parish Schools situated in the County.

Additional Assessment may be authorized.

XLVIII. And be it further enacted, That in the Event of the said Commissioners finding it necessary, in order to enable them to carry into complete Execution the different Buildings and other Accommodations herein authorized to be erected, and suitably furnishing the same, and for defraying contingent and other Expences which may not have been foreseen at the Commencement of their Operations, or at the Period of applying for this Act, they shall be and are hereby empowered to cause to be levied and assessed such further Sum as may be necessary for that Purpose after the said extraordinary Expences shall be fully ascertained, but not exceeding *One per Centum* on the aforesaid Valuations of the said County and Burghs respectively, which Sum shall be levied by an Assessment upon the Owners of Lands, Houses, and other Heritages aforesaid of the said County and of the said Burghs, in manner before expressed, and shall be paid at such Time or Times as the said Commissioners and Magistrates respectively shall appoint: Provided always, that such additional Assessment of *One per Cent.* or of such less Assessment as may be necessary for the Purposes aforesaid, shall not be imposed until the same shall have been sanctioned and approved of at a General Meeting of the County to be held at *Elgin* after a previous Notice of Twenty free Days to be given by the Clerk to the said Commissioners, at which Meeting the Mandatories of absent Proprietors shall be entitled to vote; and in the Event of such additional Assessment being levied on the County, it is hereby provided that Two Thirds thereof shall be appropriated to the Burgh of *Elgin*, and One Third thereof to the Burgh of *Forres*, which, along with the respective Amounts of the additional Assessment to be levied on the Burghs, shall be applied to the Buildings then erecting or to be erected in these Burghs by virtue of this Act.

Assessments to be wholly paid by Owners, but may be recovered from Occupiers.

XLIX. Provided nevertheless, and be it enacted, That the said Assessments shall be wholly paid by the Proprietors or Owners of Lands as well as Houses and other Heritages, but may be recovered, in the first instance, from the Occupiers thereof, who shall be entitled to retain the Amount of the Sums paid by them out of this Act out of the Rents or Duties payable by them to the Owners or principal Tenants of the Lands and Heritages possessed by them; which principal Tenants shall be entitled to retain in like Manner, out of the Rents and Duties payable by themselves,

selves, and which Rents and Duties shall to that Extent be held to be satisfied and paid: Provided always, that the Holders of Houses, Shops, and other Buildings in virtue of Leases of the Endurance of thrice Nineteen Years or upwards shall be deemed and taken to be the true Owners thereof in the Sense of this Act.

L. And be it enacted, That every Proprietor of an Entailed Estate who shall pay any Assessment under this Act shall be a Creditor to the succeeding Heirs of Entail in the Manner after mentioned for Three Fourths Parts of the Money so to be paid.

Liability of Heirs of Entail.

LI. And be it enacted, That the Person or Persons having Right to the Claim arising for Money so to be paid as aforesaid by the Proprietor of an Entailed Estate in discharge of Assessment may, after the Expiration of One Year from the Death of such Proprietor, require the Heir succeeding to such Estate to repay the said Three Fourth Parts of the said Money so paid, with the legal Interest thereof from the Term at which the said succeeding Heir's Right to the Rents of the Estate shall commence, after receiving a proper Assignment and Conveyance of the said Claim; and if the Money so due be not repaid within Three Months after such Assignment it shall be lawful for the Person or Persons having Right thereto to sue and recover from such Heir in manner directed for the Recovery of Money expended on the Improvements of Entailed Estates by an Act passed in the Tenth Year of the Reign of His Majesty King George the Third, intituled *An Act to encourage the Improvement of Lands, Tenements, and Hereditaments in that Part of Great Britain called Scotland held under Settlement of strict Entail.*

How to be recovered.

10G.3.c.51.

LII. And be it enacted, That the same Rules of Relief among succeeding Heirs of Entail, and their Heirs and Successors, of the Claims for Debts and of Preference in Competition of Rents, and in subjecting Defenders to the Payment of Expences, shall take place, with regard to Monies expended by the Proprietors of entailed Estates in Payment of Assessments under this Act, as are enacted and prescribed by the said recited Act passed in the Tenth Year of His Majesty King George the Third, with respect to Monies expended by Proprietors of Entailed Estates in making Improvements upon their Estates for increasing the Value thereof.

Rules of Relief among Heirs of Entail.

LIII. And be it further enacted, That the foresaid Assessments appointed to be raised in manner as herein-before directed may in all Cases be recovered by ordinary legal Process directed against the Persons liable to Payment thereof, and the same shall be levied and collected by the Collector to be appointed by the said Commissioners under the Authority of this Act, in so far as the same are payable by the Owners or Proprietors of Lands and other Heritages as aforesaid valued in the Cess Books of the said County, by the like Process and with the same Powers and Penalties as the Collector of the Land Tax for the said County is or was by Law entitled to collect and levy the County Tax, and in so far as the same are payable by the Owners or Proprietors, or, in the first instance, by the Occupiers of inhabited and other Houses, Shops, Warehouses, and other Buildings, and other Heritages foresaid, situated beyond the Boundaries

Mode of Assessment and of Collection.

[Local.]

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daries

daries of the said Burgh, and upon all inhabited and other Houses, Shops, Warehouses, Lime Works, Quarries, and other Buildings and Heritages situated within the same, shall be levied and collected by a Collector or Collectors to be appointed by the said Commissioners and by the Magistrates and Councils of the said Burghs respectively, according to a general Valuation and Rental of the same to be made up under their Authority as after mentioned, and shall be recoverable by such and the like summary Process as the Assessed Taxes of the said Burghs and other Assessed Taxes are or were by Law levied and recoverable; and the said Collector or Collectors shall account for and pay over the said Assessments, when levied, collected, and recovered, to the said Commissioners or their Treasurer for the Time being; and the Collectors shall have an Allowance, to be fixed by the said Commissioners, not exceeding Sixpence *per* Pound for the Sum collected by them respectively, in full of every Claim for Trouble and Expence incurred by them in collecting the same; and the Valuers to be appointed by the said Commissioners, and the said Magistrates and Councils as aforesaid, shall as far as possible be guided by the Rental on which the Inhabited House Duty has been assessed, when such is or has been payable, and shall, in the Case of Houses and other Buildings situated beyond the Boundaries of the said Burghs, deduct a Fifth of the real Rent in estimating the annual Value on which the said Assessment shall be levied, and they shall and may be examined upon Oath before the Sheriff of the said County or his Substitute as to the Correctness of such general Valuation and Rental before the same shall be sanctioned by the said Commissioners and acted upon by the said Collector, and which general Valuation and Rental shall, after such Oath, be final and conclusive to all Intents and Purposes, and shall not be liable to Question or Review in any manner of way, except by an Appeal to the said Commissioners only, to be presented within Twenty-one Days after the Date of Publication of a Notice hereby required to be made in the said Newspaper by their Collector; and the Judgment or Determination of the said Commissioners upon such Appeals as may be presented to them shall be final, and not subject to Review by Advocation, Suspension, Reduction, or otherwise, any Law or Practice to the contrary notwithstanding.

Arrears of Assessments to bear Interest.

LIV. And be it further enacted, That the whole Proprietors and Owners of Lands, Houses, and other Heritages foresaid within the said County and Burgh of *Elgin* shall be liable in and chargeable with the legal Interest of all Arrears of the Assessments hereby authorized to be imposed from and after the Date at which the same are payable; and the said Collector shall so soon as he is in Possession of a Sum of Twenty Pounds collected in virtue of this Act deposit the same in a Bank to be named by the said Commissioners, and no Money shall be again drawn from said Bank except by an Order subscribed by Three Commissioners.

Collector to pay Money into Bank.

Court House of Elgin to be upheld by County and Burghs.

LV. And be it further enacted, That the Sum or Sums of Money which may from Time to Time be deemed necessary by the said Commissioners for the Repairs of the said new Court House, Hall, Record Rooms, and Clerks Apartments for the said County and Burghs of *Elgin* and *Forres* respectively, excepting the Apartments and others hereinbefore provided to be given over to and vested in the Magistrates and Councils

Councils of the said Burghs, and other Accomodations connected therewith, and for repairing, renewing, or adding to the Furniture of the same, shall be defrayed out of the Surplus, if any shall remain, of the Assessment or Assessments hereby authorized to be levied as aforesaid, and any Penalties and other Monies coming into their Hands for the Purposes of this Act, and if there shall be no such Surplus or Monies, or the Sum in their Hands shall be insufficient, so far as regards the Apartments used for County Purposes, the same shall be defrayed by the Landholders of the County of *Elgin* and *Forres* out of the Rogue or Contingent Money, and so far as regards the said Court House, Hall, and Council Room, and other Accommodations to be used in common by the said County and Burghs, by the said Landholders, out of the said Rogue or Contingent Money, and the Magistrates and Council of the said respective Burghs, from the common Good of these Burghs, and the Magistrates and Town Council of *Elgin* or *Forres*, as the Case may be, in the Proportion of One Half for the County and One Half for the Burghs; and the said Magistrates and Town Councils are hereby authorized and empowered from Time to Time to levy their Proportion of the Expence of such Repairs by an Assessment of the Heritors and others liable in Payment of Land Tax for the said Burgh of *Elgin* or *Forres*, as the Case may be, Royalty and Freedom thereof: Provided always, that the Account of such Repairs shall, before any Assessment is made therefore on the said County, be sanctioned and approved of by the Commissioners of Supply thereof at their annual *April* or *Michaelmas* Meetings.

LVI. And be it enacted, That when the said Gaols, Court Houses, Offices, and other Conveniences shall be erected and completed, an accurate Account of the whole Expence incurred in the Execution of this Act up to that Time shall be made up and attested by the said Commissioners or their Quorum aforesaid, which Account, along with the Books, Papers, Receipts, and other Writings, Plans, Drawings, and Designs relative to the Execution of the Buildings, shall be deposited with the Town Clerks of *Elgin* and *Forres* respectively, to be by them lodged among the Records of the said Burghs; and a Copy of such attested Accounts shall be sent to the Clerk of Supply of the said County of *Elgin*, to remain in his Hands for the Information of all concerned.

Accounts of
Expence to
be lodged.

LVII. And be it enacted, That the Provisions of an Act of the *Scottish* Parliament passed in the Year Sixteen hundred and ninety-six, intituled *An Act anent the Aliment of poor Prisoners*, and another Act passed in the Sixth Year of the Reign of His late Majesty *George* the Fourth, intituled *An Act to amend an Act of the Scottish Parliament relative to the Aliment of poor Prisoners*, shall extend and apply to all Prisoners committed to the said Gaols under Letters of Lawburrows, or as being *in meditatione fugæ*, and also to any Prisoners that shall be committed to the said Gaol for Payment of any Debt or Penalty under any Statute relating to the Revenue or to the Game Laws: Providing always, that the Intimations directed by the said Acts to be made to Creditors shall, in relation to Debtors committed to the said Gaols, be made either to the Person at whose Instance such Persons shall have been committed, or to his known Agent in *Scotland* having the Charge of the Warrant or Diligence upon which such Debtor may be so committed or detained, or to the
nearest

Acts of 1696
and of 6 G. 4.
c. 62. to
apply to
Prisoners
confined in
new Gaols.

nearest Collector of the Department of the Revenue to which such Debt or Penalty under any such Statute shall belong.

Old Gaols to belong to Magistrates.

LVIII. And be it enacted, That when the Prisoners shall be removed from the present Gaols the same shall, with the Furniture and other Articles therein, belong to the Magistrates and Town Council of the said Burghs respectively, and form Part of the Property of the Community of the said Burghs, and shall and may be used, disposed of, or applied as the other Property of the said Burgh may be used, disposed of, or applied.

Buildings not to be liable to Local Taxes.

LIX. And be it enacted, That the said Gaols, Hall, Court Houses, and Offices, and others, with the Grounds thereto belonging, shall not be subject to any Local Tax whatever; and the Magistrates of the Burghs of *Elgin* and *Forres* respectively shall be bound to insure the said Buildings, with the Furniture and other Moveables therein, against Risks by Fire to such Extent as the Commissioners under this Act shall direct; and the Expence of such Insurance shall be paid by the said Commissioners and the said Magistrates and Councils in the same Proportions as they are hereby taken bound to provide for the Expence of the Repairs of the said Buildings.

Committee of Inspection to be appointed.

LX. And be it enacted, That the Commissioners under this Act shall be empowered and they are hereby required to appoint from Time to Time a Committee of their Number for the Purpose of personally visiting, inspecting, and reporting on the State, Order, and Management of the said Gaols, and on the Health and Treatment of the Prisoners; and such Visitors may enter a Report of any Matters which may occur to their Observation and appear to them of Importance in a Book to be kept for that Purpose in each of the said Gaols, and which Books shall at all Times be open to the Inspection of all who have a Right to enter the same, as after mentioned; and it shall be lawful for the Sheriff or his Substitute, and for any Justice of the Peace for the said County, and Member of the Town Council of the said respective Burghs, of his own Accord, and without being appointed a Visitor, to enter the said Gaols, and to examine the same at any Time during the Hours of Admission to be appointed by the Commissioners under this Act; and if he discover any Abuse therein, or find the same in any respect in need of Repair, he is hereby required to report the same to the said Commissioners or the Magistrates of the Burgh, who shall without Loss of Time take the said Report into consideration, and inquire into the Statements therein made, and adopt the most effectual Measures for having the Grounds thereof, if well founded, immediately removed or rectified.

Extent of Punishment for Offences against this Act.

LXI. And be it enacted, That in all Prosecutions against Offenders for Crimes committed within the said County and Burghs where the Punishment shall not exceed Sixty Days Confinement in either of the said Gaols, or the Fine to be imposed shall not exceed Five Pounds Sterling, the Proceedings against such Offenders may be of a summary Nature, on Complaint of the Procurator Fiscal, without any written Pleadings; and the Sheriff or his Substitute, or Justice of the Peace of the said County, or Magistrate of either of the said Burghs, within their respective Jurisdictions, is hereby authorized and empowered in all such Prosecutions to

to hear Parties and Witnesses *viva voce*, and to award such legal Punishment as the Crime requires, not exceeding that herein prescribed, or to remit the Case for Investigation and Trial before any other competent Court: Provided always, that in all such summary Trials the Clerks of the Justice of Peace and Burgh Courts respectively shall act as the legal Assessors of the said Justice or Magistrate, and that a Record shall be kept of the Charge and of the Judgment pronounced against such Offenders by the Clerk of the Court before which the Case shall come to be tried, in a Book to be kept in the Form set forth in the Schedule (C.) hereunto annexed; and an Extract or Duplicate of the Entry in the said Book, signed by the Judge and by the Clerk of Court, shall be the Authority to the Magistrates and their Officers and the Keepers of their respective Gaols for executing the Sentence in each Commitment; and a Book or Books shall be kept by the Clerks or Depute Clerks, or the said Sheriffs, or the said Assessors of the said Justices, or by the Town Clerks of the said Burghs, in which shall be entered an accurate Statement of such Fines, Penalties, and Forfeitures, and which Books shall at all Times be open to the said Commissioners, Sheriff and Sheriff Substitute, Justices of the Peace and Magistrates, or any one of them, who may take Copies or Extracts therefrom without Payment of any Fee, Charge, or Expence: Provided always, that the Fines recovered under such Prosecutions, and all other Fines and Penalties awarded and recovered within the said County and Burghs, not connected with the Revenue Laws, shall be paid to the said Commissioners and Magistrates respectively, and to be applied by them for the Purposes of this Act.

LXII. And be it further enacted, That no Order, 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 subject to Question or Review by Advocation, Suspension, Reduction, or by any other Process whatsoever, any Law or Statute to the contrary notwithstanding.

Proceedings not to be quashed for Want of Form.

LXIII. 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 that such Person or Persons shall act officially under the Appointment of the said Commissioners.

Testimony of Officers.

LXIV. And be it further enacted, That all Actions, Suits, and Prosecutions to be commenced against any Person or Persons for any thing done in pursuance of this Act for any Offence committed against the same shall be brought within Six Calendar Months after the Fact is committed, and shall not be thereafter competent to be entertained by any Court of Law or Equity.

Limitation of Actions.

LXV. And be it further enacted, That it shall not be a valid Ground of Exception to the said Sheriff or his Substitute, acting under the Authority of this Act in his judicial Capacity, that he is likewise a Commissioner under the same.

Sheriffs may act judicially although Commissioners.

[Local.]

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LXVI. And

Expence of
the Act.

LXVI. And be it enacted, That the whole Expence incurred in preparing, applying for, and obtaining this Act, and the legal Interest of such Expences, shall be paid out of the Sums hereby authorized and directed to be levied from the said County.

Public Act.

LXVII. And be it 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.

SCHEDULE (A.) referred to in the Act.

Property to be taken within the Burgh of Elgin.

No.	Property, and where situated.	Proprietors or Owners.	Occupiers.
1.	That Piece of Ground lying on the South Side of the Burgh of Elgin a little to the Westward of Batchen's Street, and bounded on the East by the Crofts belonging to Thomas Miln Esquire, Java, and on the West by those belonging to Alexander Brander Esquire, Banker, Elgin.	John McKimmie, Leather Merchant, Elgin; Alexander Brander, Banker, Elgin; Isaac Forsyth, Bookseller there; Alexander Forteath, Merchant there; Patrick Duff, Town Clerk there; William Gauldie, Merchant there, and John Forsyth jun., Merchant in Elgin, as Managers of the Guildry Charity Fund of Elgin.	John Webster, Vintner, Elgin; James Alexander senior., Merchant there; Peter Davis, Veterinary Surgeon there; John Peterkin, Waterman there; William Grant, Vintner there; William McDonald, Carrier there; William Rhind, Tailor there; Mrs. William McIntosh, Vintner there; David Kinnear, Baker there; William Cormie, Shoemaker there; John Henry, Shoemaker there; Mrs. Janet Urquhart there; Robert Reid, Sheriff Officer there; William Hollinshead, Labourer there.

SCHEDULE (B.) referred to in the Act.

Property to be taken within the Burgh of Forres.

Property, and where situated.	Proprietors or Owners.	Occupiers.
1. That Piece of Ground, with the Houses and others thereon, situated on the South Side of the High Street of the Burgh of Forres, and bounded on the West by the Property belonging to James Gillan, Farmer at Kincorth, and on the East by the Tolbooth Vennel of said Burgh.	The Master, Depute Master, Senior and Junior Wardens, Treasurer, Secretary, and Clerk, Stewards and Managers for the Time being of Saint. John's Lodge of Free Masons in Forres, for behoof of themselves and the whole other Brethren or Members of that Lodge.	Donald McKenzie, Shoemaker, Forres; Alexander Creyk, Vintner there; George Hossack, Cabinet-maker there; William Watson, Mason there; Robert Anderson, Hirer there; William Davidson, Cooper there; Alexander Anderson, Hirer there.
2. That Piece of Ground, with the Houses and others thereon, situated on the South Side of the High Street of the Burgh of Forres, and bounded on the East by the Property of St. John's Lodge of Masons, and on the West by the Property belonging to Mr. James Hutchinson, Merchant in Forres.	James Gillan, Farmer at Kincorth.	William Taylor, Vintner, Forres; John Hendry, Tinsmith there; James Hutchinson, Merchant there.

SCHEDULE (C.) referred to in the Act.

Form of the Record of the Charge and Judgment against Offenders, to be kept by the Sheriff, Justice of the Peace, and Town Clerks.

Date.	Name and Designation of Complainer.	Name of Person complained on.	Offence charged.	Sentence.	Signature of Sheriff, Justice, or Magistrate.

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