ANNO PRIMO & SECUNDO

GEORGII IV. REGIS.

Cap. liii.

An Act for more effectually making, maintaining, and repairing certain Roads in the County of *Aberdeen*, and in the Counties of *Banff* and *Kincardine*. [7th *May* 1821.]

WHEREAS an Act was passed in the Thirty-ninth and Fortieth Years of the Reign of His late Majesty, intituled *An Act for repealing an Act passed in the Thirty-fifth Year of His present Majesty's Reign, intituled An 'Act for making and repairing certain Roads 'in the County of* Aberdeen;' *and for the more effectually amending, widening, repairing, and keeping in Repair the said Roads, and other Roads in the said County, and for levying a Conversion Money in lieu of the Statute Labour, and otherways regulating the making and repairing the High Roads and Bridges in the said County:* And whereas another Act was passed in the Forty-sixth Year of His late Majesty's Reign, intituled *An Act to extend the Provisions of so much of an Act passed in the Thirty-ninth and Fortieth Year of His present Majesty as relates to repairing certain Turnpike Roads in the County of* Aberdeen, *to other Roads within the said County:* And whereas a great Part of the Roads specified in the said Acts, on which Turnpikes were authorized to be erected, has been made and put in Repair, and sundry Sums of Money have been subscribed and borrowed for that Purpose, upon the Credit of the Tolls by the said Acts granted; but it is found that the said Roads cannot be completely made and kept in Repair, and the Money so subscribed and borrowed repaid, unless the Term and Powers granted by the said Acts, in so far as regards Roads on which Turnpikes are allowed to be erected, be

39 & 40 G. 3. c. 32.

46 G. 3. c. 29.

enlarged, continued, and renewed, some of the Provisions thereof altered and amended, other and further Powers granted, and the Tolls thereby leviable regulated, and in certain Instances increased: And whereas it would be of great Advantage to the Public if in addition to the Roads described and specified in the said Acts the other Roads hereinafter mentioned, and the Bridges thereon, which are at present in bad Repair, inconvenient, and dangerous to Travellers, were put under the Management of the same Persons, with the same Powers and under the same Regulations and Provisions as the other Roads specified in the said Acts; that is to say, the Road from the present Turnpike Road leading from *Ellon* to *Frasersburgh*, a little North of the Bridge of *Gaval*, to the Village of *Strichen*, passing through the Parishes of *Strichen* and *Lonmay*, in the said County of *Aberdeen*; the Road from the said Village of *Strichen* to the Turnpike Road leading from *Banff* to *Old Deer*, and near to the Village of *New Pitsligo*, passing through the Parishes of *Strichen* and *Tyrie*, in the said County of *Aberdeen*; the Road from the Village of *Huntly* to *Mortlach* passing through the Parishes of *Dunbennan*, otherwise *Huntly*, *Cairney* and *Glass*, in the said County of *Aberdeen*, and the Parishes of *Keith*, *Botriphnie*, and *Mortlach*, in the County of *Banff*, crossing the River *Doveran* by a Bridge at or near *Peterkirk*; the Road from the Turnpike Road leading from *Banff* to *Keith*, at a Point between the Fourteenth and Fifteenth Mile Stones near *Nether Mills*, to the Road from *Keith* to *Mortlach*, to a Point at or near the Kirk of *Botriphnie*, passing through the Parish of *Grange* in the said County of *Banff*, *Cairney* in the said County of *Aberdeen*, by or near the *Ardonald* Lime Works, and *Botriphnie* in the said County of *Banff*, having a Bridge across the River *Isla*, at or near *Nether Mills* aforesaid; the Road from *Huntly* to *Rhynie* and Bridge of *Alford*, and from thence to join the Turnpike Road from *Aberdeen* to *Alford*, below or at or near the Farm of *Ardgethan*, and also to embrace the Line of Road leading to Kirk of *Alford* and *Kincardine O'Neil*, until it join said Turnpike Road, passing through the Parishes of *Huntly*, *Gartly*, *Rhynie*, *Auchindoir*, *Forbes*, and *Alford*, also with a Branch beginning at Bridge of *Ernan*, and to join the said *Huntly* Line of Road to *Alford* at or near the Farm of *Edinbanchory*, passing through the Parishes of *Tarland*, *Strathdon*, *Glenbucket*, *Towie*, and *Kildrummy*, all in the said County of *Aberdeen*; the Road from the Turnpike Road leading to *Portsoy*, to the Turnpike Road from *Huntly* to *Aberdeen*, passing through the Parish of *Rothiemay*, in the said County of *Banff*, and the Parishes of *Huntly*, *Cairney*, *Forgue*, and *Drumblade*, in the said County of *Aberdeen*, having a Bridge across the said River *Doveran*, at or near the Milltown of *Rothiemay*; the Road from the Kirktown of *Premnay* to the Village of *Muir of Rhynie*, passing through the Parishes of *Premnay*, *Leslie*, *Clatt*, *Kearn*, and *Rhynie*, in the said County of *Aberdeen*; the Road from the Bridge across the present Turnpike Road near Mill of *Carden*, to the Village of *Insch*, passing through the Parishes of *Oyne*, *Premnay*, and *Insch*, with Two Branches therefrom, the one beginning near *Daes* and passing near the Kirktown of *Premnay*, the other passing near Newtown of *Rothney*, and also passing near the Farm of *Wantingwells*, both of said Branches passing through the said Parish of *Premnay*, all in the said County of *Aberdeen*; the Road from the said Village of *Insch* by the West Side of the *Foudland Hills*, to a Point at or near the Thirty-fourth Mile Stone, upon the present Turnpike Road leading from *Aberdeen* to *Huntly*, passing

through the Parishes of *Insch*, *Kennethmont*, and *Gartly*, with Two connecting Branches therefrom, the one of the Branches from the said Village of *Insch* to a Point upon the Line of Road at or near *Bankhead* of *Rothney*, passing through the Parishes of *Insch* and *Premnay*, and the other Branch from said Village of *Insch* to a Point near the Bridge of *Kelloch*, upon the said Turnpike Road from *Aberdeen* to *Huntly*, passing through the Parishes of *Insch* and *Culsalmond*, all in the said County of *Aberdeen*; the Road from near the said Farm of *Wantingwells* to a projected Line of Road from *Huntly* to Muir of *Rhynie*, passing through the Parishes of *Insch*, *Kennethmont*, and *Rhynie*, in the said County of *Aberdeen*; the Road from the Bridge of *Potarch* over the River *Dee* to *Clattering Briggs*, passing through the Parish of *Birse*, in the said County of *Aberdeen*, and the Parishes of *Strachan*, *Fourdoun*, and *Fettercairn* in the County of *Kincardine*; the Road from the present Turnpike Road leading from *Aberdeen* to *Kirktown* of *Echt*, between the Ninth and Tenth Mile Stones on the said Road to the Commutation Road leading from *Torphins* to *Kincardine*, passing through the Parish of *Echt*, in the said County of *Aberdeen*, the Parish of *Banchory Ternan*, in the said County of *Kincardine*, and the Parish of *Kincardine O'Neil*, also in the said County of *Aberdeen*; the Road from the Turnpike Road leading from Bridge of *Don* to *Ellon*, at or near the Farm of *Rashierive*, to a Point at or near the *Cruden* Toll-Bar on the Turnpike Road leading from *Ellon* to *Peterhead*, passing through the Parishes of *Foveran*, *Slains*, and *Cruden*, in the said County of *Aberdeen*, with a Bridge across the River *Ythan* at or near the Village of *Newburgh*; the Road from the Burgh of *Kintore* to the Toll Bar at *Tillyfourie* on the Turnpike Road leading from *Aberdeen* to *Alford*, passing through the Parishes of *Kintore*, *Keminay*, *Monymusk*, and *Cluny*, in the said County of *Aberdeen*; the Road from the *Slacks* of *Tillylodge* in *Coull* to *Cockbridge* in *Curgarff*, leading through the Parishes of *Coull*, *Tarland*, *Migvie*, *Coldstone*, *Towie*, and *Strathdon*, in the said County of *Aberdeen*, with Power to carry the same through the Village of *Tarland*; the Road from a Point communicating with the *Alford* Turnpike Road at or near *Whiteley* in *Tough*, and from thence leading to *Cockbridge* in *Curgarff*, through the Parishes of *Tough*, *Lochell*, *Cushnie*, *Alford*, *Towie*, *Tarland*, and *Strathdon*, in the said County of *Aberdeen*; the Road from a Point between the Twelfth and Fourteenth Mile Stones on the said Turnpike Road from Bridge of *Don* to *Ellon*, across the River *Ythan*, to the said Turnpike Road from *Ellon* to *Peterhead*, at or near the Point where the said Road separates from a Road leading from *Ellon* to *Auchmacoy*, being Part of the original Line of Road from *Aberdeen* to *Peterhead* and from *Aberdeen* to *Frasersburgh*, passing through the Parishes of *Foveran*, *Ellon*, and *Logiebuchan*, in the said County of *Aberdeen*: And whereas it would also be of Advantage to the Public to erect a Toll Gate or Toll Gates, and to levy a Toll or Tolls on the present Road between the Bridge of *Dee* and the said City of *Aberdeen* in the Parishes of *Old Machar* and *Saint Nicholas*, by which Means the said last mentioned Road would be better and more effectually maintained and kept in Repair than in the Manner provided by the said recited Act of the Thirty-ninth and Fortieth Years of the Reign of His late Majesty: And whereas it would tend to the more easy and effectual Execution of the Powers necessary for the above Purposes if the said Acts were repealed, and all the said Powers comprised in one Act: But as these Purposes cannot be accomplished without the Authority of Parliament,

may

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 hereinbefore recited Acts passed in the Thirty-ninth, Fortieth, and Forty-sixth Years of the Reign of His late Majesty, in as far as regards the Roads therein described on which Power to erect Turnpikes and levy Tolls is given, shall be and the same are hereby repealed from and after the Third *Monday* after the passing of this Act, without Prejudice to the Claims and Demands of any Person or Persons who has or have Security on the Tolls authorized to be levied on the same Roads, which Claims and Demands, and all Sums of Money *bonâ fide* laid out in the making and repairing the said Roads borrowed on the individual Security of the said Trustees and remaining due, shall attach upon the Tolls authorized to be levied on the said Roads by this present Act in all respects as they did on the former Act.

Former Acts repealed.

II. And be it further enacted, That every Person who in his own Right, or in the Right of his Wife, now is or hereafter shall be in the actual Possession or Enjoyment as Proprietor or Liferenter of the *Dominium Utile* of Lands in the said County of *Aberdeen*, valued in the Cess Books thereof at or above One hundred Pounds *Scots*, or of Lands, exclusive of Houses within the City of *Aberdeen*, situated in the Freedom and Liberties of the Burgh, and valued in the Tax Roll thereof at Four hundred Pounds *Scots* of Annual Value; and all and every the eldest Sons of such Persons being of Age at the Time being the Heirs Apparent of such Property; One Guardian of each Minor fatuous or furious Person possessing Lands of the Valuation aforesaid; One Trustee of every Estate vested in Trustees and being of the Valuation aforesaid; One Manager, Factor, or Boxmaster for each Corporation or associated Body holding Lands of the said Valuation; the Persons who have subscribed or may subscribe and pay Money towards making and repairing the Roads in this Act mentioned to the Extent of One Hundred Pounds Sterling, or upwards; the Provost and Eldest Baillie, Treasurer, and Dean of Guild, and Convener of the Trades of the Burgh of *Aberdeen*; the Provost of *Old Aberdeen*; the Chief Magistrate of each of the Royal Burghs of *Inverury* and *Kintore*; the Baron Baillies of *Peterhead*, *Frasersburgh*, *Huntly*, and *Old Meldrum*; the Sheriff Depute of the County of *Aberdeen*, and his Substitute; all for the Time being; shall be and they hereby are nominated and appointed Trustees for surveying, ordering, making, amending, widening, repairing, and keeping in Repair the several Roads specially described in the said recited Acts of the Thirty-ninth and Fortieth, and Forty-sixth Years of the Reign of His late Majesty; that is to say, the Road from the Bridge of *Dee* near *Aberdeen*, through the Burgh of *Aberdeen*, to the Confines of the County of *Aberdeen* towards *Banff*; the Road from *Aberdeen* to the Confines of the said County, towards *Keith*, by *Kintore*, *Inverury* and *Huntly*; the Road from *Aberdeen* to *Peterhead*, and from *Aberdeen* to *Frasersburgh*; the Road from *Aberdeen* to the *Kirktown* of *Alford*, by *Rubeslaw*, *Springfield*, *Hazelhead*, *Countesswells*, *Kingswells*, *Kirktown* and Loch of *Skene*, *Kirktown* of *Kinairny*, *Linton*, the Farm called *Ley* of *Tullochadie*, and *Moss* of *Graigmadd*, and that Part of the Road from *Aberdeen* to *Kincardine O'Neil*, by the North Side of the River *Dee*, passing through the Parishes of *Saint Nicholas* or *Aberdour*, *Old Machar*, *Banchory-Devenick*, *Peter-Culter*, and *Drumoak*; the

Trustees.

Road

Road from *Peterhead* to *Banff*, passing through the Parishes of *Peterhead*, *Longside*, *Saint Forgus*, *Crimond*, *Loanmay*, *Strichen*, *Aberdour*, *Tyrie*, *Old Deer*, *New Deer*, *Monquhitter*, *Gamry*, *Fordyce*, *Forglen*, *King Edward*, *Inverkeithy*, *Drumblade*, *Auchterless*, and *Banff*; the Road from the Burgh of *Newburgh* to *Old Meldrum*, passing through the Parishes of *Foveran*, *Slains*, *Ellon*, *Logiebuchan*, *Methlic*, *Tarves*, *Udny*, *Old Meldrum*, and *Bourty*; the Road from *Frasersburgh* to *Banff*, passing through *Frasersburgh*, *Tyrie*, *Raethen*, *Aberdour*, *Pitsligo*, *Auchterless*, *King Edward*, *Drumblade*, *Inverkeithy*, *Gamry*, *Alva*, and *Banff*; the Road from *Kinairny* to *Tarland*, passing through *Midmar*, *Kincardine O'Neil*, *Lumphanan*, and *Tarland*; the Road from *Peterhead* to *Frasersburgh*, passing through the Parishes of *Peterhead*, *Saint Fergus*, *Crimon*, *Loanmay*, *Raethen*, and *Frasersburgh*; and the Road from *Mills* of *Drum* on the Confines of the said County of *Aberdeen* to *Charleston* of *Aboyne*, passing through the Parishes of *Drumoak*, *Banchrey-Ternan*, *Kincardine O'Neil*, and *Aboyne*; the Road beginning at or near the New Bridge of *Brodiach* on the Turnpike Road leading from *Aberdeen* towards *Skene* and *Alford*, passing through or near the Village called *South Kirktown* of *Echt*, and ending at or near *Kirktown* of *Kincardine O'Neil*, passing through the Parishes of *Newhills*, *Skene*, *Echt*, *Midmar*, *Kincardine*, and *Lumphannan*; the Road beginning at or near the Village of *Ellon*, and ending at or near the Village of *Old Deer*, passing through the Parishes of *Ellon* and *Old Deer*; the Road beginning at or near the said Village of *Ellon*, and ending at or near the Village of *New Deer*, passing through the Parishes of *Ellon*, *Old Deer*, and *New Deer*; the Road beginning at or near the present Bridge over the River *Don*, near the Mouth of the said River, in the Parish of *Old Machar*, passing through or near the Lands of *Ythsie*, and Farms called *Milltown* of *Kellie*, or *Tallangford*, and ending at or near the said Village of *New Deer*, passing through the Parishes of *Old Machar*, *Belhelvie*, *Foveran*, *Udny*, *Logiebuchan*, *Tarves*, *Methlic*, *Ellon*, *Old Deer*, and *New Deer*; the Road from the Village of *Old Meldrum* to the Village of *Insch*, and passing through or near the Parishes of *Meldrum*, *Daviot*, *Fyvie*, *Rayne*, *Culsalmond*, *Insch*, and *Premnay*; also a Branch from the Road last mentioned to join the Turnpike Road from *Aberdeen* to *Huntly*, at or near *Foudland*, and passing through the Parishes of *Daviot*, *Rayne*, and *Culsalmond*; and the Road beginning at or near the Village of *Newburgh*, and ending at or near the Farm called *Lewes* of *Fyvie*, passing through the Parishes of *Foveran*, *Logiebuchan*, *Udney*, *Ellon*, *Tarves*, *Methlic*, and *Fyvie*, and all the other Roads hereinbefore mentioned and described as intended to be made Turnpike, and for putting in Execution all the Authorities by this Act given respecting the said Roads, and the Bridges thereon: Provided always, that no Trustee whatever under this Act shall be entitled to vote and act until he shall have attained the Age of Twenty-one Years complete.

No Trustee to have more than One Vote.

III. Provided also, and be it enacted, That although a Person being a Trustee in his own Right shall claim as Trustee, Commissioner, Factor, Steward, or accredited Agent, or as Guardian, Tutor or Curator for any absent Proprietor, or for any Minor, or for any fatuous or furious Person, 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.

Qualification of Trustees.

IV. Provided always, and be it enacted, That no Person other than a Proprietor or Liferenter of Lands of the Valuation and situated as aforesaid, or the eldest Son of such Proprietor, or one who is a Trustee *ex officio*, shall be capable of acting as a Trustee, unless he is in his own Right in Possession of Real or Personal Estate to the Amount or Value of Five hundred Pounds Sterling, nor until he shall have taken and subscribed the Oath following before any Two or more of the said Trustees being Justices of the Peace, who are hereby authorized and required to administer the same; (that is to say,)

'I do swear, That I truly and *bonâ fide* am, in my own Right, [*or*, in the Right of my Wife, *as the Case may be*,] possessed of a Personal Estate, or a Real and Personal Estate together, of the Amount or Value of Five hundred Pounds Sterling.'

Penalty on unqualified Persons acting.

V. And be it enacted, That if any Person not qualified as aforesaid shall notwithstanding presume to act as a Trustee in the Execution of this Act, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Twenty Pounds Sterling, besides the Expences of Prosecution, to be recovered by summary Complaint, at the Suit of any Heritor of the County of *Aberdeen*, before the Justices of the Peace for said County, or before the Sheriff Depute or Substitute thereof, whose Judgment shall be final, and the Penalties recovered shall be paid to the Treasurer of the said Trustees to be applied for the Purposes of this Act, and the Proof of Qualification shall lie on the Person complained of: Provided always, that all Acts and Proceedings by any such Trustee in the Execution of this Act, previous to his being convicted of the said Offence, shall be as valid and effectual as if such Person had been qualified according to the Directions of this Act.

No Trustee to act if holding Place of Profit, &c.

VI. And be it enacted, That if any of the said Trustees shall accept or hold any Place of Profit arising out of this Act, or shall be concerned or interested in any Contract or Contracts under this Act, he shall be incapable of acting as a Trustee during the Enjoyment of such Place of Profit; and that no Retailer of Beer, Ale, Wine, or Spirituous Liquors shall be capable of holding or enjoying any Office of Trust, Profit, or Collection under this Act, and at all their Meetings the said Trustees shall defray their own Expences.

First and subsequent Meetings of Trustees.

VII. And be it enacted, That the said Trustees, or any Five or more of them, shall hold their First or stated General Meeting by virtue of this Act at *Aberdeen*, upon the Third *Monday* after the passing of this Act, or as soon after as conveniently may be, and their Second stated General Meeting on the Day on which the *Michaelmas* Meeting of Freeholders for 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 upon which the Commissioners of Supply shall meet for assessing the said County to the Land Tax, and the other upon the Day of the *Michaelmas* Meeting of Freeholders of the said County, Yearly, with Power to the said Trustees, or Majority of those present at the said stated or other 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 in the respective Parishes through which the

Power to appoint Committees.

Roads

Roads pass, and qualified to act as Trustees under this Act, or Subscribers to the Extent hereinbefore mentioned; or who are Heritors, with the like Qualification, in those Parishes of the Counties of *Kincardine* and *Banff* mentioned in this present Act, each Heritor not present having Power to act by his Agent or Factor specially authorized by a Writing under his Hand for that Purpose, to have the more immediate Care and Management of particular Parts of the said Roads, and to give those Committees (whereof Three 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; with Power also to the said Trustees, in a General Meeting assembled, to nominate and appoint, if they shall see proper, a General Superintendant of the whole Roads within the said County on which Turnpike Gates are allowed to be erected and Tolls levied, with Power to the said Trustees in their General Meetings assembled to fix and determine the Salary to be paid to such Superintendant, and to the Clerk and Treasurer appointed to officiate at such General Meetings, and to proportion such Salaries upon the different Roads in the said County, and the Tolls leviable thereon, in such Manner as may appear to them most proper and equitable; all which Clerks, Cashiers, Collectors, and others appointed to Offices of Trust shall find Security for the due Execution of their Offices, and 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 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, at the Suit of the said Trustees, 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; and at all Meetings of the said Trustees a Chairman shall be appointed, who in case of an Equality of Votes on any Question shall, in Addition to his own Vote, have the decisive or casting Vote, and at all such Meetings the said Trustees shall defray their own Expences.

Power to appoint Officers.

Officers to give Security.

VIII. And be it further enacted, That the said Trustees at their General Meetings assembled shall have Power and they are hereby required to name and appoint a Special Committee of their own Number, consisting of Five, of whom any Three shall be a Quorum, for the Purpose of examining the whole Annual Accounts of the Monies received and disbursed upon the different Roads hereinbefore mentioned, and the Clerks and Treasurers on the said Roads shall be obliged and they are hereby required under a Penalty of Fifty Pounds Sterling to lodge with the Clerk of General Meetings the respective Accounts, audited and settled by the Committee named for the Superintendence and Management of said Roads, and that on or before the Second *Thursday* of *August* annually; and the Special Committee of Five to be nominated as aforesaid, are hereby empowered and required to employ an Auditor to examine the said Accounts, and

Special Committee for Accounts.

and report upon the same to the stated General Meeting of the said Trustees to be held at *Michaelmas* annually.

Appointing Committees.

IX. And be it enacted, That the said Trustees at any of their stated General Meetings assembled, shall have Power, and they are hereby authorised and required annually to name a Special Committee of their Number consisting of Seven, of whom any Four shall be a Quorum, for the Purpose of examining into and issuing such Instructions and Regulations as may appear to them best adapted for the effectual Maintenance and Repair of the different Roads, Bridges, Ditches, Drains, and Footpaths thereon already made under the said recited Acts, or which may be made under the Authority of this Act, and the different Committees of Trustees on the said Roads, the Clerks, Treasurers, Surveyors, Contractors, and all Persons employed by them or acting under their Authority shall be bound to execute and fulfil the whole Instructions and Regulations, which may from Time to Time be issued by the said Committee of Seven, or their Quorum, touching the Maintenance and Repair of the said Roads; and no Contract or Agreement entered into for the Repair of such Roads shall be binding or effectual unless the same is sanctioned and approved of under the Hands of the said Committee of Seven, or their Quorum, or under the Hand of some Person duly authorized by them to that Effect, declaring that every Person entering into any Contract or Agreement, either verbally or in Writing, for the Maintenance and Repair of the said Roads or any Part thereof without the Sanction and Approbation of the said Committee of Seven, or their Quorum, or a Person duly authorized by them as aforesaid, shall forfeit and pay the Sum of Twenty Pounds Sterling in Name of Penalty, to be recovered at the Suit of the Clerk of the General Meetings, before any One or more of the Justices of the Peace in and for the said County of *Aberdeen*.

Money to be expended under Contract or Agreement.

X. And be it further enacted, That neither the Committees on the said Roads nor their Treasurer shall be allowed to charge, in the Accounts to be rendered as hereinbefore directed to the Special Committee of Five, any Sum or Sums of Money expended for Repairs on any of the said Roads, unless such Money shall have been expended under a Contract or Contracts, Agreement or Agreements sanctioned and approved of in the Manner hereinbefore directed; and the said Committee of Seven shall be bound to make a Report of their Proceedings annually to the General Meetings of the said Trustees, to be held at *Michaelmas* annually.

Quorum of Trustees.

XI. And be it further enacted, That the Quorum or Number of Trustees necessary to do Business in General Meetings shall be Five, (excepting at General Meetings for the sole Purpose of letting the Tolls, where the Quorum shall be Three,) but if only One or any Number less than Five, or Three under the Exception aforesaid, 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 some one or other of the *Aberdeen* Newspapers, the First of such Advertisements being at least Fourteen Days before the Day of such adjourned Meeting; and the Clerk of the said Trustees shall have Power and he is hereby required when directed (by a Writing under the Hands of any Two or more Trustees) to call at any Time a General Meeting,

Meeting, giving the like previous Notice of the Time, Place, and Purpose of the Meeting, and at such Meeting 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 Determinations of any former stated or other General Meeting, unless previous Notice of the Intention of so doing, and the Time and Place of the Meeting be given by Advertisement, in some one or other of the *Aberdeen* Newspapers as aforesaid.

Trustees being Subscribers only to vote respecting Line of Road for which they subscribe.

XII. Provided always, and be it further enacted, That Subscribers to the Extent of One hundred Pounds Sterling, having Right under that Qualification only, and on making Oath as aforesaid, to act as Trustees at General Meetings, shall only be entitled to vote in any Question, Matter, or Thing, touching the Line of Road for which they are Subscribers; and that in Questions appealed from the Committees to General Meetings neither the Appellant, Respondent, nor any Trustee of whatever Description any way interested in such Appeal shall be entitled to vote or decide thereon; and any Person acting otherwise in any of the said Particulars shall forfeit and pay a Sum not exceeding Five Pounds Sterling.

Accounts to be kept.

XIII. And be it enacted, That the said Trustees shall and they are hereby required from Time to Time to cause to be entered in a Book to be kept by the Clerk of the General Meetings, true and regular Accounts of all Sums of Money received and expended by them in the Execution of this Act, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid, which Book shall at all seasonable Times be open to the Inspection of the said Trustees, or any Creditor or Creditors on the Tolls hereby or by the said recited Acts granted, without any Fee or Reward, and the said Trustees and Creditors shall and may take any Copies or Extracts from such Book without paying any Thing for the same; and in case such Clerk shall refuse to permit or shall not permit such Trustees or Creditors, or any of them, to inspect the same, or take Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds.

Trustees to keep Books.

XIV. And be it further enacted, That all the Proceedings of the said Trustees, both at their General and Committee Meetings, 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 Book to be kept by the Clerk to the General Meetings, and to the Committee appointed by the said Trustees, whose Duty it shall be to enter and record regularly all the Proceedings and Accounts, and for that Purpose to call for and oblige the Receivers, Tacksmen, and Cashiers, to produce their Accounts and Vouchers thereof; and in case of their neglecting so to do, they shall forfeit a Sum not exceeding their Year's Salary, which Books of Accounts and Proceedings shall be open to the Inspection of every Heritor in the County of *Aberdeen*, without Fee or Reward; 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 *Aberdeen*, by a summary Process before the Court of Session, 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 to 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 Committees appointed as aforesaid shall be accountable to the General Meetings, and for that Purpose shall, as hereinbefore directed, transmit to the Clerk of General Meetings, to be laid before the Committee of Five appointed for examining Accounts, at the Periods annually as hereinbefore specified, a State of their Accounts, and all other their Transactions, to be by the said Committee of Five, and thereafter at the stated General Meetings at *Michaelmas* yearly, 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 of the County, or to the Justices of the Peace at their Quarter Sessions or adjourned Quarter Sessions, which 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 Fifty Pounds Sterling, to be paid to the said Trustees to be by them applied to the Purposes of this Act.

Trustees may sue and be sued in the Name of their Clerk.

XV. And be it further enacted and declared, That the said Trustees may sue and be sued for any Matter or Thing to be done in the Execution of this Act in the Name of the Clerk of General Meetings for the Time being, and that no Action or Suit wherein the said Trustees shall be concerned as Pursuers or Defenders, in the Name of their Clerk by virtue of this Act shall abate by the Death or Removal of any such Clerk, but that the Clerk to the said Trustees for the Time being shall be deemed to be the Pursuer or Defender (as the Case may be) in every such Action, but such Clerk shall be repaid all such Charges and Expences as he shall be put unto by reason or means of his becoming Pursuer or Defender in any such Action or Suit.

Same Person not to be Clerk and Treasurer.

XVI. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person who has been or may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of this Act, or to continue or appoint the Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees for executing this Act; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person, being the Partner of any such Clerk, shall act as Treasurer for the said Purposes, or being the Partner of such Treasurer shall act as Clerk in the Execution of this Act, every Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts in *Scotland* by summary Complaint.

For erecting Turnpikes.

XVII. And be it enacted, That the said Trustees, at the First or any of the stated Meetings assembled, may direct and authorize the Gates which are already erected upon any of the Roads described in the said recited Acts

to

to be continued, and may cause to be erected other Gates and Turnpikes across any Part of the Roads described therein, or in this present Act, and such Number of Toll-Houses as they shall think fit; and may authorize the Collectors or Tacksmen under their Authority to take and levy at each of the said Gates, before any Passage be permitted, the Rates, Tolls, and Duties aftermentioned, excepting at the Gate or Gates to be erected on the Road from *Aberdeen* to the Bridge of *Dee* as aftermentioned; (that is to say,)

Tolls.

For every Horse or other Beast drawing any Hearse, Coach, Chariot, Berlin, Landau, or other such like Carriage with Four Wheels, the Sum of One Shilling and Four-pence Sterling:

For every Horse or other Beast drawing any Curricle, Chaise, Gig, or other such like Carriage with Two Wheels, the Sum of Eight-pence Sterling:

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

For every Horse or other Beast drawing any Waggon, Wain, Cart, or other such like Carriage with Two Wheels, the Sum of Eight-pence Sterling, and if with Four Wheels the Sum of One Shilling Sterling, and if with Six Wheels the Sum of One Shilling and Four-pence Sterling:

For every Stage Coach, Long Coach, Diligence, or such like Carriage, licensed to carry Ten or more Persons, including the Coachman and Guard, the above Tolls and One-half more in addition thereto:

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

For every Drove of Oxen, Neat Cattle, Asses, Horses, or Fillies unshod, the Sum of One Shilling *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 which several Tolls and Duties aforesaid shall be accordingly levied and taken, excepting in so far as the same may have been or shall be diminished by the said Trustees.

Waggons to have Owner's Name thereon.

XVIII. And be it enacted, That if any Waggon, Wain, Cart, or other such Carriage shall travel or pass on the said Roads, without having the Name of the Owner in distinct and legible Characters of One Inch each in Length on some conspicuous Part thereof, double Toll shall be demanded and taken for every such Waggon, Wain, Cart, or other such Carriage, before the same shall be allowed to pass any Turnpike on the said Roads.

Power to diminish the Tolls.

XIX. And be it enacted, That the said Trustees, shall be and they are hereby empowered to diminish or lessen all or any of the said Rates, or any Part thereof, which Diminution shall only take place with the Consent of the Persons entitled to Five-sixth Parts of the Money due and owing on the Credit of the said Tolls, but not otherwise, and again to raise the Rates if they shall see Cause, but so as not at any Time to exceed the Rates authorised by this Act to be taken, and it shall be in the Power of the said Trustees, in any of their stated General Meetings assembled, to diminish for such Length of Time as they shall judge fit the Tolls payable for Wains or other Carriages drawn by Oxen, such Diminution not exceeding One-half of the Tolls payable for the same Carriages drawn

drawn by Horses, and to raise the said Tolls again, so as that the same shall not at any Time exceed the Rate of Tolls by this Act granted.

Tolls may be diminished on certain Waggons and Carts.

XX. And be it further enacted, That it shall be in the Power of the said Trustees and they are hereby authorized to diminish the Tolls to such Extent as they may think fit, on all Waggons, Wains, Carts, and such like Carriages with Two or more Wheels, provided the Fellies or Rollers of the Wheels are of such Breadth and Construction as the said Trustees may deem least calculated to injure the Roads, with Power to the said Trustees before granting such Diminution to establish such Regulations as they may think proper touching the Weight of the Loading which such Waggon or other Carriage may be permitted to carry.

Weighing Engines may be erected.

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

Tolls.

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 Threepence Sterling for each Hundred; for every Hundred of such Overweight above Two hundred, and not exceeding Five hundred, the Sum of Sixpence Sterling; for every Hundred of such Overweight above Five hundred, and not exceeding Ten hundred, the Sum of Two Shillings and Sixpence Sterling; for every Hundred of such Overweight above Ten hundred, and not exceeding Fifteen hundred, the Sum of Five Shillings Sterling; and for every Hundred of such Overweight above Fifteen hundred, the Sum of Twenty Shillings Sterling, before they respectively shall be permitted to pass through such Gate or Turnpike; and the same shall be applied as the other Tolls are by this Act directed to be applied; and in case any Person or Persons shall hinder or obstruct the Weighing of any such Carriage as aforesaid such Person or Persons shall for every such Offence forfeit any Sum not exceeding Ten Shillings Sterling.

Tolls vested in Trustees.

XXII. And be it enacted, That the Money so to be raised and collected as aforesaid shall and is hereby declared to be vested in the said Trustees, and shall be strictly applied to and for the Uses by this Act directed, and no Part thereof shall be expended without their Orders, or the Orders of the Committee, or other Persons authorized by General Meetings; and if any Person subject to pay the Tolls hereby granted shall after Demand made neglect or refuse to pay the same, the said Trustees shall be and are hereby empowered by themselves, or such other Person or Persons as they shall appoint, to levy the same by Distress and Sale of any Horse or Horses, or other Cattle, or the Carriage on which such Toll is imposed, and to keep such Cattle or Carriage until the Toll and Charges of the Distress be paid, and after the Expiration of Six Days to sell the Cattle or Carriage distrained by Public Roup at the Toll-house where the Toll shall have been paid returning the Overplus to the Owner on Demand, if any be, after Deduction of such Toll and all the Charges for distraining, keeping, and selling the same.

XXIII. And

Toll Houses and Gates vested in the Trustees.

XXIII. And be it enacted, That the Right and Property of all and every the said Turnpikes, Toll Houses, and Premises to be erected by virtue of this Act, and the Materials thereof, with the Materials that shall be dug up and collected for making and repairing the said Roads and Bridges shall be vested in the said Trustees, who may and are hereby authorized to dispose of them as they shall think proper but for the Purposes of this Act only.

Trustees to obtain Lands for the Toll Houses.

XXIV. And be it enacted, That the said Trustees shall be and they are hereby empowered to purchase or take on Lease such Pieces of Ground as they shall judge most convenient, not exceeding One-fourth of an Acre for each Toll House; and if they cannot agree with the Proprietors and Occupiers of the Ground they shall apply to the Justices of Peace for the County at their next Quarter Sessions, who shall have Power and are hereby required to oblige such Proprietor or Occupier to grant a Lease of the Ground for any Term not exceeding the Continuance of this Act, and to fix the Rent of the same.

Application of the Produce of the Tolls to the several Roads.

XXV. And be it enacted, That at any of the Three first Annual stated General Meetings of the said Trustees, (the Purpose of the said Meeting being specially announced by Public Advertisement in One of the *Aberdeen* Newspapers,) it shall be lawful for them to direct 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, and it shall not be in the Power of the said Trustees, or of any Number of them, to vary or alter the final Determination or Allocation so made; nor shall it be lawful for the said Trustees to lay out and expend any Sum arising from the Tolls allowed by this Act, to be levied in the making of any Roads, excepting those on which Turnpikes are allowed to be erected by this Act, under a Penalty of Fifty Pounds Sterling, to be paid by the Person or Persons making such Application, at the Suit of the Clerk of the General Meeting before the Sheriff Depute of the County, or his Substitute, who shall not have Power to modify the said Penalty.

Tolls to be paid but once a Day.

XXVI. And be it enacted, That no Person or Persons having paid the Tolls hereby authorized to be taken at any of the said Gates or Turnpikes shall on the same Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock of the succeeding Night, be liable again to pay the same Tolls at any Gate or Turnpike or Side Gate through which they may pass for the same Horse or Horses or other Cattle, or for the same Coach, Cart, or other Carriage drawn by the same Horses or other Cattle for which such Toll shall have been previously paid on the same Day.

Side Gates may be erected.

XXVII. And be it further enacted, That it shall be lawful for the said Trustees to erect or cause to be erected one or more Gate or Gates on the Side or Sides of the said Roads, and across any Lane or Way leading out of the same, and also a Toll House at each such Gate, and there to take and receive such Tolls as are hereby granted and made payable, but so as that a Ticket received at any such Side Gate or Cross Bar,

shall entitle the Receiver thereof to pass Toll-free through the next Gate or Turnpike, if within Six Miles, on the same Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock on the succeeding Night: Provided always, that in erecting one or more Side Bars or Gates on the Sides of the said Roads, and across any Lane or Way leading out of the same as aforesaid, the said Trustees shall be empowered, when Circumstances and Situation appear to them to require it, to place such Side or Check Gates at any Distance from the Side of a Turnpike Road not exceeding Two hundred Yards.

To prevent Evasion of Tolls.

XXVIII. And be it further enacted, That if any Person or Persons shall, with any Horse, Cattle, or Beast, drawing or not drawing, in order to avoid Payment of the said Tolls, or any of them, pass through any Land or Ground, or private Road, adjoining to or lying near any Toll Gate or Toll Bar to be erected by virtue of this Act, (except the Owner or Occupier of any such Land or Ground, or Private Road, or any of his, her, or their Family or Servants), or if any Owner or Occupier of any such Land or Ground, or Private Road, shall knowingly permit or suffer any Person or Persons, (except as aforesaid,) with any Horse, Cattle, or Beast, Coach, Waggon, Cart, or other Carriage, to pass through the same, with Intent to evade the Payment of the said Tolls, or any Part or Parts thereof; or if any Person or Persons shall give to or receive from any Person, other than the Collectors of such Tolls, or forge or counterfeit any Ticket by this Act directed to be given by the Collectors of the said Tolls, or shall forcibly pass through any Toll Gate or Toll Bar with any Horse, Cattle, or Beast without Payment of Toll, or shall take off any Horse, Beast, or other Cattle from any Carriage with Intent to evade the Payment of any of the said Tolls, or any Part or Parts thereof, or shall leave or cause to be left upon or near to any Part of the said Roads any Carriage, or any Part of the Loading thereof, or any Horse, Cattle, or Beast, with an Intent to evade the Payment of any of the said Tolls, or any Part or Parts thereof, every Person so offending in any of the Cases aforesaid shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings Sterling.

Penalty on Persons taking off Horses, &c.

XXIX. And be it further enacted, That if any Person or Persons shall take off any Horse or Horses, or Oxen or other Beasts of Draught, from any Carriage, at or before the same shall come to any of the Gates or Turnpikes erected by virtue of this Act, with an Intention to evade the Payment of any of the Tolls hereby imposed, or any Part thereof, or shall leave or cause to be left upon or near any Part of the said Road any Carriage, or any Horse, Beast, or Cattle with such Intent as aforesaid, each and every Person or Persons so offending in any of the Cases aforesaid, and being thereof convicted in Manner aforesaid, shall forfeit and pay to the Trustees appointed to put this Act in Execution, or to their Collector for the Time being, any Sum not exceeding Twenty Shillings Sterling.

Penalty on Persons unloading to evade paying.

XXX. And be it further enacted, That in case any Person or Persons shall unload any Waggon, Cart, or other Carriage travelling along the said Roads before coming to a Turnpike, and shall carry the said Load through such Gate, such Person or Persons shall pay the Tolls by this Act imposed, in the same Manner as if such Coach, Chaise, Waggon, Cart, or

or other Carriage, had gone through the Turnpike Gate without being unloaded; and if such Person or Persons shall refuse to pay such Tolls; he, she, or they shall forfeit and pay any Sum not exceeding Twenty Shillings Sterling to the said Trustees, or their Collector for the Time being.

Tickets to be delivered on Payment of Tolls.

XXXI. And be it further enacted, That upon Payment of the said Tolls the Collector or Receiver thereof shall and he is hereby required to deliver *gratis*, to the Person paying such Tolls, a Note or Ticket denoting such Payment; and there shall be printed and specified thereon the Names of the several and respective Gates freed by such Payment.

Penalty on giving Tickets to another Person.

XXXII. And for preventing Frauds and Abuses in the said Tolls, be it further enacted, That if any Person or Persons, having paid the Toll by this Act imposed, and having a Note or Ticket, Notes or Tickets, signifying the Payment of such Toll, shall give or dispose of the same to any other Person or Persons in order to avoid Payment of the said Tolls, every such Person so giving or disposing of such Note or Ticket, Notes or Tickets, or receiving the same, being convicted thereof upon Oath, before One or more Justice or Justices of the Peace, or before the Sheriff Depute or Substitute of the County, shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings Sterling to the said Trustees, or their Collector or Collectors.

Penalty on obstructing Collectors of Tolls.

XXXIII. And be it further enacted, That if any Person or Persons shall assault, interrupt, hinder, obstruct, or disturb, or cause, promote, or encourage, to be assaulted, interrupted, hindered, or disturbed, any Collector of the said Tolls, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings Sterling.

Toll Collectors to put up their Names.

XXXIV. And be it further enacted, That all and every Toll Collector appointed, either by the said Trustees or by any Lessee or Lessees under them, to collect the Tolls payable at any Turnpike or Toll Gate to be continued or erected by virtue of the said Acts or this Act, shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters, in the Front or some other conspicuous Part of the Toll House or Toll Gate, immediately on his coming on Duty, and shall continue the same so placed during the whole Time he shall be upon such Duty, each of the Letters of such Name or Names to be at least Two Inches in Length, and of a Breadth in Proportion, and painted in White Letters on a Black Ground, or Black Letters on a White Ground; and if any Collector of the said Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall not give constant Attendance at all Hours, or shall demand or take a greater or less Toll from any Person or Persons than he shall be authorized to do by virtue of the Powers of the said Acts or this Act, or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof, or shall refuse or permit or suffer or shall in anywise hinder any Person or Persons from reading such Christian or Surname, or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same on having paid the said Tolls or any of them, or shall give a false Name or Names on such Demand, or shall refuse or neglect to give a Ticket denoting the Payment of the Toll and naming and specifying

specifying the several Gates freed by such Payment, or shall make use of any scurrilous or blasphemous Language to any Person or Persons travelling upon the said Roads, or shall without sufficient Cause detain or delay any Person or Persons travelling thereon, then and in every such Case every such Collector shall forfeit and pay any Sum not exceeding Five Pounds Sterling for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge.

Disputes concerning the Tolls to be settled by a Justice.

XXXV. And be it further enacted, That if any Dispute shall happen about the Amount of the Tolls due, or the Charges of making, keeping, or selling any Distress, it shall be lawful for the Collector or Person distraining to retain such Distress, or the Money arising from the Sale thereof (as the Case may happen), until the Amount of the Tolls due, and of the Charges of the Distress and Sale, or of keeping the Distress (as the Case shall happen) shall be ascertained by some Justice of the Peace for the County where such Dispute shall arise, who, on Application made to him for that Purpose, shall examine the Matter on the Oath of the Parties or other Witness or Witnesses, and shall determine the Amount of the Tolls due, and shall award such Costs and Charges to either Party as to the said Justice shall appear right and proper; all which Costs and Charges shall and may be levied and recovered, in case of Non-payment thereof forthwith, by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any) on Demand, after deducting the Costs and Charges of making such Distress and Sale, to the Person or Persons whose Goods and Chattels shall be so distrained and sold.

Tolls on Road between Aberdeen and Bridge of Dee.

XXXVI. And whereas, from the great Intercourse which takes place upon the Road between the West End of *Union Street*, *Aberdeen*, and the Bridge across the River *Dee* towards *Stonehaven*, the Funds applied under the before recited Acts for keeping that Part of the Road in Repair have become inadequate for that Purpose: Be it enacted, That it shall and may be lawful for the said Trustees, or any Committee duly authorized by them, to cause to be erected One or more Toll Bars upon the said Road, at any Place or Places between which and the West End of *Union Street* aforesaid the Road has not been or shall not be causewayed and kept in Repair to the Satisfaction of the said Trustees, and to levy at each of the said Bars the following Tolls; (that is to say,)

For every Horse or other Beast drawing any Hearse, Coach, or such like Carriages, including Stage Coaches, with Four Wheels, the Sum of Three-pence:

For every Horse or other Beast drawing any Curricle or such like Carriage with Two Wheels, the Sum of Two-pence:

For every Horse or other Beast drawing a Carriage called a Taxed Cart, the Sum of Two-pence:

And for every Horse or Mule, with or without a Rider and not laden or drawing, the Sum of One Penny:

Declaring that the Tolls so to be levied shall be exclusively laid out and applied for the Maintenance and Repair of the said Road between the Bridge of *Dee* and the West End of *Union Street*; and in case it shall be found necessary to erect more than One Toll Bar on the said Road at or near the North Side of the said Bridge, or at any other Place or Places between the said Bridge and the West End of *Union Street*, only One Toll or Duty

Duty shall be taken from the same Person or for the same Horse or Carriage at the said Bars in the Course of the same Day; and farther declaring, that in case it shall be found by the Reports annually rendered to the General Meeting of the Trustees that the Rates or Duties above-mentioned are not sufficient to keep the said Road in proper Repair, it shall be lawful for the said Trustees to augment the said Rates or Duties to a Sum not exceeding One-half in addition to those allowed by this Act to be levied on the said Road from the Bridge of *Dee* to *Aberdeen*.

Carriages having paid at Cuparston Bar or Rubeslaw Bar, not to pay at Gate between Aberdeen and Bridge of Dee.

XXXVII. Provided always, and be it further enacted, That no Carriages of any Description, or Horses or Cattle travelling along the *Dee Side* and *Skene* Roads, and having paid Toll on those Roads, and being in Possession of a Ticket denoting that such Payment has been made at the *Cuparston* Bar, on the *Dee Side* Road, or the *Rubeslaw* Bar on the *Skene* Road, shall be chargeable with any Toll or Duty hereby authorized to be levied on the said Road, from Bridge of *Dee* to the West End of *Union Street*: Provided always, that it shall be in the Power of the said Trustees, and they are hereby required to order and direct a Sum not exceeding Ten Pounds Sterling to be annually paid from the Tolls levied on the said *Skene* Road, and a Sum not exceeding Twenty Pounds Sterling to be annually paid from the Tolls levied on the said *Dee Side* Road, both which Sums shall be exclusively laid out and applied for the Maintenance and Repair of the said Road from the Bridge of *Dee* to the West End of *Union Street*.

Exempting Royal Family from Toll.

XXXVIII. And be it enacted, That this Act shall not extend or be construed to extend to charge with Toll any Horses or Carriages attending His Majesty or any of the Royal Family, or returning therefrom.

Exemptions from the Tolls.

XXXIX. Provided always, and it is hereby further enacted and declared, That no Person or Persons shall be charged with any of the Tolls aforesaid, for passing through any of the Turnpikes already erected or to be erected by virtue of this Act, who shall not travel above Two Hundred Yards on any of the said Roads, on one or both Sides of any of the Toll Bars (excepting always the Road from the Bridge of *Dee* to the North End of *Union Street*, *Aberdeen*, aforesaid, on which the Tolls authorized by this Act shall be paid, although the Persons liable may not have travelled Two Hundred Yards thereon); nor shall any Toll or Duty be demanded or taken for any Carriages carrying or conveying Stones or other Materials for making, repairing, and building the said Roads and Bridges, or other Public Roads or Bridges within the said County, or any of the Causeways within or belonging to the same, or going or returning empty for these Purposes; nor shall any Occupier or Occupiers of Land be charged with any of the Tolls aforesaid, for passing from one Part to another of the same Farm; nor shall any Occupier or Occupiers of Fields or Burgh Roods, on which no Offices or Barn Yards are erected for the Use of the said Fields or Lands, be liable to pay any of the said Tolls for any Horses or Carriages carrying Dung to the said Fields or Roods, from the Yard where such Dung is made for the Use of the said Fields or Roods; nor carrying any Corn in the Straw, Hay, or Grass, being the Produce of the said Fields or Roods, to the Place where the said Corn in the Straw, Hay, or Grass is usually kept or used by the said Occupier or Occupiers, without Prejudice nevertheless to the said Tolls or Duties being payable for the said several Commodities when carried for Sale, or after being sold; nor

shall any Tolls be demanded for any Ploughs, Harrows, or other Implements of Husbandry, nor for empty Carriages returning from carrying the Matters aforesaid, or any of them; nor shall any Toll be demanded from any Person or Persons who shall pass or return through the said Turnpikes to or from their proper Parochial Church or Chapel, or any Person or Persons going to or returning from his, her, or their usual Place of Religious Worship, tolerated by Law, upon *Sunday*, or any other Day on which Divine Worship is ordered by Authority to be celebrated, whether such Places of Religious Worship be within the Parish or County in which such Person resides or not; nor from any Clergyman within his own Parish going to or returning from visiting any sick Person, or upon other his Parochial or Ministerial Duty on *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; nor for any Person or Persons who shall pass or return in attending the Funeral of any Person or Persons who shall be buried within the Parish in which such Person or Persons died; nor for Horses or Cattle going to or returning from Pasturing or Watering Places, or going to Smithies for the Purpose of being shod; nor for any Horses or Carriages loaded with Peat or Turf for Fuel, unless for Sale; nor for any Horses or Carriages of whatever Description employed or to be employed in carrying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in carrying, fetching, or guarding such Mails or Expresses, or in returning from conveying the same; except in so far as such Horses or Carriages are specially made liable to the Payment of Tolls by virtue of an Act made in the Fifty-third Year of the Reign of His late Majesty, intituled *An Act to repeal the Exemption from Toll granted for or in respect of Carriages with more than Two Wheels carrying the Mail in* Scotland; *and for granting a Rate for Postage as an Indemnity for the Loss which may arise to the Revenue of the Post Office from the Payment of such Tolls;* nor for the Horses or other Cattle drawing any Waggon, Wain, Cart, or other Carriage, which shall be employed in conveying any Ordnance, Barrack, or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces; nor for the Horses or Carriages of Officers or Soldiers upon their March or upon Duty, or for any Horses, Cattle, or Carriages employed in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or in carrying any sick, wounded, or disabled Officers or Soldiers, or in returning from carrying or conveying the same; nor for any Horse furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry and rode by them in going to or returning from the Place appointed for and on the Day of Exercise; nor for any Officers employed under His Majesty in the Prevention of Smuggling: Provided always, that such Persons shall be dressed in the Uniform of their respective Corps or Service, and have their Arms, Furniture, and Accoutrements according to the Regulation provided for such Corps or Service respectively; nor for Carts, Carriages, or Waggons travelling with and conveying Vagrants or Criminals sent with legal Passes, or returning from conveying the same; and if any Person shall claim or take the Benefit of any of the said Exemptions, not being legally entitled to the same, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds Sterling.

53 G. 3. c. 68.

Exempting Carriages with Stores.

XL. And be it further enacted, That no Person owning or driving or causing to be driven any Waggon, Wain, Cart, or other Carriage provided

vided for the Service of his Majesty's Forces, or conveying any Ordnance, Barrack, or Commissariat, or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight, nor shall any such Waggon, Wain, Cart, or other Carriage be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horses or Oxen, but it shall be lawful for any Owner or Driver of any such Waggon, Wain, Cart, or other Carriage to put any Number of Horses or Oxen to such Waggon, Wain, Cart, or other Carriage; any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads or in this Act contained to the contrary notwithstanding.

Tolls not to be levied till Half the Sum estimated for making the Road be paid.

XLI. And be it further enacted, That no Toll Bar shall be erected or Toll levied on any of the said Roads until at least One-half of the Sum estimated for making such Roads shall be subscribed and paid in to a Treasurer appointed by the said Trustees; and if any Turnpike is erected within a less Distance of each other than Six Miles, any Person or Persons producing a Ticket to show that he, she, or they have paid the Toll at One Gate, shall not pay any farther Toll till the Distance exceeds Six Statute Miles from the Gate at which he, she, or they have already paid; provided that this Exemption shall only take place in the Case of such Person or Persons continuing to travel on the same Line of Road.

Compelling Payment of Subscriptions.

XLII. And be it enacted, That if any Person or Persons, who hath or shall become Subscribers towards defraying the Expence of passing this Act and carrying the Purposes thereof into Execution, shall neglect or refuse to pay the Whole or any Part of such Subscription Money when required so to do by a written Notice subscribed by the Clerk or Treasurer of the said Trustees, delivered to such Subscriber or Subscribers within Three Calendar Months after such Notice, then and in every such Case it shall be competent to the said Trustees to cause an Action or Actions to be brought in the Name of their Clerk of the General Meetings in any Court competent for Recovery of the said Sum or Sums: Provided nevertheless, that the Money subscribed and paid shall be repaid with the legal Interest thereof out of the Tolls and Duties allowed to be levied and collected by Authority of this Act in due Course, after Satisfaction of Repairs and preferable Claims, and until Repayment the Monies so advanced by the Subscribers with the legal Interest thereof shall be a Lien and Burden on the Tolls and Duties leviable on the Road for which it was subscribed.

Trustees enabled to receive Subscriptions.

XLIII. And be it enacted, That it shall be lawful for the said Trustees and they are hereby authorized and empowered to accept Subscriptions for such Sum or Sums of Money as may be requisite for the making and Amendment of any particular Part or Parts of the said Roads, and for securing the Repayment thereof with Interest, to assign the Tolls hereby authorized to be levied on the said Roads; and it shall also be lawful for the said Trustees to contract and agree with the Person or Persons lending Money as aforesaid for the Amendment of any Part of the said Roads, to apply the same in amending such Roads or Parts of Road, and they are hereby required to lay out and apply the Money so lent for that Purpose accordingly; provided that no such Subscription shall be received or Agreement entered into for a Space of Road less than Six Miles in Length, and that no

no Turnpikes or Toll Bars shall be erected or Tolls taken on any such particular Space or Portion of Road, until Four Miles of the Six Miles nearest to the Place where such Turnpike or Toll Bar shall be erected shall be well and sufficiently made, amended, and repaired; excepting always that Part of the Road between the Bridge of *Dee* and *Union Street*, *Aberdeen*, as aforesaid.

Trustees may let the Tolls.

XLIV. And be it enacted, That the said Trustees at a General Meeting assembled may and they are hereby authorized and empowered to let by Public Roup the said Tolls and Duties upon each Line of Road respectively in whole or by Parcels from Time to Time during the Continuance of this Act, by Lease or otherwise during any Term not exceeding Three Years, for the highest Rate or Rates they can get for the same, to such Person or Persons as shall from Time to Time give such good and sufficient Security for paying the Rent as shall be approved of by the said Trustees.

Collectors of Tolls may give Evidence.

XLV. And be it enacted, That in case any Dispute, Suit, Litigation, or Appeal shall arise touching or in any Way relating to the said Tolls, or any of them, the Lessee or Person or Persons appointed to collect the same, or any other Person or Persons acting by and under the Authority of the said Trustees shall not be disqualified from giving Evidence in any such Dispute, Suit, Litigation, or Appeal by reason of his, her, or their being appointed to collect such Tolls or acting under such Authority as aforesaid.

Power to borrow Money on Credit of the Tolls.

XLVI. And be it further enacted, That it shall be lawful for the said Trustees, over and above the Money subscribed, to borrow such Sum or Sums of Money as they shall judge to be necessary on the Credit of the Tolls leviable at any or each of the Turnpike Gates already erected under the said recited Acts, or to be erected by virtue of this Act, to be laid out in making and repairing the said Roads, erecting Toll Houses, and defraying other Expences of carrying this Act into Execution; provided that the whole Amount of the Money so borrowed shall not at any one Time exceed Two hundred Pounds Sterling *per* Statute Mile, (including the Sums already borrowed or owing by virtue of the said recited Acts,) declaring that the Money so borrowed shall be and continue a Lien upon the Tolls granted by this Act upon that Part of the Road for the Use of which the Money was borrowed or advanced, in preference to former Subscriptions and future Contractions; and it shall be lawful for the said Trustees, and they are hereby empowered, to assign the Whole or any Part of the said Tolls to the Person or Persons from whom the Money as aforesaid shall be borrowed, as a Security for Payment of the Sum or Sums of Money so lent by them, with the Interest thereupon; and the Assignments of the Tolls for Money so borrowed shall be entered in a Book to be kept by the Clerk of the General Meetings of the said Trustees, or such Persons as they shall appoint, which Book may be seen and perused at all reasonable Times by any Person or Persons any way interested as a Land Owner in the said County, 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 transferable by Indorsement, duly subscribed by the Party transferring, in the Presence of One or more subscribing Witness or Witnesses: And it is hereby declared, That the said Trustees shall

shall not be held or adjudged to have rendered themselves personally liable for the Repayment of the Money borrowed or Interest by reason of having signed the Securities; which Securities are to be held and considered as granted upon the sole Credit and Security of the Tolls; nor shall any Trustee or Subscriber be held personally liable on the Ground of his having attended Meetings, or upon any other Pretext, for Payment of any Sum which he shall not have bound himself to pay personally, by a Writing under his Hand, as an Individual, independent of his Office as a Trustee under this Act.

Trustees not personally liable.

XLVII. And be it enacted, That the said Trustees shall have Power at their General Meetings to compound or agree by the Year or otherwise, with any Person or Persons travelling or in use to travel or use the said Roads, the Composition agreed upon being made payable Quarterly, and by Advance, and Copies of all such Agreements shall be entered in a Book or Books to be kept for that Purpose by the Clerk or respective Clerks of the Trustees, to be seen and perused by any Person or Persons at all reasonable Times without Fee or Reward.

Tolls may be compounded for.

XLVIII. And be it enacted, That the said Trustees and the Committees appointed by them shall be empowered and they are hereby required in the first Instance to lay out and apply the Tolls levied and exacted on the said Roads in the proper Maintenance and Repair thereof, and in the other necessary Charges and Expences attending the same, and the Surplus Produce of the Tolls, after defraying the Expences of Repairs and other necessary Charges on the Roads, shall be appropriated annually to paying the Interest of the Money borrowed, or preferably advanced, and extinguishing the Principal thereof, and thereafter to the Payment and Extinction of the Interest and Principal of the Sums subscribed for making said Roads, and to no other Purpose.

Surplus Money, after making and repairing the Roads, to pay Interest or Principal of the Debt.

XLIX. And be it enacted, That the said Trustees shall proceed to put this Act in Execution at such Periods, and in respect to such Parts of the Roads only not hitherto executed under the said recited Acts, as shall be agreed and determined upon at some one of the Annual stated General Meetings held under this Act, or some Special General Meeting to be called by the Clerk, for the Purpose of settling and determining the same, of both which Meetings Notice shall be given by Advertisement inserted Twice in One of the *Aberdeen* Newspapers.

Mode of making and repairing Roads to be determined at General Meetings.

L. And be it further enacted, That if it shall appear to any Two or more Heritors (being Commissioners of Supply) of the said County of *Aberdeen*, that any Parts of said Roads are not properly supported, maintained, and repaired, or in a Situation dangerous or inconvenient to the Public, it shall and may be lawful for them to make Complaint thereof to any General or Committee Meeting of the said Trustees; and if within Six Months after the Delivery of such Complaint the Road so complained of shall not be put into good and sufficient Condition and State of Repair, and be so adjudged by Two or more Justices of the Peace for said County, who may examine Witnesses upon Oath or receive Evidence in Writing in order to ascertain whether said Roads are or are not in good Condition and State of Repair, and in Case said Justices shall thereupon determine that said Roads are not in such good Condition and State

For enforcing Repair of Roads.

of Repair, that the Tolls hereby granted and which shall be payable at the Turnpike or Turnpikes nearest to the Part of the Road so complained of shall immediately after Notice to that Effect, inserted in any Newspaper usually circulated in the said County of *Aberdeen*, be collected and paid over and accounted for to some Person to be specially named and appointed by the said Trustees at a General Meeting assembled, until such Road or Roads shall be properly repaired, and certified so to be in Manner aforesaid, and Notice thereof inserted in any Newspaper usually circulated in the said County.

Plans deposited to remain.

LI. And whereas Maps or Plans describing the Lines of the new and additional Roads hereinbefore mentioned and the Lands through which the same lead, together with Books of Reference containing Lists of the Names of the Owners and Occupiers of such Lands, have been deposited at the Offices of the Clerks of the Peace for the Counties of *Aberdeen*, *Banff*, and *Kincardine*: Be it therefore enacted, That the said Maps and Plans and Books of Reference shall remain in the Custody of the Clerks of the Peace for the said Counties, to the End that all Persons may at all seasonable Times have Liberty to inspect and peruse the same, and to take Copies or Extracts thereof at their Will and Pleasure, paying the said Clerk of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts of the said Maps or Plans and Books of Reference; provided such Extracts are not written and made out by the Persons requiring the same; and that the said Trustees in making the said new Roads or altering any old Roads shall not deviate more than One hundred Yards of Three Feet each from the Line described in the said Maps or Plans without the Consent and Approbation in Writing of the Person or Persons, Bodies Politic, Corporate, or Collegiate through whose Lands or Grounds such Deviation shall be made; and after obtaining such Consent and Approbation as aforesaid the said Trustees or their Committee shall be and they are hereby authorized and empowered to proceed in the Execution of such Line of Road accordingly.

Lines of Road past Candacraig and New.

LII. And be it enacted, That in making the said new Line of Road from the Point communicating with the *Alford* Turnpike Road at or near *Whiteley* and *Tough*, and from thence leading to *Cockbridge* and *Curgass*, it shall not be in the Power of the said Trustees to make and execute that Part of the said Line surveyed and laid down in the Plan thereof deposited as aforesaid, passing in the Front of the Mansion-House of *Candacraig*, and between that and the River *Don*, but that the same shall be carried in the Line laid down in the said Plan by the Back of the said Mansion-House; nor shall it be in the Power of the said Trustees to execute that Part of the said Line passing by the Back of the Mansion House of *New*: Provided always, that no Alteration shall be made without the Consent in Writing of the Owners and Occupiers of the Lands over and through which the said Lines are to be carried.

Mistakes may be corrected.

LIII. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Trustees to make the said Roads into, through, across, or over the several Lands or Grounds of any Person or Persons who is or are or may be the Owner or Owners of Land over which the same is set out and described in the said Maps or Plans as aforesaid, although

though the Name or Names of such Person or Persons may happen to be omitted in the said Books of Reference, in Case it shall appear to any Three or more Justices of the Peace for either of the said Counties, and be certified by a Writing under their Hands, that such Error or Omission proceeded from Mistake.

Power to make Drains.

LIV. And be it further enacted, That the said Trustees, or the Committees appointed by them, shall have Power to make or cause to be made Causeways, and cut or make Drains, Ditches, and Passages for the Water through any Ground or Inclosures adjacent to the Roads, and to keep clear such Ditches or Outlets, for which Purposes the Persons employed by them may go upon the said Lands, provided that reasonable Satisfaction shall be made to the Owners and Occupiers of such Lands for the Damage done, to be settled as hereinafter mentioned.

Penalty on breaking down Gates, &c.

LV. And be it enacted, That if any Person shall maliciously break down or otherwise destroy any Turnpike Gate, Post, Chain, Bar, or other Work whatsoever, erected for the Use of any such Turnpike, or shall rescue any Person or Persons in Custody for any of those Offences, every Person so offending, being thereof lawfully convicted in any Prosecution ordered by the Trustees, or any Two of them, by the Oath of One or more credible Witness or Witnesses before the Sheriff or any Two or more Justices of the Peace of the County where the Offence was committed, shall pay a Sum not exceeding Five Pounds, besides the Amount of the Damages sustained, and be imprisoned for a Term not exceeding One Calendar Month.

Useless Roads may be shut up.

LVI. And be it enacted, That it shall and may be lawful for the said Trustees to build Fences, and to shut up and suppress Roads of every Description, including Roads that may have been used as Kirk Roads, Horse Roads, or Footpaths, which may appear to them useless or of little Importance to the Public; provided that Notice of the Resolution to shut up any such Road be given by Advertisement at the Churches of the Parishes through which such Roads run for Two consecutive *Sundays* One Month at least before the Road shall be shut up; and any Person or Persons conceiving himself or themselves aggrieved by the Resolution of the Trustees to shut up any Road shall be at liberty to apply to the Sheriff Depute of the County or his Substitute, who, on Cause shown, may suspend the Execution thereof until the next General Meeting of the Trustees, who shall determine thereon, and the Determination of the said Trustees shall be final and not reducible by any Process whatever.

Power to erect Bridges.

LVII. And be it further enacted, That the said Trustees shall have Power to cause to be built new Arches and Bridges of Stone, Brick, Iron, or Timber on the said Roads, and to cause to be taken down old Bridges become unnecessary, and to apply the Materials thereof as they shall see proper for the Purposes of this Act, and also to cause such Parts of the Turnpike Roads as are not of sufficient Width to be widened to any Breadth not exceeding Forty Feet, exclusive of the Footways and clear of the Ditches, and to cause the Course of such Parts of the said Roads as they shall think proper, within the Limits aforesaid, to be altered for shortening the same or making them more commodious and level; and the Road so altered and widened shall thereafter be taken and held to be a public High-

way,

Claim for Damages may be renounced.

way, and comprehended within this Act; provided that it shall be in the Power of all Proprietors and Occupiers of Land to give up and renounce every Claim of Damage or otherwise competent to them by this Act for such Ground and Materials as any new Road may occupy or require on their respective Properties; and that such Renunciation is and shall be equally binding on the Heirs of such Proprietors: Provided nevertheless, that the Proprietors of entailed Lands shall only be entitled to renounce Claims for Damages where the same do not exceed Twenty Pounds Sterling.

On Difference with the Owners, &c. Value to be ascertained by a Jury.

LVIII. And be it enacted, That if in the taking Possession of the Ground necessary for straightening, widening, or altering the said Roads, or for other the Purposes of this Act, or if in removing any Fence, House, or other Building, or other Impediment under the Authority of this Act, the respective Owners or Occupiers of such Grounds, Fences, Lands, Houses, Buildings, or other Impediments, shall not come to a voluntary Agreement with the said Trustees for the Value thereof, or for the Damage sustained by and the Recompence to be made to such Owners or Occupiers, or in Case the Claim of Damages or otherwise which may be thence incurred has not been renounced in Manner aforesaid, it shall be lawful for either Party to apply to the Sheriff Depute of the County in which the Land or Property is situated, or his Substitutes, who upon such Application is and are hereby authorized and required to summon a sufficient Number of discreet, substantial, and disinterested Persons, being either Owners or Occupiers of Lands within the County, to come and appear before them at such Time and Place as by their Warrant and Precept shall be directed, Intimation of Fifteen Days being given by the Trustees of such Appointment to the Parties or their known Agents, and the Number of Persons who shall attend shall then be reduced to Twelve, by the Trustees and the Proprietors striking off One alternately, beginning on the Part of the Proprietors, or in case both Parties shall not appear by the Sheriff Depute or his Substitute until it be so reduced; and the remaining Twelve being duly sworn the Sheriff Depute or his Substitute shall proceed to examine upon Oath in their Presence such Witnesses as shall be summoned by either Party, and upon their Depositions and other competent Evidence such Jury shall determine as to the Relevancy of the Facts alleged against taking such Ground, and if such Facts shall be found irrelevant shall determine the Price to be paid by the said Trustees, and the said Sheriff Depute or his Substitute shall thereupon order Payment to be made of the Sums awarded by the Jury, and shall ordain the Owners and Occupiers of the Premises, or their Trustees, Tutors, or Curators, upon Payment or lawful Tender thereof, quietly to permit and suffer the said Trustees to take Possession of the said Grounds, and the Proceedings of the said Sheriff Depute or his Substitutes, and the Verdict of the said Jury shall be final and conclusive on all Parties, without being subject to Review in any Court by Advocation, Suspension, Reduction, or otherwise; and in estimating and fixing such Damages as aforesaid the said Jury shall have Power to take into Consideration all Circumstances, particularly the Advantages or Disadvantages which in their Judgment may arise to Proprietors and Occupiers by the making of the said Roads through the Lands belonging to or occupied by them respectively.

LIX. Pro-

Expences of ascertaining Value by whom to be paid.

LIX. Providing always, and be it enacted, That if such Jury shall by their Verdict adjudge the said Premises to be of greater Value than the Trustees shall have offered but less than the Owner or Owners, Occupier or Occupiers shall have required, the Expence of such Jury and all Expences connected therewith shall be defrayed and borne by the said Trustees, and such Owner or Owners, Occupier or Occupiers equally; but in case the said Jury shall award to such Owner or Owners, Occupier or Occupiers the Sum required, or any greater Sum, the Whole of the said Expence shall be paid by the said Trustees; and in case the said Jury shall award the Sum offered by the said Trustees, or a less Sum, the Whole of the said Expence shall be paid by the said Owner or Owners, Occupier or Occupiers, and in all Cases where any Person or Persons shall by reason of unavoidable Absence be prevented from treating with the said Trustees, such Costs and Expences shall be borne and paid by the said Trustees; and provided also, that after having offered and paid to the Owner or Owners, Occupier or Occupiers of any Lands, Houses, or other Premises, or to their Agents or Factors, such Sum as the said Trustees shall think reasonable, or which shall have been awarded in Manner aforesaid, or on Consignation of the same in the Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of the *British* Linen Company, as the Case may be, in Manner by this Act directed, and from thenceforth it shall and may be lawful for the said Trustees to enter into or upon such Lands, Houses, or other Premises for the Purposes of this Act, and no Stop shall in the Meantime be put to the Operations of the said Trustees on Pretence of settling the said Damages, or that they have not been satisfied and paid.

Penalty if Jurymen refuse to act.

LX. And be it enacted, That if any Person summoned as a Juryman or a Witness under the Authority of the said Sheriff Depute, or his Substitute, in any Matter arising out of this Act, shall neglect or fail to appear, or shall refuse to act as a Juryman, or to give Evidence, the said Sheriff Depute or his Substitute is hereby empowered to fine every such Person for every such Offence in any Sum not exceeding Five Pounds Sterling.

How Lands are to be vested in the Trustees.

LXI. And be it further enacted, That all Lands and Houses which may be acquired by the said Trustees in pursuance of this Act shall be vested in the said Trustees by the simple Discharge of the agreed Price or appraised Value thereof, or by Consignation of the said Price or Value in the Bank of *Scotland*, or the Royal Bank of *Scotland*, or Bank of the *British* Linen Company, in Manner herein directed with regard to Consignations, as the Case may be; and it shall be sufficient to record the Discharge or the Voucher of Consignation in the Sheriff Court Books of the County, whereupon the said Trustees shall be entitled to take and use the said Lands and Houses, and shall hold the same as validly and effectually, to all Intents and Purposes, as if the respective Owners thereof had executed in their Favour regular Dispositions of the same, and Infeftments had followed thereupon.

Incorporated Persons, &c. empowered to convey.

LXII. And be it further enacted, That the said Trustees shall be and they are hereby empowered to take and acquire, and all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Heirs of Entail, Husbands, Trustees, Tutors and Curators, and all and every Person and Persons whatsoever, though under any legal Disability or Incapacity, are hereby

hereby empowered and required to sell, feu, let, and convey all such Lands or Houses as may be necessary for the making, altering, or widening the said Roads, or any of them, and erecting any Gate or Turnpike or Toll House, with a Stable and Garden adjoining thereto, and for storing Materials, or otherwise; where Ground is necessary for the Purposes of this Act, upon such Satisfaction being made to the Owner or Owners, and Occupier or Occupiers, as can be agreed upon by and between the said Trustees and such Owner or Owners, Occupier or Occupiers; and in the Event that they cannot agree then upon Payment of such Sum or Sums of Money as shall be awarded in the Manner hereinbefore directed.

Application of Compensation where exceeding 200l.

LXIII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Heritages purchased, taken, or used by virtue of the Powers of this Act, for the Purposes thereof, which are held under Entail or are subject to Life-Rents, Annuities, or other Incumbrances, or shall belong to any Incorporation, Married Women, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, such Money shall in case the same shall amount to the Sum of Two hundred Pounds Sterling, under the Direction and by the Authority of the Court of Session, be with all convenient Speed paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of the *British* Linen Company, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Heritages, in the Redemption or Purchase of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrances or Parts thereof as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Heritages, or affecting other Lands, Tenements, or Heritages standing settled 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 and Approbation of the said Court, 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 and Settlement shall be existing undetermined and capable of taking Effect; and in the Meantime 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.

Application where the Compensation does not exceed 200l. nor less than 20l.

LXIV. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Heritages so purchased, taken, or used for the Purposes aforesaid, and belonging to any Incorporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred

hundred Pounds Sterling, and not less than 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 Heritages so purchased, taken, or used, 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, to be paid into either of the said Banks, and be placed to his or their Account as aforesaid, in order to be applied in Manner hereinbefore directed; or otherwise the same shall be paid, at the like Option, to Two Trustees to be nominated by the Person or Persons making such Option, and approved of by Five or more of the said Trustees; such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties, in order that such Principal Monies and the Interest arising therefrom may be applied in any Manner hereinbefore directed, so far as the Case is applicable.

Application when the Money is less than 20l.

LXV. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as last before mentioned 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 Heritages so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Trustees or any Five or more of them shall think fit, or in case of Infancy or Lunacy then to his, her, or their Tutors and Curators to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out Titles, &c.

Purchase Money to be paid into the Bank, subject to the Order of the Court of Session.

LXVI. And be it further enacted, That in case any Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Heritages to be purchased by virtue of this Act shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees, or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found; or if the Person or Persons entitled to such Lands, Tenements, or Heritages be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Trustees, or any Five or more of them, or order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, or the Bank of the *British* Linen Company, to the Credit of the Parties interested in the said Lands, Tenements, or Heritages (describing them) subject to the Order, Controul, and Disposition of the Court of Session, which said Court, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Petition, shall be and is hereby empowered in a summary Way of Proceeding, or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof or Payment of the Dividends thereof according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of the *British* Linen Company, who shall receive such Sum or Sums of Money, is and are hereby required

required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Where any Question shall arise touching the Right of such Money.

LXVII. And be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the said Banks in pursuance of this Act for the Purchase of any Lands, Tenements, or Heritages or of any Estate, Right, or Interest, in any Lands, Tenements, or Heritages to be purchased in pursuance thereof, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Heritages at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Heritages according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court of Session, and such Money, and the Interest thereof, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, 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.

The Court may order reasonable Expences of Purchases to be paid by the Trustees.

LXVIII. Provided always, and be it further enacted, That where by Reason of any Disability or Incapacity of the Person or Persons 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 the said Banks, and to be applied in the Purchase of other Lands, Tenements, or 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 all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

First Offer to whom to be made.

LXIX. Provided always, and be it further enacted, That in case the said Trustees shall think proper to sell or dispose of any Piece or Pieces of Ground not wanted for the Purposes of this Act they shall first offer the same for Sale to the Person or Persons of whom the same shall have been purchased, or in case such Ground shall be a Piece or Pieces of old Road to the Person or Persons whose Lands shall adjoin thereto; and if such Person or Persons respectively shall then and thereupon refuse, or shall not agree (except with respect to or on Account of the Price thereof) to purchase the same respectively, an Affidavit to be made and sworn before One of His Majesty's Justices of the Peace for the said County (who is hereby empowered to take such Affidavit,) by some Person or Persons no way interested in the said Piece or Pieces of Ground, stating that such Offer was made by or on the Behalf of the said Trustees, and that such Offer was then and thereupon refused, or was not agreed to by the Person or Persons to whom the same was made, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and was refused or not agreed to by the Person or Persons to whom such Offer

Offer was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing such Piece or Pieces of Ground, and he, she, or they and the said Trustees shall differ or not agree with respect to the Price thereof, then the Price or Prices thereof shall be ascertained by the Justices of the Peace for the County or Place wherein such Lands or Grounds shall lie at their General Quarter Session of the Peace to be held in and for the same County or Place next after such Difference shall arise; and on Ten Days clear Notice thereof to be given by the said Trustees to such Owner or Owners, Occupier or Occupiers, or be left at his, her, or their respective Places of Abode, the said Justices shall hear, settle, and determine the Matter of the said Difference, and also the Costs attending the hearing and determining the same, whose Judgment and Order therein shall be final and conclusive to all Parties; and the Money to arise by the Sale or Sales which may be made by the said Trustees of such Piece or Pieces of Road or Ground as aforesaid shall be applied to the Purposes of this Act, but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Non-application of such Money.

Trustees may take Materials for making Roads, &c.; on making Satisfaction to Owners or Occupiers of the Grounds.

LXX. And be it further enacted, That the said Trustees or such Person or Persons as they shall appoint may dig, gather, take, and carry away Gravel, Furze, Heath, Stones, or other such like Materials out of the several Grounds of any Person where such Materials may be found, within any of the Parishes within which any of the said Roads shall lie, or an adjoining Parish, not being dug or raised for the Private Use of the Proprietor of such Grounds, for making, repairing, and amending the said Roads, or for building Arches or Bridges as aforesaid, and to open Accesses for carrying off the said Materials, such Accesses and the Places from which the said Materials shall be proposed to be taken being first marked out by any Two or more of the said Trustees or Two Justices of the Peace, if so required, by the Proprietor of such Grounds, or his or her Factor, or by the Occupier thereof, they the said Trustees making reasonable Satisfaction out of the Money arising by virtue of this Act to the Owners or Occupiers of the Grounds respectively from which such Materials shall be taken or over which the same may be carried for the Damages to be done thereby, out of the Tolls thence arising; but if such Proprietor, Factor, or Occupier shall not be satisfied with the Compensation offered by the said Trustees the same shall be ascertained by Two or more Justices of the Peace of the said County.

Materials not to be taken from inclosed Lands without Notice to Owner or Occupier.

LXXI. Provided nevertheless, and be it enacted, That it shall not be lawful for any Surveyor or any other Person or Persons under the Authority of this Act to dig, gather, take, and carry away Materials for making or repairing the said Roads from any inclosed Lands or Grounds until Ten Days previous Notice in Writing shall be given to the Owner and Occupier of the Premises from which such Materials are intended to be taken, or left for such Occupier at his usual Place of Residence, to appear before Two Justices of the Peace acting for the County, to show Cause why such Materials should not be had from such Lands or Grounds; and in case such Owner and Occupier shall attend pursuant to such Notice, such Justices shall, if they think proper, authorize such Surveyors or other Persons to dig, gather, take, and carry away such

Materials at such Time or Times as to such Trustees, or any Three or more of them, or to such Justices shall seem proper; and if such Occupier shall neglect or refuse to appear by himself or his Agent, the said Trustees, or any Three or more of them, or such Justices, shall and may make such Order therein as they shall think fit, as fully and effectually to all Intents and Purposes as if such Occupier or his Agent had attended.

Power to carry the Roads through Ministers' Glebes, making Addition to Glebe in Proportion to Ground taken off.

LXXII. And be it further enacted, That in altering the Course of the said Roads, or widening the same, it shall be in the Power of the said Trustees to cause the same to be carried through any Minister's Glebe: Provided always, that such Quantity of Ground shall be added to the Glebe lying most contiguous and convenient thereto as shall be by the said respective Trustees deemed a sufficient Compensation for that taken for the said Roads; which Grounds the said Trustees shall have Power to purchase in Manner hereinafter mentioned from the contiguous Owner or Owners, Occupier or Occupiers thereof, whether the same be under Entail or otherwise; and in case of any Difference with regard to the Addition to be made to such Glebe, or the Price to be paid to such Owner or Owners, Occupier or Occupiers, Application shall be made to the Sheriff Depute or his Substitute of the County, who shall summon a Jury and determine the Extent of the said Addition and Amount of such Price, in manner as hereinbefore directed in cases of Land to be taken for the Purposes of this Act, and upon such Determination, and upon Payment being made by the said Trustees of such Price to the Owner or Owners, Occupier or Occupiers of the Ground, or Consignation thereof, in any of the Banks of *Scotland* before mentioned, the said Trustees shall from thenceforth have a Right to cause the Addition to be made to the Glebe, and to take and use the Part of the Glebe necessary for the Purpose of altering or widening the said Roads, and the Proceedings and Order of the said Sheriff Depute, or his Substitute, shall be final and conclusive.

Valued Rent not to be altered in respect of Ground taken.

LXXIII. Provided always, and be it declared, That in every Case where it may be necessary to exchange or take Ground as hereinbefore allowed for the Purposes of this Act the same shall not affect, alter, or diminish the valued Rent of the Lands from which such Ground shall be so taken.

No House or Orchard to be prejudiced.

LXXIV. Provided always, and be it further enacted, That in altering, widening, or making any of the said Roads, or digging or taking Materials as aforesaid, no House or Building shall be prejudiced, of which the Side Walls are above Twenty Feet High from the Surface of the adjoining Ground, nor any Garden, Orchard, or planted Walk, Lawn, or Pleasure Ground appertaining to such House, without the Consent of the Owner thereof; and that it shall be in the Power of each Proprietor of Lands comprehended under this Act to the Extent of One hundred Pounds *Scots* of valued Rent, where any of the before mentioned Lines of Road come near to his Mansion-House, to cause the same to be turned off Three hundred Yards therefrom, with the Consent of the Owners and Occupiers of the Lands over which such Deviation is to be carried; but that in making Accesses into or passing through Royal Burghs, Towns, or Villages, it shall be lawful for the said Trustees to take down or cause to be taken down Houses of the Height aforesaid,

aforesaid, after giving Six Months Notice to the Owners or Occupiers to remove, and to make such Roads through any Garden or other Grounds as to the said Trustees shall appear necessary: Provided also, that where enclosed Grounds shall be broken into for the Purposes aforesaid the Value of the same shall be ascertained in Manner as hereinbefore directed.

Ditches on the Sides of the Roads to be scoured.

LXXV. And be it further enacted, That where any Ditches have been or hereafter shall be made near the Sides of the said Roads or through any Fields adjoining thereto by the Proprietors or Occupiers of the said Fields, such Proprietors or Occupiers shall and they are hereby required to keep those Ditches properly scoured, and not to allow the Water to stagnate therein, so that the Roads may be thereby damaged; and if they fail to do so after Six Days Notice previously given, the said Trustees, or the Overseers of the Roads by the Direction of any of the Trustees, may and are hereby required to order the said Ditches to be opened, scoured, and cleansed, at the Cost of the said Proprietors or Occupiers, such Costs to be recovered by Distress and Sale of any moveable Effects of such Proprietor or Occupier; and if any Occupier of Land shall turn any Water across or upon the Side or Sides of any of the said Roads, he or she shall conduct such Water either in an open or covered Drain, of such Form and Dimensions as the said Trustees in a General or Committee Meeting assembled shall order and direct; and if such Occupier of Land shall after Ten Days Notice refuse or neglect to make such Drain, according to the Direction of the said Trustees as aforesaid, it shall be lawful for the said Trustees to order and cause such Drain to be made; and the Person or Persons refusing or neglecting to make the same agreeably to the Orders and Directions of the said Trustees, all the Costs, Charges, and Expences attending the making of such Drain, and shall likewise pay a Penalty of Triple the Amount of such Costs, Charges, and Expences; the Costs and Penalty to be levied by Distress and Sale in Manner hereinbefore directed, and to be applied for the Purposes of this Act.

Expences of Ditches and Drains how to be paid.

LXXVI. Provided always, That the Drains and Ditches to be made by order of the said Trustees shall be scoured and kept in Repair out of the Money arising by virtue of this Act; and if any Occupier of Land through which such Drains and Ditches are or shall be made shall obstruct or fill up any of them, the Person or Persons so offending shall forfeit and pay Triple the Expence of repairing and scouring the same, to be recovered in Manner hereinafter mentioned; and the said Occupier shall be deemed the Transgressor unless it shall appear to the Trustees that he was not in Fault; and where any Passage for Cattle or Carriages across any Road for the Convenience of the Occupier of the Ground through which it passes shall be made, the Occupier of such Ground shall always cover the Drains crossing the Sides of such Roads with sufficient Stones, so as the Course of the Water may not be interrupted, or the Road thereby prejudiced; and no Owners or Occupier of Land shall turn any Water, Drain, or Sewer from his Grounds upon the Side of any of the said Roads, or conduct it across any Part thereof, until he shall have obtained the Consent of the said Trustees in a General or Committee Meeting assembled;

and

and every such Occupier shall be obliged to carry the Water across the Road in a covered Drain of such Depth and Construction as the Water may not prejudice the Road.

Inclosures not to be made on Sides of Road without Notice.

LXXVII. And be it enacted, That where the Lands on one Side or on both Sides of any Part or Parts of any of the said Roads are not inclosed, the Proprietor or Occupier of the said Lands shall not make Inclosures along the Sides of the Road without giving previous Notice to the said Trustees one Month at least, and if he fail so to do he shall not be entitled to any Compensation for the Expence of the Inclosures, in case the said Trustees shall at any future Time think it necessary to demolish the same for the Purpose of widening the Road; and the said Notice shall be given to the Trustees by a Letter addressed to their Clerk, who shall lay the same before the next General Meeting or adjourned General Meeting; and the said Meeting is hereby required to insert a Copy of the said Letter in their Minutes.

Fences to be made against Sloping Banks.

LXXVIII. And be it enacted, That where there is or shall be a Slope or Embankment on the Sides of any of the said Roads of Six Feet in Height or upwards, the Committee of the Trustees on such Road shall be obliged, and they are hereby required to make and construct a proper Fence Railing or Parapet along the Top of such Slope or Embankment for the Safety and Protection of Travellers.

Footpaths may be made.

LXXIX. And be it further enacted, That the said Trustees may cause Footpaths, of the Breadth of Five Feet, to be made along the Sides of the said Roads and Streets, in such Places as can conveniently admit of the same.

Trees on the Sides of the Road to be lopped.

LXXX. And be it further enacted, That where the Ground on the Side of any of the said Roads is inclosed or planted, the Proprietors or Occupiers of such Ground shall be obliged to lop the Trees or Hedges at a proper Season of the Year, in a proper Manner, so as to give sufficient Breadth and Air to the Road; and in case they neglect or refuse to do so for Six Months, after being required by an Order of any Three or more of the Trustees, the Trustees shall have Power to appoint the same to be done at a proper Season of the Year at the Defaulter's Expence; and no Proprietor or Occupier of Lands on the Sides of any of the said Roads shall have Power to plant Trees within Six Feet therefrom, under a Penalty not exceeding Five Pounds Sterling, besides removing the said Trees.

Roads may be measured and Stones or Posts erected.

LXXXI. And be it further enacted, That the said Trustees or any Three or more of them may cause any of the said Roads to be measured, and Stones and Posts to be erected on the Sides thereof, denoting the Distance at each Mile, or at such other Distances as they may judge convenient; and also to order or cause to be erected Guide Posts and Railings upon such Parts of the said Roads where the Roads are crossed or joined by other Roads as they shall judge proper; and if any Person or Persons shall break down, destroy, or deface any such Mile Stones, Guide Posts, or Railings, or shall break down any Cape Stones on the Ledges or Parapet Walls at the Sides of any of the Bridges on the said Roads, or turn any Stream of Water upon any Part of the said Roads, unless a sufficient covered

Penalty for damaging Mile Stones, &c.

covered or arched Drain or Passage shall have been previously made with the Approbation of the said Trustees as before directed, or shall be aiding or assisting therein, or shall rescue or attempt to rescue any Person apprehended for such Offence, every Person offending in any of the Cases aforesaid, and being thereof lawfully convicted by the Oath or Oaths of One or more credible Witness or Witnesses before the Sheriff Depute of either of the said Counties or his Substitute, or before Two or more Justices of the Peace for either of the said Counties, shall not be adjudged to pay the Whole of the Damages and Expences sustained, but also a Penalty not exceeding Five Pounds Sterling; and in case the said Penalty, Damages, and Expences so adjudged shall not be instantly paid, or sufficient Security given for the same, the said Sheriff or Justices are hereby empowered and required to commit such Person or Persons so convicted to Prison for any Term not exceeding Three Calendar Months.

Articles injuring the Road, not to be dragged.

LXXXII. And be it further enacted, That if any Person or Persons shall haul or draw or cause to be hauled or drawn upon any Part of the said Roads any Tree, Log, or Piece of Timber, or any Stone, Iron, Plough, Harrow, or other Thing whatsoever, otherwise than upon a Wheel Carriage, or shall suffer any Tree or other Matter whatsoever, which can be conveyed upon a Wheel Carriage, to drag upon any Part of the said Roads to the Prejudice thereof, every Person shall for every such Offence forfeit a Sum not exceeding Ten Shillings Sterling, to be recovered and levied in Manner after directed.

Names of Owners to be put on Waggons, &c.

LXXXIII. And be it further enacted, That in Case the Owner of any Waggon, Wain, Cart or other Carriage of that Description shall fail to have his Name and Place of Abode, and the Number of such Waggon, Wain, Cart, or other Carriage painted in legible Characters upon some conspicuous Part of such Waggon, Wain, or Cart, in terms of Law, it shall be lawful for the said Trustees to order and direct the Tacksmen of the Tolls, or the Toll-Gatherers, or other Persons employed to collect any of the Tolls or Duties leviable under this Act, and such Tacksmen or Toll Gatherers are hereby expressly authorized and required to levy, demand, and take at the said Turnpike Gate or Gates, before any such Waggon, Wain, Cart, or any other Carriage on which the Owner's Name shall not be painted or Number marked shall pass through the same, Double the Tolls and Duties by this Act authorized to be levied and taken, and which Tolls shall be recovered and applied in the same Manner as the other Tolls and Duties are by this Act directed to be recovered and applied.

For preventing Workmen laying Goods on the Roads.

LXXXIV. Provided also, and be it further enacted, That all Blacksmiths, Cartwrights, House-Carpenters, Wheelwrights, Shopkeepers, Artificers and Tradesmen of every Description, and all other Person or Persons whatever, shall be prohibited and debarred from laying down upon any Part of the Roads, Ditches, or Footpaths thereof comprehended in this Act, any Articles or Things, of whatever Nature or Description, manufactured otherwise, connected with their several Trades or Occupations, under a Penalty of Five Pounds Sterling to be recovered by summary Application in Name of the Clerk of General Meetings before any Two Justices of the Peace of the said County, who upon Proof of the Offence by

One or more credible Witness or Witnesses, or on the Confession of the Party offending, shall have Power to commit the Offender or Offenders, to the Jail or House of Correction of the said County of *Aberdeen* until the said Penalty is paid; and all Occupiers of Houses, Gardens, or other Grounds along the Sides of said Roads shall in like Manner be prohibited from throwing out, or by means of Drains or Sewers turning into the Ditches of said Roads any dirty Water, or other Nuisance, under a Penalty of Two Pounds Sterling for each Offence, to be paid and recovered in Manner before mentioned; and the said Justices shall cause to be removed all the said Drains or Sewers where the same may have been constructed.

Penalty for defacing Mile Stones, &c. and committing any Nuisance.

LXXXV. And be it further enacted, That it shall be lawful for the said Trustees hereby appointed from Time to Time when and as often as they shall think necessary to cause the said Roads or any Part thereof to be measured, and Stones or Posts or other Erections to be placed in or near the Sides of the said Roads, with Inscriptions thereon, denoting the Number of Miles and Distance of Places as they shall think proper; and if any Person or Persons shall wilfully pull up or damage any Direction or Mile Post, or Stone erected or fixed, or to be erected or fixed, in or near the Side or Sides of the said Roads; or shall obliterate or deface any of the Letters, Figures, or Marks inscribed thereon, or if any Person shall ride on any Footpath formed or maintained by the Surveyors to the said Trustees upon or on the Side of or adjoining to the said Roads, or shall drive or ride on any Horse, Beast, or Swine, or drive any Carriage upon or do or cause any Damage to be done to any such Footpath, or if any Person after having blocked any Carriage whatsoever in going up any Hill or rising Ground shall leave on the said Roads the Stone or other Thing used in such Blocking, or if any Person shall haul or cause to be hauled or drawn any Timber, Stone, or other Thing otherwise than upon wheeled Carriages, or shall suffer any Timber, Stones, or other Thing which shall be carried upon wheeled Carriages to drag upon the said Roads, or either of them, or any Part thereof, to the Prejudice thereof, or if any Person driving any Swine upon the said Roads or either of them or any Part thereof shall suffer the said Swine to damage or root up the same, or the Fences on either Side thereof, or shall turn or permit or suffer his, her, or their Horse or Horses or other Beast or Beasts, Cattle, or Swine to feed, graze, or run loose upon any Part of the said Roads, or on the Side or Sides thereof; or if any Person shall slaughter, burn, or dress any Animal on any Part of the said Roads, or shall leave any dead Horse on the said Roads longer than shall be necessary to remove the same; or if any Person driving any Carriage on the said Roads, or either of them, and meeting another Carriage shall not keep his or her Carriage on his or her left or near Side of the Roads, or if any Person shall wilfully prevent another from passing him or her, or any Carriage under his or her Care, or if any Person shall make or assist in making any Fire or Fires, or shall set fire to or let off or throw any Squib, Rocket, or Fireworks whatsoever, on any Part of the said Roads, or within Eighty Feet of the Centre thereof, or play at Foot-ball, or any other Game or Games on any Part of the said Roads, or either of them, to the Annoyance of any Passenger or Passengers, or if any Person shall leave any Carriage (except in case of Accident) upon or on the Side of any Part of the said Roads, or either of them, longer than may be necessary to load or unload

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the same, either with or without any Horse or Beast of Draught harnessed or yoked thereto, or in case such Carriage shall not during such Time be drawn up to the Side of the said Road as near as conveniently may be, or shall lay any Timber, Stones, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever, upon any Part of the said Roads, or either of them, or on the Side or Sides thereof, to the Prejudice thereof, or to the Annoyance of any Person or Persons travelling thereon, or if any Person or Persons shall scrape or sweep off or shall carry away any Mud, Soil, or other Matter or Thing which shall lie or be upon the said Roads, or either of them, or any Part thereof, or if any Person in ploughing any Field contiguous to the said Roads shall not make Head Ridges along the Sides of the said Roads, of the Breadth of Twenty-two Feet at least, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds Sterling.

Gates to open inwards.

LXXXVI. And be it further enacted, That no Gate of any Park, Paddock, Field, or Inclosure whatsoever shall be made to open into or towards any Part of the said Roads, or be suffered to continue so to open, except the Hanging Post thereof shall be fixed or placed so far from the Centre of any such Part of the said Roads so that no Part of such Gate shall when open project over any Part of the said Roads, or any of the Footpaths belonging thereto; and the Occupier or Occupiers of every Park, Paddock, Field, or Inclosure, having any Gate opening outward contrary to the Meaning of this Act, shall within Ten Days after Notice to him, her, or them given, either personally or in Writing, from the Surveyor of the said Roads, cause such Gate to be hung so as that no Part of the Gate when open shall project over any Part of the said Roads or any Footpath belonging thereto, and in Default thereof the Surveyor of the said Roads is hereby authorized to cause the Gate to be hung according to the Intention of this Act; and the Person or Persons guilty of such Neglect or Default shall upon Complaint made to any Justice or Justices of the Peace acting in and for the County or Place where the Gate shall be situate, and upon the Conviction on the Oath of One credible Witness, pay to such Surveyor such Sum as the said Justice or Justices shall direct to defray the Expences of making the Alteration and hanging such Gate, and shall also forfeit and pay a further Sum not exceeding Five Pounds Sterling for his, her, or their Neglect therein, to be fixed by and at the Discretion of the Justice or Justices before whom such Conviction shall be made.

Houses not to be built within a certain Distance of the Road.

LXXXVII. And be it further enacted, That no Houses or Buildings of any Kind which shall be erected at or along the Sides of any of the said Roads, or in Villages at or near the Outlets of any Town within the said Counties where Houses have not formerly stood, shall be built within the Distance of Twenty-five Feet from the Middle of any of the said Roads, without the Consent of the Trustees first obtained, under a Penalty not exceeding Forty Shillings Sterling for each Offence, over and above the Expence of demolishing such House or Building; and it shall be lawful for any Justice of the Peace to stop the building or erecting of any such House or Building which shall be within the said Distance from the Middle of any of the said Roads; and if any Building shall be erected hereafter within the Distance aforesaid any One or more Justice or Justices of the Peace upon Application made to him or them

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by any one Trustee, and upon Proof being adduced that the said Building is within the Distance aforesaid, may order such Building to be taken down and removed at the Expence of the Erector or of the Proprietor of the Ground, and may grant a Warrant for levying and recovering the Penalty and Expences in Manner hereinafter directed.

Provision in case of sudden Damages done to Bridges.

LXXXVIII. And be it further enacted, That in case of any sudden Damage to a Bridge it shall be in the Power of any Two Trustees to give Orders for making such immediate Repairs as may be necessary, the Expence of the same not exceeding Twenty Pounds Sterling; and the Money so expended shall be provided for and paid by Order of the next stated General Meeting of the Trustees out of the Trust Funds on an Application for that Purpose, and on a Proof of the Necessity of the Order, and that the Money was expended; and in case any of the said Roads shall be shut up and Public Communication obstructed by means of Snow, it shall in like Manner be in the Power of the said Trustees to cause the said Roads to be cleared, the reasonable Expences of the same to be provided and paid in Manner as hereinbefore allowed.

Former Contracts, &c. to remain in force.

LXXXIX. And be it enacted, That all Deeds, Contracts, Agreements, Bonds, and Securities, Submissions, Awards, Obligations, Articles of Roup of Tolls, and Minutes thereon, and other Writings entered into by virtue of or in Conformity with the before recited Acts hereby repealed, shall be and hereby are continued in full Force and Effect in the same Manner as if the said Act were still in Force, or as if they were entered into and granted by virtue of the present Act; and also that all Appointments of Officers and other Persons acting under the Trustees named in the said recited Acts, save and except the Treasurer, are and shall be continued under the same Conditions on which they were made, so far as is consistent with this present Act, and all Committees composed of Trustees appointed under the said Acts are hereby continued for carrying into Effect the Purposes for which they were named; and all Actions, Prosecutions, and other Proceedings under the said former Acts are hereby continued and authorized to be proceeded in.

Ground may be rented as Repositories for Materials.

XC. And be it enacted, That the said Trustees shall be and they are hereby empowered to rent any Piece or Pieces of Land or Ground, not exceeding One-fourth of an Acre, on the Sides of the said Roads as Repositories for Stone, Gravel, and other Materials for making or repairing the same, or the Arches or Bridges thereof; and in the Event of any Difference between the Owners or Occupiers of such Ground as to the Amount of Rent to be paid for the same, the same shall be settled and determined by the Sheriff Depute of the County where the Land lies, or his Substitute.

Contractors obliged to cut down Weeds on Sides of the Roads.

XCI. And be it further enacted, That in all Contracts and Agreements to be entered into from and after the passing of this Act, touching the Repairs of the said Roads, the Contractors for such Repairs shall be taken bound by their Contracts to cut down and remove, at such Season as the said Trustees may appoint, the whole Weeds growing on the Sides, or on any Part of the said Roads and Ditches, so as to prevent the Seeds of the same from being carried or blown into the adjacent Fields.

XCII. And

Power to Collectors, &c. to detain unknown Persons guilty of Offences.

XCII. And whereas Persons guilty of Offences against this Act may be transient Persons and unknown to the Collectors, Surveyors, and other Officers acting under this Act; be it therefore enacted, That it shall be lawful for the said Collectors, Surveyors, and other Officers respectively, with such Aid as shall be necessary, to seize and detain any such unknown Person or Persons guilty of any Offence against this Act, and forthwith to convey him, her, or them before One or more Justice or Justices of the Peace for the County or Place where such Offence or Offences shall be committed, without any other Warrant or Authority than this Act for so doing.

Forfeitures and Penalties how to be levied and applied.

XCIII. And be it further enacted, That all Forfeitures and Penalties by this Act imposed the Manner of recovering whereof is not particularly specified shall on a Proof of the Offence before One or more Justices of the Peace, or the Sheriff-Depute of either of the said Counties of *Aberdeen*, *Banff*, or *Kincardine*, or his Substitute, either by the Confession of the Party, the Oath of One or more credible Witness or Witnesses, or other legal Evidence, be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand of such Justices or Sheriff (which Warrant they or any of them are hereby authorized and required to grant and to administer the Oaths *gratis*), such Sale being always made by Public Auction to the highest Offerer, at such Place as shall be directed in the said Warrant, within Six Days after such Distress shall have been made, and the Overplus Money arising from such Sale, after Deduction of the Penalties imposed and Charges in Recovery thereof, shall be returned on Demand to the Owner or Owners of such Goods and Chattels; and all Penalties and Forfeitures imposed by this Act, if not otherwise hereby appropriated, shall be paid to the said Trustees or their Collectors, to be laid out and applied for the Purposes of this Act; and in case sufficient Distress cannot be found, or such Penalties and Forfeitures shall not be forthwith paid, or sufficient Security given for Payment, it shall be lawful for any Two of the said Justices of the Peace, or the said Sheriff-Depute or his Substitute, together with any One Justice of the Peace, and they are hereby authorised and required by Warrant under their Hands to cause such Offender or Offenders to be committed to Gaol, or to the House of Correction, for any Time not exceeding One Month unless such Penalties and Forfeitures, and all reasonable Charges shall be sooner paid: Provided always, that after Conviction it shall be lawful for the Justice before whom any Person shall be convicted pursuant to this Act to order such Person to be detained in Custody until it can be ascertained whether a sufficient Distress can be found.

Appeal to the Quarter Sessions allowed to Persons alleging themselves to be aggrieved.

XCIV. Provided always, and be it further enacted, That any Person who shall think himself or herself aggrieved by any Proceedings to be had in the Execution of this Act for which no particular Relief has been hereby provided may, within Six Months after the Matter complained of shall be done but not afterwards, appeal to the Justices of the Peace at the Quarter Sessions of the County where the Cause of Complaint shall have arisen, the Appellant giving Fifteen Days previous Notice of such Appeal to the Defender or Defenders, and to the Clerk of the said Trustees, and the Clerk of the Justices of the Peace, which Justices shall have Authority to hear and determine the Matters in Dispute, and their Judgments therein shall be final, without being subject to Review, Advocation, Suspension, or otherwise howsoever.

Trustees may act as Justices.

XCV. And be it enacted, That it shall be no Objection to any Person as a Judge or Justice of the Peace under this Act, in any Thing relative hereto, that he is a Trustee, except where he is personally interested.

Limitations of Actions and Complaints.

XCVI. And be it further enacted, That all Actions and Complaints for all and every the Penalties and Forfeitures imposed by this Act, or for any Wrongs done or Injuries suffered in any Matter thereto relative, or in consequence of any of the Powers by this Act given and granted, shall be commenced within the Space of Six Calendar Months after the Penalty or Forfeiture is incurred, or Wrong done, or Injury suffered, and not afterwards.

Expences of this Act how to be paid.

XCVII. And be it enacted, That the whole Expences in advertising for, preparing, procuring, and passing this Act, (after deducting the Proportions of such Expence agreed to be paid by the Persons concerned in the Introduction of the new and additional Roads hereinbefore mentioned) as the same, together with the Proportions as aforesaid, shall be settled and ascertained at the First or any subsequent General Meeting of the Trustees under this Act, having the Qualification of Proprietors of Lands, exclusive of Trustees not so qualified, after hearing all concerned, shall be paid by an Assessment upon all Heritors of Lands and Fishings within the County of *Aberdeen*, valued in the Cess Books of the said County, and also upon all Heritors of Lands and Fishings within the Parish of *Saint Fergus*, the Lands of *Gaval* and the Barony of *Fetter Angus* in the Parish of *Old Deer*, the Barony of *Gartly*, in the Parish of *Gartly*, and the Lands of *Straloch* in the Parish of *New Machar*, which are all locally situated in the County of *Aberdeen*, though rated in the Cess Books of the County of *Banff*; as also upon all Heritors of Lands and Fishings in the Parishes of *Keith*, *Botriphnie*, *Mortlach*, *Grange*, and *Rothiemay* in the said County of *Banff*, according to the valued Rent at which the same are stated in the Cess Books of the said County of *Banff*, and also upon the Heritors of the Lands of *Ferry Hill*, in the Parish of *Old Machar* and *Pitmeddan*, in the Parish of *Dyce*, which are locally situated in the County of *Aberdeen*, although the same may not be particularly valued in the Cess Books thereof; and the said Assessments shall be levied by the Collector of Cess of the said County of *Aberdeen* who shall have such an Allowance for his Trouble as shall be fixed by the said Trustees at their General Meeting as aforesaid.

Public Act.

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

Commencement and Continuance of this Act.

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

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