ANNO QUADRAGESIMO SEXTO

GEORGII III. REGIS.

Cap. 29.

An Act to extend the Provisions of so much of an Act passed in the Thirty-ninth and Fortieth Years of His present Majesty as relates to repairing certain Turnpike Roads in the County of *Aberdeen* to other Roads within the said County. [5th *May* 1806.]

39 & 40 Geo. 3. c. 32.

WHEREAS, by an Act passed in the Thirty-ninth and Fortieth Years of the Reign of His present 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 "otherwise regulating the making and repairing the High Roads "and Bridges in the said County," the Persons therein described were nominated and appointed Trustees for surveying, ordering, making, amending, widening, repairing, and keeping in Repair, the Road from the Bridge of *Dee* near *Aberdeen*, through the Burgh of *Aberdeen*, to the Confines of the County of *Aberdeen*, towards *Banff*, and the other Roads in the said County, in the said Act described, and the Bridges thereupon, with Power to cause Turnpikes to be erected on the said Roads, and to levy certain Tolls at the same, and with various other Powers: And whereas it would be expedient to extend the Powers of the said Act to the amending, repairing, and keeping in Repair the other Roads in the said County hereinafter mentioned, and the Bridges thereon, which are at present in bad Repair, inconvenient, and dangerous to

Travellers, so that the whole Roads in the said County of *Aberdeen*, described in the said recited Act and in this Act, whereon Turnpikes have been erected or are intended to be erected, may be under the Management of the same Persons, with the same Powers, and under the same Regulations and Provisions as are mentioned in the said recited Act, with regard to the Turnpike Roads therein described, that is to say, 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'Niel*, 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 *Oldmachar*, passing through or near the Lands of *Ythsie* and Farms called *Milltown* of *Kellie*, or *Tanglangford*, and ending at or near the said Village of *New Deer*, passing through the Parishes of *Oldmachar*, *Belhelvie*, *Foveran*, *Udny*, *Logie-Buchan*, *Tarves*, *Methlie*, *Ellon*, *Old Deer*, and *New Deer*; The Road from the Village of *Oldmeldrum* to the Village of *Inch*, and passing through or near the Parishes of *Meldrum*, *Daviot*, *Fyvie*, *Rayne*, *Culsalmond*, *Inch*, and *Premnay*; also a Branch from the Road last-mentioned to join the Turnpike Road from *Aberdeen* to *Huntly*, at or near *Fowland*, 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*, *Logie-Buchan*, *Udny*, *Ellon*, *Tarves*, *Methlie*, and *Fyvie*. And as these Purposes cannot be accomplished without the Authority of Parliament, may it therefore please your Majesty, that it may be enacted; and be it enacted by the KING's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and

Power to make the Roads.

by the Authority of the same, That the Trustees appointed by or in pursuance of the said recited Act shall be, and they are hereby authorized and empowered to amend, turn, widen, alter, improve, repair, and keep in Repair, the several other Roads hereinbefore described; and the said recited Act, and all the Powers, Authorities, Exemptions, Penalties, and Forfeitures therein contained respecting the Roads therein described, upon which Turnpikes were authorized to be erected and Tolls levied, shall be and are hereby extended to the said several Roads described in this present Act, as fully, and effectually to all Intents and Purposes, as if the same were repeated and re-enacted in the Body of this Act, or the said several Roads had been comprised in the said recited Act.

Subscription-Money to be paid.

II. And be it further enacted, That if any Person or Persons, who has or have subscribed, or shall subscribe towards the making and repairing the Roads by this Act intended to be made and repaired, shall, after

after Fourteen Days Notice given by any Perſon or Perſons authoriſed by the ſaid Truſtees to recover and receive the Subſcription-Money, refuſe or neglect to pay the Sum ſubſcribed by him, her, or them to the Perſon or Perſons ſo authoriſed, it ſhall be lawful to ſuch Perſon or Perſons, and he and they are hereby required to ſue for and recover the ſaid Subſcription-Money in any competent Court, declaring that the Perſons, actually paying their Subſcription-Money ſhall have a Lien on the Tolls collected on the Roads for the Uſe of which the Money was ſubſcribed next after any Aſſignment that may be made of ſuch Tolls previouſly to the actual Payment of ſuch Subſcription-Money.

In caſe of not making out Titles, &c.

III. 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 Hereditaments to be purchaſed by virtue of the ſaid recited Act or 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 Hereditaments 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, to 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*, to the Credit of the Parties intereſted in the ſaid Lands, Tenements, or Hereditaments (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*, who ſhall receive ſuch Sum or Sums of Money, is and are hereby 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.

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

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

IV. 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 the ſaid recited Act or this Act, for the Purchaſe of any Lands, Tenements, or Hereditaments, or of any Eſtate, Right, or Intereſt in any Lands, Tenements, or Hereditaments, to be purchaſed in purſuance thereof, the Perſon or Perſons who ſhall have been in Poſſeſſion of ſuch Lands, Tenements, or Hereditaments 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

taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn 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 Hereditaments, or to some Estate or Interest therein.

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

V. 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 Hereditaments to be purchased under the Authority of the said recited Act or 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 Hereditaments, to be settled to the like Uses in pursuance of the said recited Act or 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 the said recited Act or this Act, or so much of such Expences as the said 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.

Expence of this Act, how to be paid.

VI. And be it further enacted, That the Expence of procuring and passing this Act, after being settled and allowed by the said Trustees, at their First, Second, or Third stated General Meeting, shall be defrayed by an Assessment on the Heritors or Owners of Lands or Fishings in the said County of *Aberdeen*, to be imposed at the said First, Second, or Third Meeting, according to the Valuation of their respective Lands and Fishings, and to be collected by the Collector of the Land Tax, or other Person appointed by the said General Meetings.

Public Act.

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

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