ANNO QUADRAGESIMO QUARTO

GEORGII III. REGIS.

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ſame to *Portſoy*, paſſing through the Pariſhes of *Banff*, *Alva*, *Boyndie*, *Fordyce*, *Ordequhill*, *Deſkford*, *Rothiemay*, *Grange*, *Keith*, *Boharm*, *Botriphney*, *Cairney*, *Glaſs*, *Mortlach*, *Aberlour*, *Inveraven*, *Kirkmichael*, *Cromdale*, *Abernethie*, *Inverallan*, and *Advie*; the Road from *Portſoy* to *Keith*, paſſing through the Pariſhes of *Fordyce*, *Deſkford*, *Grange*, and *Keith*; the Road from *Cullen* to *Keith*, joining the Road laſt above mentioned, and paſſing through the Pariſhes of *Cullen*, *Deſkford*, *Fordyce*, *Grange*, *Rothiemay*, *Rathven*, and *Keith*; the Road from *Huntly* to *Inveraven*, paſſing through the Pariſhes of *Huntly*, *Gartly*, *Glaſs*, *Cabrach*, *Botriphney*, *Mortlach*, *Aberlour*, *Kirkmichael*, and *Inveraven*; the Road from *Huntly* to *Fochabers*, paſſing through the Pariſhes of *Huntly*, *Gartly*, *Glaſs*, *Cairney*, *Botriphney*, *Keith*, *Grange*, *Boharm*, *Rathven*, and *Bellie*; the Road from *Keith* to *Boat of Bridge*, paſſing through the Pariſhes of *Keith*, *Botriphney*, *Boharm*, and *Bellie*; the Road from *Mortlach* to *Garmouth*, by *Boat of Bridge*, paſſing through the Pariſhes of *Mortlach*, *Aberlour*, *Glaſs*, *Botriphney*, *Boharm*, *Rothes*, and *Speymouth*; the Road from *Keith* to *Tamintoul*, paſſing through the Pariſhes of *Keith*, *Botriphney*, *Glaſs*, *Boharm*, *Mortlach*, *Aberlour*, *Inveraven*, and *Kirkmichael*; and the ſaid Roads cannot be ſufficiently amended, widened, repaired, and kept in Repair by the Funds and Means provided and preſcribed by the Laws now in force, nor unleſs further Powers are given, and Regulations made for that Purpoſe by Authority of Parliament: And whereas the Paſſages acroſs the River *Spey* are often dangerous for Travellers, and it is therefore expedient that Two Bridges ſhould be built over the ſaid River: And whereas the Laws now ſubſiſting for the making of Roads, and building of Bridges, and repairing the ſame, have been found ineffectual, in the ſaid County of *Banff*, to make and maintain the Roads through the ſame generally, and other and farther Powers are neceſſary in order to carry the Purpoſes of the ſaid Laws into Execution, and it is attended with Difficulty to make effectual, and properly to apply the Statute Work in the ſaid County: And whereas a reaſonable Compoſition in Money in lieu of actual Labour, is in many Places found to be more uſeful and effectual for the Purpoſes of making and repairing the Roads, as well as more eaſy and convenient for the Perſons liable in Statute Services, than the actual Performance; and it would therefore be of Advantage to the ſaid County of *Banff* to convert the Statute Services into Money, and to aſcertain the Rates thereof, and the Mode of levying the ſame, and to authorize an additional Aſſeſſment beyond that at preſent allowed to be impoſed on the Heritors of Lands and other Perſons in the ſaid County, for making Highways, Bridges, and Ferries, through the ſame; but as theſe ſeveral Purpoſes cannot be effectually accompliſhed without the Aid of Parliament: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That every Perſon who, in his own Right, or in the Right of his Wife, now is or hereafter ſhall be in the actual Poſſeſſion and Enjoyment as Proprietor or Life Renter of Lands in the ſaid County of *Banff*, or within thoſe Pariſhes or Parts of the ſaid Counties of *Elgin*, *Aberdeen*, and *Invernes*, through which the Roads before mentioned paſs, valued in the Ceſs Books of the ſaid Counties at One hundred Pounds *Scots*; and all and every the eldeſt Sons of ſuch Perſons; One Guardian of each Minor enjoying and poſſeſſing Lands

Truſtees for the Turnpike Roads.

Lands of the Valuation aforeſaid; One Truſtee of every Eſtate of the ſaid Valuation veſted in Truſt; One Manager or Factor for each Corporation or aſſociated Body holding Lands of the ſaid Valuation; the Provoſt and eldeſt Baillie of the Burgh of *Banff*; the eldeſt Baillie of the Burgh of *Cullen*; the chief Magiſtrate of *Mac Duff*, *Portſoy*, *Keith*, *Huntly*, and *Fochabers*; the Sheriff Depute of the County of *Banff*, or his Subſtitute; all for the Time being ſhall be and they are hereby nominated and appointed Truſtees for ſurveying, ordering, making, amending, widening, repairing, and keeping in Repair, and cauſing to be ſurveyed, made, amended, repaired, and kept in Repair, the ſeveral Roads before mentioned, and the Bridges thereupon; and for putting in Execution all the Powers and Authorities by this Act given and granted reſpecting the ſaid Roads.

Penalties on acting if not qualified.

II. And be it enacted, That if any Perſon not qualified as aforeſaid, or as herein-after mentioned, ſhall, notwithſtanding, preſume to act as a Truſtee in the Execution of this Act, every ſuch Perſon ſhall, for every Offence, forfeit and pay any Sum not exceeding Twenty Pounds Sterling, beſides the Expence of Proſecution, to be recovered by ſummary Complaint, at the Suit of any Heritor of the ſaid County, before the Juſtices of the Peace at their Quarter Seſſions, or before the Sheriffs Depute or Subſtitute of *Banffſhire*, and to be paid to the ſaid Truſtees or their Treaſurer, to be applied for the Purpoſes of this Act; and the Proof of Qualification ſhall lie upon the Perſon complained of.

Truſtees not to hold any Place of Profit under this Act.

III. And be it enacted, That if any of the ſaid Truſtees ſhall accept or hold any Place of Profit ariſing out of this Act, by reaſon of any Tolls or Duties hereby granted, he ſhall be incapable of acting as Truſtee during his Enjoyment of ſuch Place of Profit; and that no Toll Gatherer ſhall ſell or retail Beer, Ale, or Spirituous Liquors, without a Special Permiſſion for that Purpoſe from the ſaid Truſtees, or from the Committees appointed by them.

Time and Place of General Meeting and Order of Procedure.

IV. And be it further enacted, That the ſaid Truſtees, or any Seven or more of them, ſhall hold their firſt ſtated or General Meeting by virtue of this Act, at *Banff*, upon the Nineteenth Day of *July* One thouſand eight hundred and four; or as ſoon after as conveniently may be; and their Second ſtated General Meeting, on the Day on which the *Michaelmas* Meeting of the Freeholders of the ſaid County for the ſaid Year is held; and ſhall thereafter hold Two ſtated General Meetings in each Year, during the Continuance of this Act, One upon the Day on which the Commiſſioners of Supply ſhall meet for aſſeſſing the ſaid County in the Land Tax, and the other upon the Day of the *Michaelmas* Meeting of Freeholders of the ſaid County, yearly, with Power to the ſaid Truſtees, or Majority of thoſe preſent at the ſaid ſtated or other General Meeting, 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 Roads paſs, or Subſcribers to any of the Roads mentioned in this Act, to the Extent of One hundred Pounds, 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

of the ſaid Roads, and to give theſe Committees (whereof Three to be a Quorum) ſuch Inſtructions and ſuch Powers for carrying this Act into Execution as they ſhall think fit and expedient; and alſo with Power to the ſaid Truſtees, both in their General Meetings and Committee Meetings, to appoint Clerks, Caſhiers, Collectors, Surveyors, Overſeers, and other Officers, with reaſonable Salaries for their Trouble; all which Clerks, Caſhiers, Collectors, and others appointed to Offices of Truſt, ſhall 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, or Sheriff's Depute or Subſtitute, 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 Three Months.

Quorum of Truſtees.

V. And be it further enacted, That the Quorum or Number of Truſtees neceſſary to do Buſineſs in General Meetings ſhall be Seven; but if only One, or any Number leſs than Seven, 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 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, 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 Determination of any former ſtated or General Meeting, unleſs previous Notice of the Intention of ſo doing, and the Time and Place of the Meeting, be given by Advertiſements in the *Aberdeen* Newſpapers as aforeſaid.

Truſtees to keep Books.

VI. And be it further enacted, That all the Proceedings of the ſaid Truſtees, and an exact Account of all the Money received by virtue of this Act, and of the Application of the ſame, ſhall be entered in a Book to be kept by the Clerks to the Committees appointed by the ſaid Truſtees, whoſe Duty it ſhall be to enter and record regularly all theſe 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 Account and Proceedings ſhall be open to the Inſpection of every Heritor in the County of *Banff*, and of thoſe Parts of the Counties of *Aberdeen*, *Elgin*, and *Inverneſs*,

verneſs, before mentioned, adjoining thereto, or Subſcribers to any of the Roads comprehended in this Act to the Extent of One hundred Pounds Sterling, 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 *Banff*, or of thoſe Parts of the Counties of *Aberdeen*, *Elgin*, and *Inverneſs*, adjoining thereto as aforeſaid, 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 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 lay before them, Once in the Year at leaſt, a State of their Accounts, and all other their Tranſactions, to be by them at One of their ſtated General Meetings examined, audited, and approved; and in caſe of Failure or Neglect, the Clerk of the General Meeting ſhall, and he is hereby required to apply to the Sheriff Depute or Subſtitute 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 Ten Pounds Sterling, nor leſs than Forty Shillings 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 and Treaſurer.

VII. 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 their Clerk and Treaſurer 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 and Treaſurer, by virtue of this Act, ſhall abate by the Death or Removal of any ſuch Clerk or Treaſurer, but that the Clerk and Treaſurer 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.

For erecting Turnpikes.

VIII. And be it enacted, That the ſaid Truſtees, at their Firſt Meeting, or at any of the ſtated Meetings aſſembled, or at a Meeting advertiſed as aforeſaid for that ſpecial Purpoſe, may direct and authorize Gates and Turnpikes to be erected acroſs any Part of the ſaid Roads, or on any Bridges which may be built under the Authority of this Act over the River *Spey*, and alſo to erect ſuch Number of Toll Houſes as they ſhall think fit, and may authorize their Collectors or Tackſmen under their Authority, to take and levy at each of the ſaid Gates, before any Paſſage be permitted, a Sum or Sums of Money not exceeding the following Rates; that is to ſay,

Tolls.

For every Coach, Berlin, Landau, Chariot, Chaiſe, Calaſh, or other ſuch Carriage with Four Wheels, drawn by Six or more Horſes or Beaſts of Draught, the Sum of Six Shillings Sterling; and drawn by Four Horſes or other Beaſts of Draught, the Sum of Three

Three Shillings Sterling; and drawn by Three Horſes or other Beaſts of Draught, the Sum of Two Shillings Sterling; and drawn by Two Horſes or other Beaſts of Draught, the Sum of One Shilling and Sixpence Sterling; and drawn by One Horſe or other Beaſt of Draught, the Sum of Eight-pence Sterling:

For every Chaiſe, Gig, Curricle, or other like Carriage with Two Wheels, drawn by Two Horſes or other Beaſts of Draught, the Sum of One Shilling Sterling; and drawn by One Horſe or other Beaſt of Draught, the Sum of Sixpence Sterling:

For every Carriage, commonly called a *Taxed Cart*, the Sum of Sixpence Sterling:

For every Waggon, Wain, Cart, or other like Carriage, drawn by Six or more Horſes, Oxen, or other Beaſts of Draught, the Sum of Seven Shillings Sterling; and drawn by Five Horſes, Oxen, or other Beaſts of Draught, the Sum of Five Shillings Sterling; and drawn by Four Horſes, Oxen, or other Beaſts of Draught, the Sum of Three Shillings Sterling; and drawn by Three Horſes, Oxen, or other Beaſts of Draught, the Sum of One Shilling and Sixpence Sterling; and drawn by Two Horſes, Oxen, or other Beaſts of Draught, the Sum of Eight-pence Sterling; and drawn by One Horſe, Ox, or other Beaſt of Draught, the Sum of Four-pence Sterling:

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

For every Drove of Oxen, Neat Cattle, Aſſes, Horſes, or Fillies, unſhod, the Sum of Ten-pence Sterling *per* Score; and ſo in Proportion for any greater or leſs Number:

For every Drove of Calves, Hogs, Sheep, Lambs, or Goats, the Sum of Five-pence Sterling *per* Score; and ſo in Proportion for any greater or leſs Number.

Truſtees may lower Tolls and raiſe them again;

IX. And be it enacted, That the ſaid Truſtees ſhall be, and they hereby are empowered to diminiſh or leſſen any or all of the ſaid Rates upon any One or more of the ſaid Roads, or any Part thereof, with the Conſent of the Perſons entitled to Five-ſixth Parts of the Money then due and owing on the Credit of the ſaid Tolls, but not otherwiſe; and alſo to raiſe the Rates again, if they ſhall ſee Cauſe, but ſo as not at any Time to exceed the Rates authorized as aforeſaid by this Act.

and leſſen Tolls on Carriages laden with Lime and Manure.

X. Provided always, That it ſhall and may be lawful for the ſaid Truſtees, in any of their ſtated General Meetings aſſembled, if they ſee Cauſe, to diminiſh, for ſuch Length of Time as they ſhall judge fit, the Tolls payable for Wains or other Carriages drawn by Oxen, or Carriages employed in tranſporting Lime and other Manure, ſuch Diminution not exceeding One Half of the Tolls payable for the ſame Carriages drawn by Horſes, and loaded with other Articles, 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.

Truſtees may erect Weighing Engines.

XI. And be it further enacted, That the ſaid Truſtees, or any Seven 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 think fit, for weighing all Carriages that ſhall paſs along the ſaid Roads, and ſhall receive

ceive and take (over and above the Tolls hereby granted), the following Sums of Money as additional 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 Three-pence Sterling for each Hundred; for every Hundred of such Over-weight above Two Hundred and not exceeding Five Hundred, the Sum of Sixpence Sterling; for every Hundred of such Over-weight above Five Hundred and not exceeding Ten Hundred, the Sum of Two Shillings and Sixpence Sterling; for every Hundred of such Over-weight above Ten Hundred and not exceeding Fifteen Hundred, the Sum of Five Shillings Sterling; and for every Hundred of such Over-weight 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, nor less than Five Shillings Sterling, besides all necessary Expences.

Regulations concerning the Weight of Carriages.

XII. And be it further enacted, That every Waggon, Cart, or Carriage, shall be allowed to pass without paying any additional Toll, provided such Waggon, Cart, or Carriage, with its Loading, does not weigh more than the Weights following; *videlicet*, every Waggon or Four Wheeled Carriage having the Fellies or Rollers of the Wheels of the Breadth of Sixteen Inches, Eight Tons in Summer, and Seven Tons in Winter; every Waggon or Wain having the Sole or Bottom of the Fellies of the Breadth of Nine Inches, Six Tons in Summer, and Five Tons and a Half in Winter; to every Cart having the Fellies of the Breadth of Nine Inches, Three Tons in Summer, and Two Tons Fifteen hundred Weight in Winter; to every Waggon having the Fellies of the Breadth of Six Inches, Four Tons and One Quarter in Summer, and Three Tons and Three Quarters in Winter; to every Cart having the Fellies of the Breadth of Six Inches, Two Tons Twelve hundred Weight in Summer, and Two Tons Seven hundred Weight in Winter; to every Waggon having the Fellies of less Breadth than Six Inches, Three Tons and a Half in Summer, and Three Tons in Winter; to every Cart having the Fellies of less Breadth than Six Inches, and drawn by Two or more Horses, One Ton and a Half in Summer, and One Ton Seven hundred Weight in Winter; and to every such Cart drawn by One Horse, One Ton both in Summer and Winter; and, for the aforesaid Purposes, it shall be deemed Summer from the First Day of *May* to the Thirty-First Day of *October*, and Winter from the First Day of *November* to the Thirtieth Day of *April*, both inclusive.

Tolls vested in the Trustees.

XIII. And be it further 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 and Purposes by this Act directed; nor shall any Part thereof be expended without their Orders, or the Orders of their Committees, or other Persons authorized

authorized by General Meetings; and if any Perſon or Perſons, ſubject to the Payment of 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 Carriage, upon 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 publick Roup, at the Toll Houſe where the Toll ſhould have been paid, returning the Overplus to the Owner on Demand, (if any be), after Deduction of ſuch Toll, and all Charges for diſtraining, keeping, appraiſing, and ſelling the ſame.

Tolls may be levied by Diſtreſs.

Toll Houſes and Gates veſted in Truſtees.

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

Truſtees may purchaſe Lands, and erect Toll Houſes.

XV. And, for the better enabling the ſaid Truſtees to erect the Toll Houſes neceſſary for collecting the ſaid Tolls, be it further enacted, That the ſaid Truſtees ſhall be, and they are hereby empowered to purchaſe or take in Leaſe ſuch Pieces of Ground as they ſhall judge moſt convenient, not exceeding One Fourth of an Acre for each Houſe; and if they cannot agree with the Proprietor and Occupier of the Ground, they ſhall apply to the Quarter Seſſions of the County, who ſhall have Power, and are hereby required to oblige ſuch Proprietor or Occupier to give a Leaſe of the ſaid Ground, for any Term not exceeding the Continuation of this Act, and fix the Rent of the ſame.

Application of the Tolls.

XVI. And it is hereby further enacted and declared, That at any of the annual ſtated General Meetings of the ſaid Truſtees, (the Purpoſe of the ſaid Meeting being ſpecially announced by publick Advertiſement in the *Aberdeen* Newſpaper), it ſhall be lawful for them to direct the Tolls ariſing at the Turnpike or Toll Bars erected or to be erected on the ſaid Roads, to be applied towards the making, repairing, and upholding of the aforeſaid Roads, in ſuch Manner as the ſaid Truſtees ſhall think fit; and as ſoon as the ſame ſhall be ſo adjuſted, the Clerk of the ſaid Truſtees is hereby authorized and required to enter and record the ſame in a Book to be kept for that Purpoſe: Provided always, that in all Time thereafter, during the Continuance of this Act, it ſhall not be in the Power of the ſaid Truſtees, or of any Number of them, to vary or alter the final Determination or Allocation ſo made.

Truſtees to erect Side Bars.

XVII. 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 reſpective 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,

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.

Penalty on Perſons going or permitting others to go through any Gate.

XVIII. And be it further enacted, That if any Perſon occupying any Lands or other Premiſes near to any of the ſaid Roads ſhall aſſiſt or be acceſſary in permitting any Perſon to paſs over the ſame, or through any Gate or Paſſage, with any Horſe, Beaſt, or Carriage, liable to pay Toll by virtue of this Act, or ſhall connive thereat, or ſhall forcibly paſs through or aſſiſt any Perſon in paſſing through any Turnpike Gate erected or to be erected on the ſaid Roads, whereby the Payment of ſuch Toll may be evaded, ſuch Perſon ſo permitting or conniving at, and the Perſon or Perſons riding or driving ſuch Horſe, Beaſt, or Carriage, through ſuch Grounds or private Paſſage with or without the Knowledge or Conſent of the Occupier thereof, and any Perſon or Perſons riding or driving any Horſe, Beaſt, or Carriage through any private Road, whereby the Payment of the Toll may be avoided, or forcibly paſſing through any Turnpike Gate, being convicted thereof by the Teſtimony of One or more credible Witneſs or Witneſſes before the Sheriff's Depute or Subſtitute, or any One or more of the Juſtices of the Peace for the County where the Offence ſhall be committed, ſhall, for every ſuch Offence, forfeit and pay to the ſaid Truſtees or their Collector or Collectors, any Sum not exceeding Five Pounds Sterling, nor leſs than Forty Shillings Sterling.

Penalty on taking off Horſes, *etc.*

XIX. And be it further enacted, That if any Perſon or Perſons ſhall take off or cauſe to be taken off any Horſe or Horſes, Ox or Oxen, or other Beaſt 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 Intent 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 Roads 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 above mentioned, 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, nor leſs than Ten Shillings Sterling.

Penalty on unloading Carriages before coming to a Gate.

XX. And be it further enacted, That in caſe any Perſon or Perſons travelling on the ſaid Roads in a Coach, Chaiſe, or any other Carriage whatſoever, ſhall ſtop before coming to a Turnpike Gate and walk through the Gate, or in caſe any Perſon or Perſons ſhall unload any Waggon, Cart, or other Carriage travelling along the ſaid Roads before coming to a Turnpike, ſuch Perſon or Perſons ſhall pay the Tolls and Duties by this Act impoſed, in the ſame Manner as if ſuch Coach, Chaiſe, Waggon, Cart, or other Carriage had gone through the Turnpike Gate without being unloaded; and if ſuch Perſon or Perſons ſhall refuſe to pay ſuch Tolls and Duties, he, ſhe, or they ſhall forfeit and pay any Sum not exceeding Twenty Shillings Sterling, nor leſs than Ten Shillings Sterling, to the ſaid Truſtees, or their Collector or Collectors, for each of ſuch Carriages.

Tolls to be paid only Once a Day.

XXI. And be it further enacted, That no Perſon or Perſons having paid the Tolls or Duties herein-before granted 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 on the ſucceeding Night), be liable to pay the ſaid Tolls or Duties at any Gate or Turnpike through which they ſhall have paſſed for the ſame Coach, Cart, or other Wheel Carriage, drawn by the ſame Horſes or other Beaſts of Draught, or for the ſame Horſe or other Beaſt or Cattle, for which any ſuch Toll ſhall have been paid.

Penalty on Perſons diſpoſing of or receiving Tickets to avoid Payment of Tolls.

XXII. And for preventing Frauds and Abuſes in the ſaid Tolls or Duties, be it further enacted, That if any Perſon or Perſons having paid the Toll or Duty by this Act impoſed, and having a Note or Ticket, Notes or Tickets, ſignifying the Payment of ſuch Toll or Duty, ſhall give or diſpoſe of the ſame to any other Perſon or Perſons in order to avoid Payment of the ſaid Toll or Duty, every ſuch Perſon ſo giving or diſpoſing of ſuch Note or Ticket, Notes or Tickets, and the Perſon receiving the ſame, being convicted thereof upon Oath of One or more credible Witneſs or Witneſſes or otherwiſe, before any One or more Juſtice or Juſtices of the Peace for the County, or before the Sheriff Depute or Subſtitute of the County where the Offence ſhall be committed, ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Twenty Shillings Sterling, nor leſs than Ten Shillings Sterling, to the ſaid Truſtees, or their Collector or Collectors.

Perſons and Things exempted from Tolls.

XXIII. Provided always, and it is hereby further enacted and declared, That no Perſon or Perſons ſhall be charged with any of the Tolls or Duties aforeſaid for paſſing through any of the Turnpikes to be erected by virtue of this Act, who ſhall not travel above Two hundred Yards on any of the ſaid Roads or Highways; nor any Perſon carrying or conveying Stones or other Materials for making, repairing, and building any of the ſaid Roads and Bridges, or other publick Roads and Bridges within the ſaid Counties, or any of the Cauſeways within or belonging to the ſame; nor ſhall any Occupier or Occupiers of Land be charged with any of the Duties or Tolls aforeſaid, for paſſing from One Part to another of the ſame Farm; nor ſhall any Occupier or Occupiers of Fields or Borough Roods be liable to pay any of the ſaid Tolls or Duties for any Horſes or Carriages carrying Dung to the ſaid Fields or Roods 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; nor ſhall any Toll or Duty be demanded from any Perſon or Perſons who ſhall paſs or return through the ſaid Turnpikes to or from their Pariſh Church, Chapel, or any other Place of religious Worſhip tolerated by Law, belonging to or ſituated within the Pariſh where ſuch Perſon reſides, upon *Sunday*, or any other Day on which Divine Worſhip is ordered by Authority to be celebrated; nor for any Perſons who ſhall paſs or return on attending the Funeral of any Perſon or Perſons who ſhall die and be buried in any of the Pariſhes in which the Roads hereby directed to be repaired do lie; nor from any Clergyman 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 Horſes or Cattle going

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, of whatſoever Deſcription, employed or to be employed in carrying the Mails of Letters and Expreſſes under the Authority of His Majeſty's Poſt Maſter General, either when employed in conveying, fetching, or guarding ſuch Mails or Expreſſes, or in returning back from conveying the ſame; 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 conveying any ſick, wounded, or diſabled Officers or Soldiers; nor for Carts, Carriages, or Waggons travelling with Vagrants or Criminals ſent with legal Paſſes; 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, nor leſs than Twenty Shillings Sterling.

Tolls not to be levied till Part of the Sum eſtimated for making the Road be paid, and Tolls to be paid only Once in Six Miles.

XXIV. 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 to a Treaſurer appointed by the ſaid Truſtees; and that if any Turnpikes are erected under the Authority of this Act, within a leſs Diſtance of each other than Six Miles, any Perſon or Perſons producing a Ticket to ſhew that he, ſhe, or they have paid the Tolls at One Gate, ſhall not pay any farther Tolls or Duties, till the Diſtance exceeds Six Statute Miles from the Gate at which he, ſhe, or they ſhall have paid: Provided always, that the ſaid Exemptions ſhall only take place in the Caſe of any Perſon or Perſons continuing to travel on the ſame Line of Road, or Branches thereof, and ſhall not be applicable to the Tolls leviable at any Toll Bar or Gates erected or to be erected under the Authority of any Act for any of the adjoining Counties, nor to the Tolls leviable on any Bridge or Bridges over the River aforeſaid, which may be exacted without Regard to the Diſtance from any Toll Bars eſtabliſhed on the Roads under the Authority of this Act as aforeſaid.

Truſtees may accept Subſcriptions for particular Parts of the Road, and lay out the Money thereon accordingly.

XXV. And be it further 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 or Amendment of the ſaid Bridges, or 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 Bridges and Roads; and that it ſhall alſo be lawful for the ſaid Truſtees to contract and agree with the Perſon or Perſons lending Money as aforeſaid, for the making or Amendment of the ſaid Bridges, or any particular Part of the ſaid Roads as aforeſaid, to apply the ſame in making or amending ſuch Bridges, Roads, or Parts of Roads, and they are hereby required to lay out and apply the Money ſo lent for that expreſs 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 Turnpike or Toll Bar 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

Toll Bar shall be erected, shall be well and sufficiently made, amended, or repaired.

Surplus Money, after paying Repairs and Interest, to go to pay Principal of the Debt.

XXVI. And be it enacted, That the surplus Produce of the Tolls, after defraying the Expence of Repairs and other necessary Charges on the Roads, and paying the Interest of Money borrowed, subscribed, and advanced, shall be appropriated annually to extinguish the Principal of the Debt and Money raised by Subscription upon that particular Road, and to no other Purpose, and it shall not be in the Power of the Trustees, without the Consent of Five-sixths of the Subscribers and Creditors in Value, to diminish the Tolls once established, until the Debt and Subscription Money received are paid.

Mode of repairing Roads to be determined at General Meetings.

XXVII. Provided always, and be it further enacted, That the said Trustees shall proceed to put this Act in Execution at such Periods, and in respect to such Part of the Roads only as shall be agreed and determined at some of the annual stated General Meetings held under this Act, or some special adjourned General Meeting, to be called by the Clerk, for the Purpose of settling and determining the same, by Advertisement, inserted Twice in the *Aberdeen* Newspapers; and at such Meetings it shall be lawful to all Persons who have lent and subscribed any Sum or Sums of Money amounting to One hundred Pounds Sterling, or upwards, on the Credit of the Tolls by this Act granted, and who shall, at the Time of such Meeting, be a Creditor to that Amount, to attend and vote, as they are hereby declared entitled to do, as Trustees, although not otherwise qualified to act as such; but such Creditor or Person, who has paid his Subscription, shall only be entitled to give One Vote in that Character, at the same Time that he may give another Vote in the Character of Trustee otherwise qualified.

Power to build a Bridge.

XXVIII. And be it further enacted, That it shall be in the Power of the said Trustees at a General Meeting appointed, and they are hereby authorized and empowered to cause a Bridge of Stone, Iron, or Timber to be erected and built across the River *Spey*, at or near a Place called *Boat of Bridge*; and to dig and make proper Foundations in the said River and on the Lands lying on each Side thereof, for the Piers and Abutments of the said Bridge; and to cut and level the Banks of the said River in such Manner as shall be necessary and proper for building the said Bridge; and to cut, remove, take, and carry away all Trees, Roots of Trees, Gravel, Sand, Mud, or any other Impediment whatsoever, which may in anywise hinder the erecting, building, repairing, or completing the said Bridge; and also to do, perform, and execute all other Matters and Things requisite and necessary, useful or convenient, for erecting, building, repairing, maintaining, and supporting the said Bridge according to the true Intent and Meaning of this Act: And for the Purpose of erecting, building, maintaining, repairing, or supporting the said Bridge, the said Trustees, or any Person to be appointed by them, shall from Time to Time have full Power and Authority to land, on either Side of the said River, all Materials and other Things to be used in and about the same, and there to work and use such Materials and Things accordingly, doing as little Damage as may be, and making Satisfaction to the respective Owners and Occupiers of all such Lands and Grounds as shall be altered, damaged, spoiled, taken, or made use of, by Means or for the Purposes of

of building the ſaid Bridge; and the ſaid Truſtees ſhall be and are hereby empowered to make ſuch Contracts and Agreements as they ſhall think proper, with any Artificers, Workmen, or other Perſons, for erecting, building, and making ſuch Bridge, and all Ramparts, Wings, Walls, Banks, and other Works, or any Part thereof; ſuch Artificers or others contracting always giving Security, to be approved of by the ſaid Truſtees, that the Work ſhall be completely and properly finiſhed.

And erect Turnpikes thereon.

XXIX. And be it enacted, That, as ſoon as the ſaid Bridge ſhall be completed, the ſaid Truſtees, at a General Meeting aſſembled, ſhall be and they are hereby authorized and empowered to erect, or cauſe to be erected, a Turnpike or Toll Gate, and Toll Houſe, either upon or at either End of the ſaid Bridge or near thereunto, and to levy or cauſe to be levied thereat, before permitting any Paſſage, a Sum or Sums of Money in Name of Toll or Pontage, not exceeding the Rates following; (that is to ſay),

Tolls.

For every Coach, Berlin, Landau, Chariot, Chaiſe, Calaſh, or other ſuch Carriage, with Four Wheels, drawn by Six or more Horſes or other Beaſts of Draught, the Sum of Six Shillings Sterling; and drawn by Four Horſes or other Beaſts of Draught, the Sum of Five Shillings Sterling; and drawn by Three Horſes or other Beaſts of Draught, the Sum of Three Shillings Sterling; and drawn by Two Horſes or other Beaſts of Draught, the Sum of Two Shillings and Sixpence Sterling; and drawn by One Horſe or other Beaſt of Draught, the Sum of Two Shillings Sterling:

For every Chaiſe, Gig, Curricle, or other like Carriage, with Two Wheels, drawn by Two Horſes or other Beaſts of Draught, the Sum of One Shilling and Eight-pence Sterling; and drawn by One Horſe or other Beaſt of Draught, the Sum of One Shilling and Sixpence Sterling:

For every Carriage, commonly called a *Taxed Cart*, the Sum of One Shilling Sterling:

For every Waggon, Wain, Cart, or other like Carriage, drawn by Six or more Horſes, Oxen, or other Beaſts of Draught, the Sum of Six Shillings Sterling; and drawn by Five Horſes, Oxen, or other Beaſts of Draught, the Sum of Five Shillings Sterling; and drawn by Four Horſes, Oxen, or other Beaſts of Draught, the Sum of Three Shillings Sterling; and drawn by Three Horſes, Oxen, or other Beaſts of Draught, the Sum of One Shilling and Sixpence Sterling; and drawn by Two Horſes, Oxen, or other Beaſts of Draught, the Sum of One Shilling Sterling; and drawn by One Horſe, Ox, or other Beaſt of Draught, the Sum of Sixpence Sterling:

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

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

For each Perſon paſſing the ſaid Bridge on Foot, the Sum of One Halfpenny Sterling:

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

Same Exemptions on Bridge as on the Road.

XXX. Provided always, and be it further enacted, That the same Powers shall be inherent in the Trustees to lessen or diminish all or any of the said Rates, and again to raise the same, so as not to exceed the aforesaid respective Sums established as the Maximum; and that the same Exemptions which are herein-before appointed to take place with respect to passing the Turnpike Gates upon the Roads, shall likewise take place, and be observed as to passing and repassing the Turnpikes erected upon or near the said Bridge, with respect to the Pontage Duty.

Application of Money.

XXXI. And be it enacted, That the Money arising from the Toll or Pontage on the said Bridge, shall be applied to and for the upholding the said Bridge and Toll House thereon, and for paying the Interest of the Money borrowed to defray the Expences thereof; and the Surplus of the said Toll or Pontage shall be applied to pay off the Money so borrowed, and afterwards in such Manner towards the Purposes of this Act, as the said Trustees at any General Meeting shall think proper and direct: Provided always, that it shall and may be lawful for the said Trustees to borrow any Sum of Money, not exceeding Four thousand Pounds Sterling, upon the Credit of the said Toll or Pontage, in such and the like Manner, and subject to the like Regulations, as the Money to be borrowed on the Credit of the Tolls payable on the Turnpike Roads is hereby subjected to.

Trustees may settle an Account, &c. with the Duke of *Gordon* for the Bridge at *Boat of Bog*;

XXXII. And whereas his Grace *Alexander* Duke of *Gordon* has begun to erect and build a Bridge across the said River *Spey*, at a Place called *Boat of Bog* near *Fochabers*, and great Progress has already been made in erecting and building the said Bridge; be it therefore enacted, That in case the Expences of erecting and building the said Bridge shall exceed the Amount of any voluntary Subscriptions and any Aid that may be granted by Government for the same, it shall and may be lawful to and for the said *Alexander* Duke of *Gordon*, his Heirs and Successors, to apply to the said Trustees to settle an Account of the Receipts and Expenditure of all Monies received and expended in erecting and building the said Bridge, and to ascertain the Balance that may be due upon such Account; and the said Trustees are hereby authorized and empowered, upon such Application being made, to settle such Account and ascertain such Balance accordingly.

and thereafter levy a Toll upon the same.

XXXIII. And be it enacted, That after settling such Account and ascertaining such Balance, it shall and may be lawful to and for the said Trustees to erect or cause to be erected a Turnpike or Toll Gate and Toll House either upon or at either End of the said Bridge, or near thereunto, and to levy or cause to be levied thereat, before permitting any Passage, a Sum or Sums of Money in Name of Toll or Pontage, not exceeding the Rates herein-before specified in regard to the Bridge to be erected at or near the aforesaid

aforeſaid Place called *Boat of Bridge*, and under and ſubject to ſuch and the ſame Powers, Rules, Regulations, and Exemptions, as are herein-before ſpecified in regard to the ſaid Bridge at *Boat of Bridge*.

Truſtees may borrow Money thereon.

XXXIV. And be it enacted, That it ſhall and may be lawful for the ſaid Truſtees to borrow any Sum of Money, not exceeding Eight thouſand Pounds Sterling, upon the Credit of the ſaid laſt mentioned Toll or Pontage, in ſuch and the like Manner and ſubject to the like Regulations as the Money to be borrowed on the Credit of the Toll or Pontage to be levied on the ſaid Bridge called *Boat of Bridge* is herein-before ſubject to.

Truſtees may repay the Duke of *Gordon* his Advances;

XXXV. And be it enacted, That the ſaid Truſtees ſhall, by and out of the firſt and readieſt Monies coming to their Hands from the ſaid laſt mentioned Toll or Pontage on the ſaid Bridge at *Boat of Bog*, or from the Money to be borrowed on the Credit thereof, pay to the ſaid *Alexander* Duke of *Gordon*, his Heirs and Succeſſors, the Balance ſo aſcertained to be due as aforeſaid, with Intereſt upon the Advances of Money, from the Time of ſuch Advances.

thenafter to repay the Money borrowed, and provide a Fund for keeping the Bridge in Repair.

XXXVI. And be it enacted, That after Payment of ſuch Balance and Advances, with Intereſt as aforeſaid, the Money ariſing by the ſaid Toll or Pontage at *Boat of Bog* ſhall be applied to pay off the Money that may have been borrowed for all or any the Purpoſes aforeſaid connected therewith, and afterwards to provide a Fund to the Amount of Two thouſand Pounds Sterling for maintaining and ſupporting the ſaid Bridge, ſuch Sum to be laid out and inveſted on ſuch real Security as the ſaid Truſtees at any General Meeting ſhall think proper to direct; and ſuch Fund being provided accordingly, ſuch Toll or Pontage ſhall from thenceforth ceaſe and determine.

Appointment of Truſtees for Application of ſaid Fund.

XXXVII. Provided always, and be it enacted, That after the ſaid Sum of Two thouſand Pounds is provided and inveſted as aforeſaid, Seven Truſtees ſhall be appointed for the Application of the Intereſt or annual Produce thereof, in all Time to come, any Three of whom to be a Quorum, of which Seven Truſtees Three ſhall be appointed by the ſaid Duke of *Gordon*, his Heirs and Succeſſors, and Two ſhall be appointed annually by the Heritors of the ſaid County of *Banff*, and Two annually by the Heritors of the ſaid County of *Elgin*, when aſſembled in General Meetings at their reſpective *Michaelmas* Head Courts; and in caſe of the Death, Incapacity, or Reſignation of the ſaid Truſtees, or any of them, the Vacancies ſhall be filled up in the ſame Manner as they were at firſt appointed, and until ſuch Vacancy or Vacancies ſhall be filled up, the ſurviving or remaining Truſtees ſhall and may act in the ſame Manner as if the Numbers were complete.

After the Bridges are built no Ford or Ferry to be uſed within One Mile of the Bridges.

XXXVIII. And be it enacted, That as ſoon as the ſaid Bridge at *Boat of Bridge* and the Roads and Avenues leading to and from the ſame, are completed and opened for Paſſengers, and as ſoon as the ſaid Bridge at *Boat of Bog*, and the Roads and Avenues leading to and from the ſame, are completed and opened for Paſſengers, and the ſaid Truſtees ſhall have erected a Turnpike Toll Gate or Toll Houſe thereon, the Paſſage over either of them ſhall be the only publick Road or Paſſage acroſs the ſaid River *Spey* within One Mile above and One Mile below each of the ſaid Bridges;

Bridges; and it ſhall not be lawful for any Perſon or Perſons to paſs the ſaid River, or to uſe any Ferry for the conveying any Perſon, Cattle, or Carriages acroſs the ſaid River within the Space above mentioned; and in caſe any Perſon or Perſons ſhall paſs the ſaid River, or cauſe any Cattle or Carriage to paſs, within the ſaid Space, at any Ford, or uſe ſuch Ferry, he, ſhe, or they ſhall forfeit the Sum of Twenty Shillings Sterling for every Perſon, Beaſt, or Carriage paſſing, or ferried or conveyed acroſs the ſaid River; which Penalties ſhall be recovered, levied, and applied in the ſame Manner as other Penalties and Forfeitures are directed by the ſaid former Acts and this Act to be recovered, levied, and applied: Provided always, that the ſaid Truſtees ſhall make Compenſation to the Proprietors of ſuch Ferries for the Damage thereby occaſioned, where ſuch Compenſation ſhall be demanded by ſuch Proprietors, and in caſe of any Difference, ſuch Compenſation ſhall be ſettled and aſcertained by a Jury in Manner herein-after mentioned.

Puniſhing Perſons damaging the Bridges.

XXXIX. And, for preventing wilful and malicious burning, or otherwiſe damaging or deſtroying the ſaid Bridges or Centres thereof, be it further enacted, That if any Perſon or Perſons ſhall wilfully and maliciouſly burn, blow up, pull down, or otherwiſe deſtroy either of the ſaid Bridges or Centres thereof, or any of them, or any Part thereof, or attempt ſo to do, or ſhall wilfully and maliciouſly, and without Authority from the ſaid Truſtees, remove, deſtroy, or take away any Materials or Works thereunto belonging, or anywiſe direct or procure the ſame to be done, whereby the ſaid Bridges or either of them, or the Centres, or Works thereof, may be damaged, or the Lives of Paſſengers or Workmen endangered, ſuch Offender or Offenders, being lawfully convicted thereof, ſhall be adjudged guilty of Felony.

Timber to be floated in Rafts.

XL. And be it further enacted, That no Perſon or Perſons ſhall float any Timber upon the ſaid River *Spey*, through any of the Arches of the ſaid Bridges, except the ſame ſhall be faſtened together as Rafts, and attended by One or more Boat or Boats to conduct the ſame; and if any Timber ſhall be floated through the ſaid Arches in any other Manner, or any Damage ſhall be done to the ſaid Bridges, or either of them, or the Piers thereof, by any ſuch Rafts, the Owner or Owners thereof ſhall not only pay the Damage ſuſtained, but ſhall alſo forfeit and pay any Sum not exceeding Five Pounds Sterling, nor leſs than Forty Shillings Sterling, for every ſuch Offence.

Truſtees may let the Tolls.

XLI. And be it further enacted, That the ſaid Truſtees, at a General Meeting aſſembled, may and they are hereby authorized and empowered, by publick Roup, to let the ſaid reſpective Tolls or Duties, in Whole or by Parcels, from Time to Time, during the Continuance of this Act, by Leaſe or otherwiſe, for 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 thereof as ſhall be approved by the ſaid Truſtees.

Truſtees may borrow Money on the Tolls.

XLII. 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 to be erected by virtue of

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 Five hundred Pounds Sterling *per* Statute Mile; declaring that the Money ſo borrowed ſhall be and continue a Lien upon the Tolls granted by this Act upon the Roads 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 Tolls by this Act impoſed, 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 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 transferrable by Indorſement, duly ſubſcribed by the Party transferring, in the Preſence of One or more ſubſcribing Witneſs or Witneſſes.

Aſſignments to be entered in a Book.

XLIII. And be it hereby declared, That the ſaid Truſtees ſhall not be held or adjudged to have rendered themſelves perſonally liable for the Repayment of the Money borrowed, or Intereſt thereof, 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, unleſs expreſſed to the contrary; nor ſhall any Truſtee or Subſcriber be held perſonally liable upon any Pretext for Payment of any Sum which he ſhall not have bound himſelf to pay perſonally as an Individual, independent of his Office of a Truſtee under this Act.

Truſtees not perſonally liable.

XLIV. And be it further enacted, That the ſaid Truſtees in their ſtated General Meeting, adjourned General Meeting, or at a General Meeting advertiſed as aforeſaid, ſhall be and they hereby are authorized to cauſe the aforeſaid Roads to be amended, widened, and repaired, in ſuch Manner as they ſhall think proper, to ſettle the particular Direction of the ſame, to appoint Committees of their Number, with Power to employ Engineers, Surveyors, and other Perſons, with ſuitable Allowances for their Trouble, and alſo to make, or cauſe to be made, Cauſeways, and to cut and make Drains, Ditches, and Paſſages for the Water through any adjacent Ground, and to keep clean ſuch Ditches or Outlets; for which Purpoſe 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 herein-after mentioned.

Truſtees to ſettle the Courſe of the Roads.

XLV. And be it further enacted, That if any Perſon ſhall maliciouſly break down, or otherwiſe deſtroy or deface, any Turnpike Gates, Mile Stones, Poſts, Chains, Bars, Houſes, or other Works whatſoever, erected for the Uſe of ſuch Turnpikes, every Perſon ſo offending, being thereof lawfully convicted in any Proſecution ordered by the ſaid Truſtees, or any Two of them, upon the Oath of One or more credible Witneſs or Witneſſes, before the Sheriffs, or any Two or more Juſtices of the Peace of the County

Penalty on breaking down Gates, *etc.*

County of *Banff*, shall be condemned to pay any Sum not exceeding Triple the Damages sustained, or to be imprisoned for any Time not exceeding One Calendar Month, and thereafter until the Damages awarded shall be paid; and for a Second Offence may, on Conviction as aforesaid, be condemned to pay any Sum not exceeding Triple the Damages, and be imprisoned for any Time not exceeding Six Calendar Months.

Power to compound for Tolls.

XLVI. And be it further enacted, That the said Trustees shall have Power at their General or Committee 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 Money 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, to be seen and perused by any Person or Persons at all reasonable Times, without Fee or Reward.

Penalty on the Keepers of Gates.

XLVII. And be it further enacted, That if any of the Keepers of the Turnpike Gates erected by virtue of this Act shall fail in the due Performance of their Duty, or shall neglect to give constant Attendance at all Hours, and a free and ready Passage to all Persons and Carriages, on Payment offered of the Toll, it shall be in the Power of the said Trustees, or any Two of them, and they are hereby required, on satisfactory Proof given, to levy from each Tollkeeper so offending, in all or any of the said Particulars, such a Sum as to them shall appear reasonable, not exceeding Five Pounds Sterling for each Offence.

Compelling Payment of Subscription Money.

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

Trustees and Subscribers only personally liable for the Amount of their own Subscription.

XLIX. Provided always that no Trustee or Subscriber under this Act shall be personally bound or liable, in consequence of any Contract, Obligation, Agreement, or other Deed whatever, entered into or to be entered into at any Time by the Trustees, or any Committee of their Number or Appointment, or upon any other Pretext whatsoever, to pay any Sum beyond the Amount of his own particular Subscription, or such Part thereof as may happen then to remain unpaid, unless he shall have subjected himself to Payment of any such farther Sum, by a Writing under his Hand, wherein such farther Sum shall be particularly expressed.

L. And,

Qualification of Truſtees for converting the Statute Labour, *etc.*

L. And, for the more effectually making, repairing, and keeping in Repair, the Roads and Bridges in the ſaid County of *Banff*, 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 Lands in the ſaid County, valued in the Ceſs Books of the ſame at One hundred Pounds; and all and every the eldeſt Sons of ſuch Perſons, One Guardian of each Minor enjoying and poſſeſſing Lands of the Valuation aforeſaid, One Truſtee of every Eſtate of the ſaid Valuation veſted in Truſt, One Manager or Factor for each Corporation or aſſociated Body holding Lands of the ſaid Valuation, the Provoſt and eldeſt Baillie of the Burgh of *Banff*, the eldeſt Baillie of the Burgh of *Cullen*, the Chief Magiſtrate of *Macduff*, *Portſoy*, *Keith*, and *Fochabers*, the Sheriff Depute of the County of *Banff* or his Subſtitute, all for the Time being, ſhall be Truſtees for ordering and ſuperintending the making and repairing, and keeping in Repair, or cauſing to be ſurveyed, altered, and repaired, all and every the Roads, Bridges, and Ferries within the County of *Banff*, and thoſe Parts of the County of *Elgin* herein-after comprehended, other than and beſides ſuch Roads in the ſaid County on which Turnpikes ſhall be erected and Tolls taken, in virtue of this Act; and for exacting and applying the Aſſeſſments herein-after allowed to be impoſed and levied, and for carrying into Execution the whole Powers given by former Laws, and conferred by this preſent Act, relative to the Roads, Bridges, and Ferries, within the ſaid County.

Penalty on Truſtees acting without being qualified.

LI. Provided always, That if any Perſon, not qualified as aforeſaid, ſhall, notwithſtanding, preſume to act as a Truſtee as aforeſaid, every ſuch Perſon ſhall for every ſuch acting forfeit the Sum of Twenty Pounds Sterling, beſides the Expences of Proſecution, to be recovered by Complaint, in a ſummary Way, at the Suit of any Heritor within the ſaid County, before the Juſtices of the Peace at their Quarter Seſſions, or before the Sheriff Depute of the County of *Banff*, or his Subſtitute; which Penalty ſhall be paid to the Truſtees aforeſaid, or their Clerk, to be applied by them for the Purpoſes of this Act; and in caſe of ſuch Complaint, the Proof of the Qualification ſhall be upon the Perſon complained of.

Diſtricts.

LII. And be it further enacted, That the ſaid County ſhall be divided into the following Diſtricts, (*videlicet*),

Firſt Diſtrict, containing the Pariſhes of *Alva*, *Boyndie*, *Banff*, and *Gamrie*:

Second Diſtrict, containing *Forglen*, *Inverkeithney*, *Marnoch*, and *Ordequhill*:

Third Diſtrict, containing *Fordyce*, *Deſkford*, *Cullen*, *Rathven*, and *Bellie*, as well thoſe Parts thereof lying in *Banffſhire*, as thoſe which lie in the Shire of *Elgin*:

Fourth Diſtrict, containing *Rothiemay*, *Grange*, *Keith*, *Botriphney*, and *Boharm*, as well thoſe Parts thereof lying in *Banffſhire*, as thoſe in the ſaid County of *Elgin*:

Fifth Diſtrict, containing *Mortlach*, *Aberlour*, *Inveraven*, and *Kirkmichael*.

LIII. Providing and declaring, That although certain Parts of the Pariſhes of *Boharm* and *Bellie*, are rated in the Ceſs Books of the County of *Elgin*, yet they ſhall nevertheleſs be comprehended in this Act, and ſhall be held

held and considered as making Part of the respective Districts within which they are locally situated.

Districts subject to Alteration by annual General Meetings.

LIV. Provided always, That the foregoing Division of the said County into Districts, shall be subject to Alteration by any of the annual stated General Meetings, Notice of such intended Alteration being advertised in the *Aberdeen Journal*, or other Newspaper published at *Aberdeen*, Twice within Two Weeks immediately preceding such General Meeting.

First Meeting of Trustees.

LV. And be it further enacted, That the said Trustees, or any Five or more of them, shall, in order to put this Act into Execution, meet within the Sheriff Court Room of *Banff*, on the same Day on which the Trustees herein-before named for the Superintendance and Direction of the Turnpike Roads hold their First stated General Meeting under this Act, and shall meet thereafter yearly on the Days appointed for the annual stated General Meetings of the said Trustees, with Power to adjourn and name a Preses, and also a Clerk, with a suitable Salary for his Trouble, who shall keep a regular Record of their Proceedings, and, when required, shall give out Extracts of the Orders or Proceedings of the Trustees, containing Warrants for putting these Orders into Execution; with Power, also, to the said Trustees, to appoint convenient Times for the First Meeting in each Year of the Trustees for the respective Districts before mentioned, with such Instructions for carrying this Act into Execution as may be deemed necessary; and the Trustees, at such District Meetings, shall have Power afterwards to adjourn to such Time as they shall see cause.

Quorum of Trustees.

LVI. And be it further enacted, That at all General Meetings of the said Trustees, Seven shall be a Quorum; and if a Quorum shall not attend, any One or more Trustees attending shall have Power to adjourn.

Clerk to call Meetings.

LVII. And be it further enacted, That the Clerk of the said Trustees, or, in his Absence, the Preses of the former General Meeting, shall, when directed by any Two or more Trustees, call a General Meeting, by an Advertisement in the *Aberdeen Journal*, or other Newspaper, published at *Aberdeen*, Fourteen Days before such Meeting, signifying the Purpose of the same; and no Person but the Clerk, or the Preses of the former General Meeting, shall have Power to call such Special Meetings; and

Expence how to be paid.

the Expence of advertising shall be paid by the Trustees requiring such Meeting, who may be reimbursed out of the Funds of the District on the Business of which the Meeting is called, if the said Meeting shall order such Reimbursement.

Determination of annual Meetings not to be altered till next annual Meeting, *etc.*

LVIII. And be it further enacted, That no Determination of either of the annual stated Meetings, or the Rules and Regulations established by them, shall be annulled or altered till the next annual stated Meeting, or Meeting advertised for that special Purpose.

District Trustees.

LIX. And be it enacted, That the Trustees whose Property is situated in, or who by their Offices are connected with the several Districts before mentioned, shall have the Superintendance of the Roads, Bridges, and

Their Powers.

Ferries within their respective Districts; and shall at their Meeting have Power to name a Preses, Clerks, Surveyors, Overseers, Collectors, and other

other Officers with ſuitable Salaries, and take ſuch Securities from thoſe appointed to the Offices of Truſt, for the due Execution of their Offices, as they ſhall think proper; and in Diſtrict Meetings Three ſhall be a Quorum, and any One or more attending ſhall have Power to adjourn; and the Truſtees in each Diſtrict ſhall cauſe to be kept exact Minutes of their Proceedings, and ſhall cauſe to be entered accurate Accounts of the Money received by virtue of this Act, and the Application thereof, in a Book to be kept by their Clerk, which all the Heritors of the County ſhall have Liberty to inſpect *gratis*; and a particular Report of the State of the Roads and Bridges within the reſpective Diſtricts, or the Books of the Proceedings kept by the Truſtees within the ſame, and Eſtimates of the Sums neceſſary for the Repair of them, and of the Money expended and Work done the preceding Year, ſhall be laid before the annual ſtated General Meeting, held on the Day the Commiſſioners of Supply meet for aſſeſſing the Land Tax, or upon the Thirtieth Day of *April* or next lawful Day yearly; and in caſe of Failure or Neglect any Juſtice of the Peace, on the Application of any One Truſtee, ſhall ſummon the Clerk of the Diſtrict, 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 Ten Pounds Sterling.

District Clerk to keep Books and report Proceedings.

Penalty for not reporting.

LX. And be it further enacted, That it ſhall be in the Power of any Truſtee, by a Writing under his Hand, to delegate to his Agent or Factor all the Power with which he is by this Act inveſted in the reſpective Diſtrict or Pariſh Meetings only.

Truſtees may delegate Powers to Agents.

LXI. And be it enacted, That in lieu of the Statute Services at preſent exigible from all Occupiers of Land, there ſhall (with the Exceptions herein-after ſpecified), be paid an Aſſeſſment or Converſion in Money to be levied from the Heritors, Landholders, or Feuers in the County of *Banff*, and thoſe Parts in the County of *Elgin* comprehended under this Act, according to the reſpective valued Rents at which their Lands ſtand rated in the Ceſs and Valuation Books of the ſaid Counties, ſuch Aſſeſſment not exceeding Two Pounds Sterling upon each One hundred Pounds *Scots* of valued Rent; and the ſaid Truſtees ſhall have Power, and they are hereby authorized at their reſpective Diſtrict Meetings to be held annually on the Days appointed by the General Meetings, to nominate and appoint their own Collector and Clerk, with ſuch an Allowance for his Trouble as may ſeem reaſonable, not exceeding Two and One Half *per Centum* of the Money to be received; as alſo to fix and determine the particular Rate of Aſſeſſment within the Diſtrict for the current Year, the ſame not exceeding the Maximum Rate of Two Pounds Sterling herein-before allowed, nor under Ten Shillings Sterling for each One hundred Pounds *Scots* of valued Rent.

Converſion in lieu of Statute Labour.

Mode of Aſſeſſment.

Rate.

LXII. And be it further enacted, That all the Heritors or Proprietors who ſhall have paid the Aſſeſſment to be impoſed in Manner as herein-before directed, ſhall be entitled to Relief and Repayment from the actual Tenants or Poſſeſſors of Three Fourth Parts of ſuch Aſſeſſment, each Poſſeſſor paying a Sum correſponding to the valued Rent of their Poſſeſſions; or in caſe the Lands ſo occupied by different Perſons be valued in Cumulo in a Sum bearing the ſame Proportion to the Aſſeſſment payable for the whole Lands, as the real Rent or Value of each Poſſeſſion bears to

Heritors entitled to Relief from their Tenants for Three-fourths of the Aſſeſſment.

to the real Rent or Value of the Whole; a juſt Share of the ſaid Three Fourth Parts being always laid upon Lands in the natural Poſſeſſion of the Proprietor; and the like Action and Execution ſhall be competent to ſuch Heritors or Proprietors for their Relief and Repayment of the ſaid Aſſeſſment, as by Law is competent to them for the Payment and Recovery of their Rents; and ſuch Relief ſhall alſo be competent in all Caſes where an Occupier or Tenant is by Leaſe or Agreement exempted from the Payment of all publick Burdens, unleſs the Aſſeſſments impoſed by this Act be expreſsly included in ſuch Exemption.

Diſputes regarding the Diviſion of Cumulo Valuations how to be determined.

LXIII. And be it further enacted, That in caſe any Tenant ſhall think himſelf aggrieved by the Diviſion of a Cumulo Valuation, or that an adequate Value had not been put upon Lands in the natural Poſſeſſion of the Proprietor, the ſaid Truſtees, or any Three or more of them, in a Diſtrict Meeting aſſembled, are hereby empowered and required, upon a Complaint made to them by ſuch Tenant, to determine the Matter in ſuch Manner as they may ſee juſt and equitable, and the ſaid Valuation ſhall continue to be the Rule for aſcertaining the Proportion of valued Rent falling upon the ſaid Lands as long as they remain in the natural Poſſeſſion of the Proprietor, and no Alteration made in the Rents of the other Lands included in the ſame Valuation.

Proportions of Burgh Roods, *etc.* not valued in Ceſs Books.

LXIV. And be it further enacted, That all Proprietors of Burgh Roods, Fiſhings, or Lands, not valued in the Ceſs Books of the ſaid Counties, ſhall be liable in an Aſſeſſment or Converſion in lieu of Statute Labour, in a Sum not exceeding Four-pence Sterling *per Annum* for each One Pound Sterling of the yearly Rent of their Poſſeſſions; the ſaid Rent to be aſcertained by Two or more Aſſeſſors to be appointed by the ſaid Truſtees in each Diſtrict; and ſuch Aſſeſſment ſhall be collected by any Perſon or Perſons to be named by the ſaid Truſtees, at their Diſtrict Meetings in Manner before mentioned, and ſhall be diminiſhed in the ſame Proportion that the aforeſaid Aſſeſſment or Converſion for Lands valued in the Ceſs Books of the County ſhall be diminiſhed: Provided always, that the Tax Roll by which the Ceſs payable from the Towns of *Banff* and *Cullen* is collected and levied, ſhall be the Rule by which the aforeſaid Aſſeſſment is to be impoſed upon the Fiſhings, Burgh Roods, and other Lands not valued in the Ceſs Books aforeſaid, ſo long as the ſaid Tax Roll ſhall continue; and the ſame Relief, to the ſame Extent and Proportion, ſhall be competent to the Proprietors of ſuch Burgh Roods, Fiſhings, and other Lands before mentioned againſt the Tenants and Poſſeſſors of the ſame, as to the Proprietors of Lands valued in the Ceſs Books of the County.

Rate of Aſſeſſment on Inhabitants of Houſes.

LXV. And be it further enacted, That, from and after the paſſing of this Act all Occupiers and Inhabitants, whether Heritors or Tenants, of all Houſes, Shops, Cellars, Warehouſes, and other Buildings, within any Part of the ſaid County of *Banff*, and thoſe Parts of the County of *Elgin* comprehended in this Act, that now are or hereafter may be erected in the ſaid Counties, not having any cultivated or profitable Lands, except a Garden annexed thereto, ſhall, in place of their Statute Labour, pay yearly an Aſſeſſment or Converſion, not exceeding One Shilling Sterling for every Dwelling Houſe, Apartment, or Room, occupied by them, whereof the yearly Rent is Twenty Shillings, and under Three Pounds Sterling;

Sterling; an Aſſeſſment or Converſion, not exceeding One Shilling and Sixpence Sterling for every Dwelling Houſe, Apartment, or Room, occupied by them, whereof the yearly Rent is Three Pounds, and under Five Pounds Sterling; an Aſſeſſment or Converſion, not exceeding Two Shillings and Sixpence Sterling, for every Dwelling Houſe, Apartment, or Room, occupied by them, whereof the yearly Rent is Five Pounds, and under Seven Pounds Sterling; an Aſſeſſment or Converſion, not exceeding Three Shillings and Four-pence Sterling, for every Dwelling Houſe, Apartment, or Room, occupied by them, whereof the yearly Rent is Seven Pounds, and under Ten Pounds Sterling; an Aſſeſſment or Converſion, not exceeding Four Shillings and Eight-pence Sterling, for every Dwelling Houſe, Apartment, or Room, occupied by them, whereof the yearly Rent is Ten Pounds, and under Fifteen Pounds Sterling; an Aſſeſſment or Converſion, not exceeding Seven Shillings Sterling, for every Dwelling Houſe, Apartment, or Room, occupied by them, whereof the yearly Rent is Fifteen Pounds, and under Twenty Pounds Sterling; an Aſſeſſment or Converſion, not exceeding Ten Shillings Sterling, for every Dwelling Houſe, Apartment, or Room, occupied by them, whereof the Rent is Twenty Pounds Sterling; an Aſſeſſment or Converſion, equivalent to Three Pounds Six Shillings and Eight-pence Sterling *per Centum*, on the yearly Rent of every Dwelling Houſe, Apartment, or Room, occupied by them, exceeding the yearly Rent of Twenty Pounds Sterling; and all and every Inn-keeper, Carter, Carrier, or other Perſons, keeping Horſes, Aſſes, or Mules, for Carriage or Hire, or for carrying on any particular Trade or Manufacture; and every Perſon keeping a Riding or Pleaſure Horſe, and who ſhall be aſſeſſed in a Sum not exceeding Twenty Shillings Sterling for Lands or Houſes, in virtue of this Act, ſhall pay, as an Aſſeſſment or Converſion for Statute Labour, a Sum not exceeding Two Shillings Sterling yearly for each of ſuch Horſes, Aſſes, or Mules.

Perſons keeping Horſes and not paying 20s. Aſſeſſment, to pay 2s. for each Horſe.

LXVI. And be it further enacted, That all Men, whether married or unmarried, above Sixteen Years of Age, not being engaged Servants by the Year or Half Year, nor poſſeſſing Lands or Houſes of the yearly Rent of Twenty Shillings Sterling, ſhall be obliged to pay a Sum not exceeding Six Shillings Sterling for the Purpoſes of this Act, to the Collector or Clerk of the Pariſh within which he ſhall be reſiding, in the Month of *September* One thouſand eight hundred and four, and thereafter yearly in the Month of *June*; or in caſe of his Removal from ſuch Pariſh before Payment to the Collector or Clerk of the Pariſh, who ſhall firſt demand the ſame: Provided always, that it ſhall be in the Power of the ſaid Truſtees, and they are hereby authorized, to aſſeſs ſuch Perſons either to the Rates or Duties chargeable on Occupiers of Houſes in the like Situation and Circumſtances, or to the Rates laſt mentioned payable by other Perſons.

Aſſeſſment on other Perſons.

LXVII. Provided always, That no Houſe or Houſes, within the ſaid County, entirely uſed or employed in carrying on Manufactures, and where no Part ſhall be occupied as a Dwelling Houſe, and no Kind of Victuals ſhall be dreſſed or prepared therein, ſhall be ſubjected or liable to be rated or aſſeſſed for the Duties impoſed by this preſent Act, for any higher Rate or Aſſeſſment than upon Fifty Pounds Sterling of yearly Rent or Value of all ſuch Manufacturing Houſes, belonging to any One Company or Individual.

Manufacturing Houſes not to be rated for a higher Sum than 50l. of Rent.

LXVIII. And,

Aſſeſſors to be appointed for aſcertaining Occupiers of Burgh Roods.

LXVIII. And, for aſcertaining the Converſion payable by the Occupiers of Burgh Roods, Fithings, or Lands, not valued in the Ceſs Books of the ſaid Counties, and Inhabitants of Houſes and others in the Royal Burghs, Towns, and Villages, and by Innkeepers, Carters, and others, as herein-before particularly deſcribed, be it enacted, That any Three or more of the ſaid Truſtees, at their Firſt Diſtrict Meeting to be held after the paſſing of this Act, and yearly thereafter, ſhall, and they are hereby authorized to nominate and appoint Two or more fit Perſons as Aſſeſſors for their reſpective Diſtricts within the ſaid County, who, within the Space of One Calendar Month after their Appointment, ſhall yearly return, upon Oath, to the Truſtees of the ſaid Diſtrict Meeting, an exact Liſt of the Occupiers of the ſaid Burgh Roods, Fithings, Lands, Houſes, and others particularly before deſcribed, and the Rents of the ſaid Burgh Roods and Houſes, where the ſame are in Tenantry, or to the beſt of their Judgement the annual Value of ſuch Burgh Roods and Houſes, where they are in the natural Poſſeſſion of the Proprietor, or where the Rent paid by the Tenant cannot be aſcertained; and the ſaid Aſſeſſors ſhall, in like Manner, and they are hereby required to make up and return to the ſaid Truſtees, at their Diſtrict Meeting, full and diſtinct annual Liſts of all Horſes, Aſſes, and Mules kept by Innkeepers, Carters, Carriers, and other Perſons particularly herein-before deſcribed, ſpecifying the Names of the Owners of ſuch Horſes, Aſſes, or Mules, and the Purpoſe for which they are employed; and the ſaid Aſſeſſors are hereby required, and ſhall be obliged to act and perform their Duty faithfully, according to the Intent and Meaning of this Act, under the Penalty of Five Pounds Sterling for every Offence, to be levied and applied as herein-after mentioned; but no Perſon ſhall be obliged to hold the Office of Aſſeſſor for more than Two Years ſucceſſively, nor ſhall again be bound to accept of the ſaid Office during the Space of Six Years thereafter; and the ſaid Truſtees are hereby empowered to allow the ſaid Aſſeſſors ſuch Sum, as to them ſhall appear reaſonable, for their Trouble.

Duty of Aſſeſſors.

Penalty on Aſſeſſors not doing their Duty.

their Salary.

Aſſeſſments on each Pariſh to be laid out on the Roads within the ſame.

LXIX. And be it enacted, That the ſaid Truſtees, at their Diſtrict Meeting, ſhall, and they are hereby required to order and appoint the whole Monies to be annually impoſed and levied upon the Diſtrict, in lieu of Statute Labour, to be laid out and expended upon the reſpective Roads within the different Pariſhes of the Diſtrict where it is levied; and when a publick Road happens to be the Boundary between Two Pariſhes, whether in the ſame or different Diſtricts, it ſhall be made and ſupported by each Pariſh contributing equally to its Expence, ſo far as connected together: Provided always, that it ſhall be in the Power of the ſaid Truſtees, with Conſent of the Majority of the Heritors poſſeſſing Four-fifths of the valued Rent of any Pariſh, to apply the Whole or Part of the Aſſeſſment ariſing therefrom to ſuch Roads within other Pariſhes of the Diſtrict, or within the Pariſhes of another Diſtrict lying contiguous, as they may judge moſt neceſſary and expedient.

For Application of Converſion Money on Turnpike Roads.

LXX. Provided always, and be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees for the Turnpike Roads at any Meeting, of which Fourteen Days Notice ſhall be given in the *Aberdeen Journal*, or other Newſpaper publiſhed at *Aberdeen*, to authorize and require the ſaid Truſtees for the Roads, Bridges, and Ferries, to apply the Converſion Money ariſing within any Diſtrict to the Repair and Amend-

ment

ment of the Turnpike Roads within ſuch Diſtrict in ſuch Proportion and Manner as the ſaid Turnpike Truſtees ſhall think proper: Provided always, that the Money ſo expended, with lawful Intereſt for the ſame, ſhall be a preferable Lien and Charge upon the Turnpike Road which ſhall receive the Benefit thereof, and ſhall be repaid out of the Tolls collected or Money borrowed on the Credit thereof.

Time of Payment of Aſſeſſments.

LXXI. And be it further enacted, That the whole Sums of Money ariſing from the aforeſaid Aſſeſſments and Converſions ſhall be paid on or before the Firſt Day of *September* One thouſand eight hundred and four, and thereafter on the Firſt Day of *July* yearly; and if any Perſon, liable in Payment thereof, ſhall neglect or refuſe to pay the ſame to the Collectors to be appointed by the ſaid Truſtees, on or before the Day of Payment above ſpecified, it ſhall then be lawful for the Sheriff Depute, or his Subſtitute, or for Two or more Juſtices of the Peace for the ſaid County, to grant a Warrant for poinding the Effects of the Deficient, in a ſummary Way, to appraiſe them on the Spot where found, and afterwards to ſell the ſame by Auction for Payment of the Aſſeſſment or Converſion which ſhall be due, together with the full Charges attending the Recovery thereof; and the Surplus (if any) ſhall be paid, when demanded, to the Perſon whoſe Effects ſhall have been ſo poinded; which Warrants are to be granted, by the Sheriff Depute or his Subſtitute or Juſtices aforeſaid, upon an Application made to them or any of them, and an Atteſtation, ſigned by any of the Collectors, certifying that the Perſons complained of had been deficient in paying the Aſſeſſments or Converſions above mentioned, and expreſſing therein the Arrears of ſuch Perſons.

Mode of Recovery thereof.

Perſons exempted.

LXXII. Provided always, and be it enacted, That no Parochial Clergyman or Parochial Schoolmaſter ſhall pay any Aſſeſſment or Converſion for their Manſes or Houſes occupied in lieu thereof, Glebes or Pariſh Schoolhouſes, and the Lands thereunto belonging in their natural Poſſeſſion; but if they ſhall be Proprietors or Occupiers of other Lands or Houſes, as Tenants or Proprietors, they ſhall in that Caſe pay for ſuch other Lands or Houſes occupied by them, according to the Rate of the Claſs to which they belong; nor ſhall any Pauper receiving Aid from the Pariſh Funds pay or be charged with any Aſſeſſment or Converſion for Houſes occupied by them.

Truſtees authorized to borrow Money.

LXXIII. And be it further enacted, That it ſhall be in the Power of the Truſtees within each Diſtrict, and they are hereby authorized to borrow Money on the Credit of the Aſſeſſment or Converſion hereby allowed to be raiſed from all or any of the Pariſhes within the Diſtrict, and to aſſign Two-third Parts of the ſaid Converſions as a Security for the Payment thereof: Provided, that the Sum borrowed on the Credit of the Converſions in any Pariſh ſhall not at any Time exceed the Amount of Ten Years Converſions, eſtimating the Value of each Year's Converſion by that of the Year immediately preceding that in which the Money ſhall be ſo borrowed: And provided further, that ſuch Tranſaction be entered in the Books of the Diſtrict; and that till ſuch Time as the Money ſo borrowed and the whole Intereſts thereof ſhall be repaid, the Truſtees ſhall not have Power to diminiſh the Rate of Aſſeſſment impoſed at the Time when ſuch Money may be borrowed as aforeſaid; but that it ſhall nevertheleſs

Money borrowed not to exceed Ten Years Aſſeſſment, according to the preceding Years.

theleſs be in their Power to encreaſe ſuch Aſſeſſment, if it ſhall be found neceſſary to borrow any farther Sum, in Manner and for the Period as herein before allowed.

District Meetings to determine what Roads are to be made, and to allocate the Aſſeſſment for that Purpoſe, and to appoint Committees in each Pariſh.

LXXIV. And be it further enacted, That the ſaid Truſtees in their reſpective Diſtrict Meetings, ſhall annually determine what Roads are to be made and repaired within ſuch Diſtricts, and fix ſuch Allocation of the Converſion Money as to them ſhall appear proper for that Purpoſe; and ſhall have Power to appoint Committees in every Pariſh, being Heritors in ſuch Pariſh, or their Agents properly authorized to act for them, or failing reſident Heritors, any of the Truſtees of the Diſtrict to ſuperintend the Roads in ſuch Pariſh; which Committee ſhall have Power to call for the Aſſeſſments impoſed on the Pariſh, and may name Overſeers under them for the Application of the Money, and the making and repairing of the Roads in the ſaid Pariſhes, with ſuitable Salaries for their Trouble; and the ſaid Committees and Overſeers ſhall annually make up and deliver to the Clerk of the Truſtees of the Diſtrict, regular Accounts of the Money expended by them reſpectively; and in caſe of Failure or Neglect in ſuch Committees or Overſeers in giving in theſe Accounts, any Two Juſtices of the Peace, upon the Application of any One Truſtee, may fine the Defaulters in a Sum not exceeding Five Pounds Sterling.

Powers of Pariſh Committees

General Meetings may allocate Aſſeſſments, if the Diſtrict Truſtees fail to do ſo.

LXXV. And be it enacted, That if the Truſtees in any Diſtrict or Pariſh ſhall neglect to execute the Powers committed to them by this Act, and ſhall not have applied the Money hereby allowed to be impoſed, it ſhall be lawful, (unleſs ſufficient Cauſe is ſhewn by ſuch Diſtrict or Pariſh) for the ſaid Truſtees in each of their annual ſtated General Meetings, to allocate the Converſion Money unapplied on each defaulted Pariſh or Diſtrict, to the Roads and Bridges of that or any other Pariſh or Diſtrict within the County, and to name a Committee of their own Number with the neceſſary Powers to cauſe ſuch Application to be made.

Proceedings of Diſtrict Meetings ſubject to the Direction and Controul of General Meetings.

LXXVI. Provided always, That the Proceedings of the Truſtees in the Diſtrict Meetings ſhall be ſubject to the Direction and Controul of the General Meetings to whom any Perſon or Perſons who think themſelves aggrieved by ſuch Proceedings may appeal, and whoſe Sentence ſhall be final; and in caſe the Diſtrict Meetings do not comply with the Orders of the General Meetings, it ſhall be in the Power of the General Meetings to appoint a Committee of their Number to carry the ſaid Orders into Execution.

But not to reduce Aſſeſſments till Money paid.

LXXVII. Provided always, That it ſhall not be in the Power of the ſaid Truſtees, either at their General Meetings or Diſtrict Meetings, to diminiſh or reduce the Rate of Aſſeſſment ariſing from any Diſtrict or Pariſh, upon the Credit of which any Sum or Sums of Money may have been borrowed as herein-before allowed, until ſuch Sum or Sums of Money be paid off and extinguiſhed, or unleſs the Perſon or Perſons to whom the Money is owing ſhall conſent.

No Appeal to ſtop Payment of Aſſeſſment.

LXXVIII. And be it enacted, That no Appeal taken from the Sentence or Proceeding of a Diſtrict Meeting, nor any Complaint or Action founded thereon, ſhall ſtop the Payment of the Converſions in that Year in which ſuch Converſions are ordered to be paid; ſaving to the Parties their Redreſs.

dreſs, either from the Perſons by whom they may have been aggrieved or out of the Converſions for the Year next after the Determination of the Cauſe.

Truſtees to pay their own Expences.

LXXIX. And be it further enacted, That the ſaid Truſtees (as well thoſe appointed for the Turnpike Roads as thoſe appointed to manage the other Roads through the ſaid County generally, and the Converſion Money; the preſent and ſubſequent Regulations in this Act applying to both Sets of Truſtees, and to both Objects) ſhall at all their Meetings pay their own Expences.

Truſtees may ſhut up Roads become uſeleſs.

Notice of Reſolution to ſhut up Roads to be advertiſed at the Pariſh Churches One Month before being ſhut up.

LXXX. And be it further 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 which may appear uſeleſs or of little Importance to the Publick: Provided always, that Notice of the Reſolution to ſhut up any ſuch Road be given by Advertiſement at the Churches of the Pariſhes through which the ſaid Road paſſes, for Two conſecutive *Sundays*, One Month at leaſt, before the ſaid Road ſhall be actually ſhut up; and that any Perſon or Perſons, who ſhall think himſelf or themſelves aggrieved by ſuch Reſolution may apply to the Sheriff Depute of the County in which ſuch Roads ſhall be ſituate, or his Subſtitute, who, if he ſees Cauſe, is hereby empowered to ſuſpend the Execution thereof until the next General Meeting of the Truſtees, who ſhall finally determine therein.

Truſtees may cauſe Roads to be altered and repaired.

Truſtees may make Drains, &c.

LXXXI. And be it further enacted, That the ſaid Truſtees ſhall be, and they are hereby authorized to cauſe the Roads to be made, altered, amended, widened, and repaired, in ſuch Manner as they ſhall think proper, to ſettle the particular Direction of the ſame, and to employ Engineers, Surveyors, and other Perſons, with ſuitable Allowances for their Trouble; and alſo to make, or cauſe to be made Cauſeways, and to cut and make Drains, Ditches, and Paſſages for Water through any Ground adjacent, and to keep clear ſuch Ditches or Outlets, for which Purpoſe the Workmen employed by them may go upon the ſaid Lands: Provided always, that reaſonable Satisfaction be made to the Owner and Occupier of ſuch Lands for the Damage done in making any ſuch Cauſeways, Drains, Ditches, Paſſages, or Outlets: and if the ſaid Owner or Occupier ſhall not be ſatisfied with the Allowance offered by the Truſtees, he and they ſhall be at Liberty to apply to the Quarter Seſſion of the ſaid County, who ſhall have Power finally to ſettle the ſame.

Truſtees to cauſe to be erected new Bridges and pull down old ones.

Truſtees may cauſe Roads to be widened.

Truſtees may cauſe Houſes to be pulled down.

LXXXII. And be it further enacted, That the ſaid Truſtees ſhall have Power to cauſe to be built new Arches and Bridges of Stone, Brick, 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-five Feet excluſive of the Foot-ways and clear of the Ditches, and to cauſe the Courſe of ſuch Parts of the ſaid Roads as they ſhall think proper, to be altered, for ſhortening the ſame, or making them more commodious and level; and for theſe Purpoſes to cauſe all Dwelling Houſes, Office Houſes, or other Buildings, falling within the Line of Road, the Side Walls whereof ſhall not exceed Twenty Feet in Height, to be taken down and removed, after giving the Owners or Occupiers

cupiers of such Houses Six Months Notice to remove from the Premises; and the Road so altered and widened shall thereafter be taken and held to be a publick Highway and comprehended within this Act: Providing that it shall be in the Power of all Proprietors and Occupiers of Land as well entailed as unentailed, 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.

Sheriff to summon a Jury to fix the Value of Lands and Houses

LXXXIII. And be it further enacted, That in taking the necessary Ground for making, altering, or widening the said Roads, or in taking down any House or Houses, or Part or Parts of any House or Houses, by Authority of this Act, if the said respective Trustees shall not come to an Agreement with the Owner or Owners, and Occupier or Occupiers of the Lands where the Roads are to be so altered or widened, or whose Fences are to be altered or removed, or with the Owner or Owners, Occupier or Occupiers of any House or Houses, or Part or Parts of any House or Houses, which are to be taken down as aforesaid; or in case the Claim of Damages which may be thence incurred has not been renounced in Manner aforesaid, Application shall be made to the Sheriff Depute of the said County, or his Substitute, to summon a Jury, in order to value the Ground necessary to be taken and used, or Houses, or Parts of Houses necessary to be taken down for so widening and enlarging the said Roads or Highways, and the Loss or Damage ensuing from the altering or removing of Fences; and the said Sheriff Depute, or his Substitute, is hereby empowered and required, upon such Application, to order Notice thereof to be given to the Owner or Owners, and Occupier or Occupiers of such Ground or Houses, and afterwards to issue a Summons, in the usual Manner, for calling together and impannelling a Jury, consisting of Fifteen Persons in Number, to examine into, and after such Examination to return a Verdict, upon Oath, as to the Damage sustained by the Proprietor of such Lands, Fences, Houses, or Parts of Houses; and in making up their Verdict, to be pronounced as herein directed, and estimating the Sums to be paid to the Proprietors, Tenants, or Occupiers of Lands and Houses as aforesaid, the said Jury shall have Right, and they are hereby empowered to take under their Consideration all Circumstances; and in ascertaining the Value of the Dykes or Enclosures which it may be necessary to pull down in making new Roads, the Jury shall also have Power to direct such Dykes as may thereby become useless to the Proprietor, to be taken down and removed by the said Trustees, upon Payment of such Allowance therefore as the said Jury may determine; and it shall be optional to the Proprietors either to accept of the Allowance so awarded, or to retain the Materials of the said Dykes to their own private Use, and after a Verdict is pronounced as aforesaid, the said Sheriff Depute or his Substitute is hereby required to adjudge Payment of the Value and Amount of the Loss or Damage thereby awarded to the Persons having a Right thereto; and upon Payment being made by the said Trustees out of the Money raised by virtue of this Act, of the Sum awarded to the Party or Parties interested, or Consignation of the said Sum in any of the Banks of *Scotland*, or Branches of Banks in *Banff*, the said respective Trustees shall from thenceforth have Right, and be at Liberty to take and use the

Sheriff to adjudge Payment of the Sum advanced by the Jury.

Ground,

Ground, and to take down the Houſes and Fences, or Parts of Houſes and Fences ſo valued, for the Purpoſe of altering, widening, and extending the Roads and Highways aforeſaid, as fully and effectually, ever after, to all Intents and Purpoſes, as if the Owner or Owners, and Occupier or Occupiers of ſuch Grounds, Houſes, or Fences, had executed regular Diſpoſitions of the ſame, and thereupon Infeftments had followed; and the ſaid Proceedings and Orders of the Sheriff Depute, or his Subſtitute, ſhall be final, and not removeable or queſtionable, by Bills or Letters of Advocation or Suſpenſion to or by any other Court whatſoever; any Law or Uſage to the contrary notwithſtanding; and the Expence of ſuch Applicat'n ſhall be paid equally by both Parties.

Any Warrant for ſtopping the Work to be recalled on Caution being found that the Damages awarded by Jury ſhall be paid

LXXXIV. And, to prevent unneceſſary Trouble and Delay, be it further enacted, That in caſe any Perſon intereſted, ſhall apply for and obtain from any Judge competent, a Warrant for ſtopping the Execution of any of the Roads to be made under the Authority of this Act, the ſaid Judge is hereby directed and empowered to recall ſuch Warrant, and remove any Siſt obtained as aforeſaid, provided ſufficient Caution is found by the reſpective Truſtees therein named, for the Amount of ſuch Damages as may be ultimately awarded to the Perſon ſuing for the ſame, and aſcertained in Manner herein-before preſcribed.

Application of Compenſation where exceeding 200*l.*

LXXXV. And be it further enacted, That if any Money ſhall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, 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 Woman, Infant, Lunatick, 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, 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*, 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 Hereditaments, in the Purchaſe of the Land Tax, or Diſcharge of any Debt or Debts, or ſuch other Incumbrance, or Part thereof, as the ſaid Court ſhall authorize to be paid, affecting the ſame Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments, 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 Hereditaments, 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, and Hereditaments 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 mean Time, 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

who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments, ſo hereby directed to be purchaſed in caſe ſuch Purchaſe or Settlement were made.

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

LXXXVI. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchaſed, taken, or uſed for the Purpoſes aforeſaid, and belonging to any Corporation, or to any Perſon or Perſons under Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds, and ſhall exceed the Sum of Twenty Pounds, 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 Hereditaments 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, 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 herein-before 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 Three 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 Money and the Intereſt ariſing thereon may be applied in Manner herein-before directed, ſo far as the Caſe be applicable.

Application where the Money is leſs than 20*l.*

LXXXVII. Provided alſo, and be it further enacted, That where ſuch Money ſo agreed or awarded to be paid as next-before mentioned, ſhall be leſs than Twenty Pounds, 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 Hereditaments 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 or Curators, to and for the Uſe and Benefit of ſuch Perſon or Perſons ſo entitled reſpectively.

In caſe of not making out Titles;

or if Perſons cannot be found, Purchaſe Money to be paid into the Bank;

ſubject to the Order of the Court of Seſſion.

LXXXVIII. And be it further enacted, That in caſe the 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 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,

powered, 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 Publick 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.

Where any Queſtion ſhall ariſe touching the Title to the Money to be paid, the Perſon who ſhall be in Poſſeſſion of the Lands, &c. at the Time of ſuch Purchaſe, ſhall be deemed entitled thereto according to ſuch Poſſeſſion.

LXXXIX. 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 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 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 the Truſtees.

XC. 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 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 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.

Old Roads to be ſold.

XCI. And be it further enacted, That wherever the Courſe of any of the ſaid Roads, on which Toll Bars are allowed to be erected, ſhall be altered as ſoon as the new Road ſhall be completed and made paſſable for Carriages, in caſe the old Road ſhall thereby become uſeleſs, and may be ſhut up without Inconvenience, the ſaid reſpective Truſtees ſhall be and are hereby empowered, if they ſee proper, to value, by a Jury as aforeſaid, or otherwiſe as they may deem neceſſary, and diſpoſe of or ſell the Land or Ground compriſing ſuch old or former Road, and that according to the Value

Value of unimproved or uncultivated Lands in the Neighbourhood; the Proprietor or Proprietors of the Grounds through which the said old Road did pass, having always an Offer of the same Preference of Purchase at the said Valuation; and the Money arising from such Sale shall be applied and disposed of for the Purposes of this Act, and the Sale and Conveyance or Conveyances to be made of such Lands and Grounds, comprising the said old Road, shall be good and effectual in Law to all Intents and Purposes whatsoever.

Road may pass through a Minister's Glebe.

Ground to be purchased and added to the Glebe, equivalent to that taken off for the Road.

XCII. And be it further enacted, That, in altering the Course of the said Roads, or in 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, by the said respective Trustees, be deemed a sufficient Compensation for that taken for the said Roads; which Grounds the said Trustees shall have Power to purchase from the contiguous Owner or Owners, Occupier or Occupiers thereof, whether the same be held 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 said County, who shall summon a Jury and determine the Extent of the said Addition, and Amount of such Price, in Manner as herein-before 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*, or Branches of Banks in *Banff*, 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: Provided always, that in every Case where it may be necessary to exchange or take Ground as herein before 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.

Trustees may take Materials, *etc.*

XCIII. And be it further enacted, That the said respective Trustees, or such Person or Persons as they shall appoint, may dig, gather, take, and carry away, Gravel, Furze, Heath, Stones, or such other like Materials, for the making, amending, and repairing of the said Roads, and for building Arches and Bridges as aforesaid, out of any Grounds where the same may be found, whether the same be within the said County of *Banff*, or in any other County adjoining thereto, (such Materials not having been dug or raised for the private Use of the Proprietor of such Grounds), and to open Accesses for carrying off the said Materials; such Accesses, and the Places from whence the said Materials shall be proposed to be taken, being first marked out by any Two or more of the Trustees, after Notice in Writing given by them, or Intimation before Two Witnesses, or by some Person by their Order, to the Proprietor of such Grounds, or his or her Factor, and to the Occupier thereof, Six Days previous to marking out the same; the Trustees making reasonable Satisfaction, if demanded, to the Owners and Occupiers of such Grounds respectively from which

on paying Damages.

which the Materials ſhall be taken, or over which the ſame may be carried, for the Damages to be done thereby, and for the Value of ſuch Materials; 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 a Jury, to be impannelled by the Sheriff Depute or his Subſtitute as aforeſaid, whoſe Proceedings ſhall be final; but ſuch Applications ſhall not prevent the ſaid Truſtees from cauſing the ſaid Materials to be carried off and uſed in the mean Time.

Notice to be given to Occupiers of Lands before Materials are taken for repairing the Road, and for building and repairing Bridges.

XCIV. Provided nevertheleſs, and be it further 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 and repairing the ſaid Roads from any incloſed Lands or Grounds, until either the Conſent of the Proprietor is obtained, or Notice in Writing ſhall have been given to the 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 the ſaid Truſtees, or any Three or more of them, or Two Juſtices of the Peace acting for the ſaid County of *Banff*, to ſhew cauſe why ſuch Materials ſhould not be had from ſuch Lands or Grounds; and in caſe ſuch Occupier ſhall attend purſuant to ſuch Notice, the ſaid Truſtees, or any Three or more of them, or ſuch Juſtices, ſhall, if they think proper, authorize ſuch Surveyor or other Perſons, to dig, 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.

No Houſe or Orchard to be prejudiced.

XCV. Provided always, 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 expreſs 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; 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, 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 incloſed Grounds ſhall be broken into for the Purpoſes aforeſaid, the Value of the ſame ſhall be aſcertained in Manner as herein before directed.

Occupiers to cleanſe Ditches, *etc.*

XCVI. 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,

ed, to keep theſe 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 One 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, in the ſame Manner as herein-before directed for levying the Aſſeſſment hereby granted; 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 Directions 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 as aforeſaid, ſhall repay to 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 ſaid Coſts and Penalty to be levied by Diſtreſs and Sale in Manner herein-before directed, and to be applied for the Purpoſes of this Act.

Occupiers to make their Drains along the Road by the Directions of the Truſtees.

Ditches and Drains to be ſcoured at the publick Expence. Penalty on Perſons filling up Ditches.

XCVII. 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 or 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 herein-after 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 Occupiers 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 Occupier of Land ſhall turn any Water 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 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.

Breadth of Wheels of Carriages limited.

XCVIII. And whereas the Roads to be made under the Authority of this Act, may be much prejudiced by the Narrowneſs of the Wheels of the ſeveral Carriages travelling thereon, and by the exceſſive Burdens loaded on ſuch Carriages; be it enacted, That no Waggon, having the Sole or Bottom of the Fellies of the Wheels of the Breadth of Nine Inches, ſhall go or be drawn with more than Eight Horſes; and that no Cart, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Nine Inches, ſhall go or be drawn with more than Five Horſes; and that

that no Waggon, having the Sole or Bottom of the Fellies of the Wheels of the Breadth of Six Inches, and rolling on each Side a Surface of Nine Inches, ſhall go or be drawn with more than Seven Horſes; and that no ſuch Waggon, rolling a Surface of Six Inches only, ſhall go or be drawn with more than Six Horſes; and that no Cart, having the Sole or Bottom of the Fellies of the Wheels of the Breadth of Six Inches, ſhall go or be drawn with more than Four Horſes; and that no Waggon, having the Sole or Bottom of the Fellies of the Wheels of the Breadth of Six Inches, ſhall go or be drawn with more than Five Horſes; and that no Cart, having the Sole or Bottom of the Fellies of the Wheels of the Breadth of Five Inches, ſhall go or be drawn with more than Three Horſes; and that no Waggon, having the Sole or Bottom of the Fellies of the Wheels of the Breadth of Four Inches, ſhall go or be drawn by more than Four Horſes; and that no Waggon, having the Sole or Bottom of the Fellies of the Wheels of leſs Breadth than Four Inches, ſhall be drawn by more than Three Horſes upon the ſaid Highways, under the Penalties after mentioned; that is to ſay, that the Owner of ſuch Waggon or Cart reſpectively ſhall forfeit a Sum not exceeding Forty Shillings Sterling, and the Driver, not being the Owner, the Sum of Five Shillings Sterling, for every Horſe or Beaſt by which the ſame ſhall be drawn, above the Number hereby ſo limited reſpectively as aforeſaid, One Half whereof ſhall be paid to the Informer, and the other Half applied to the Repair of the Roads within the Diſtrict where the Offence is committed; and where the ſaid Truſtees may find it neceſſary to place Stones or other Obſtructions, to prevent any new Road from being cut or rutted by the Wheels of Carriages running in the ſame Tract, the Owner or Driver of ſuch Carriages, on being convicted before any Juſtice of the Peace, by the Oath of One or more credible Witneſs or Witneſſes, of having removed or deſtroyed ſuch Stones or Obſtructions, placed for the Purpoſe aforeſaid, ſhall reſpectively be liable in the ſame Penalties to be incurred by ſuch Owner or Driver in Manner as before directed.

Penalty on Owners and Drivers of Carriages, the Wheels of which are not of proper Dimentions.

XCIX. And be it further enacted, That where the Lands, adjacent to any of the ſaid Roads, or any Part or Parts thereof, are not encloſed, the Proprietor or Occupier of ſuch Lands ſhall not make Incloſures along the Sides of the Road without giving at leaſt Two Months previous Notice to the ſaid Truſtees; which Notice may be given by a Letter to the Clerk of the General Meeting, or of the Committees who have the Charge of that Part of the Road adjacent to which the Incloſure is propoſed to be made; and the ſaid General Meeting or Committee are hereby required to inſert a Copy of the ſaid Letter in their Minutes; and in caſe ſuch Proprietor or Occupier ſhall fail to give ſuch Notice as aforeſaid, 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 making Foot Paths thereon.

Notice of new Incloſures to be given to the Truſtees.

C. And be it further enacted, That the ſaid Truſtees may cauſe Foot Paths to the Breadth of Eight Feet to be made along the Sides of the ſaid Roads, in ſuch Places as can conveniently admit of the ſame; and if any Perſon ſhall ride or drive a Carriage or Cattle upon any Paths made or to be made, or ſhall in any way wantonly injure the ſame, every ſuch Perſon

Truſtees may make Foot Paths.

Penalties for riding on them.

Perſon ſhall, for every ſuch Offence, forfeit a Sum not exceeding Five Shillings Sterling, to be levied in Manner herein-after directed.

Poſſeſſors to lop Trees or Hedges.

CI. 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 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.

Trees not to be planted within Six Feet of the Road

Truſtees may erect Mile Stones, *etc.*

CII. 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 on 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 or arched Drain or Paſſage ſhall have been previouſly made 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 of One or more credible Witneſs or Witneſſes, before the Sheriff Depute of the County of *Banff*, or his Subſtitute, or before Two or more Juſtices of the Peace of the ſaid County, ſhall for the Firſt Offence be not only adjudged to pay the Whole of the Damages and Expences ſuſtained, but alſo a Penalty not exceeding Five Pounds Sterling, nor leſs than Twenty Shillings Sterling; and for every Second and ſubſequent Offence ſhall, beſides paying the Damages and Expences, pay a Penalty not exceeding Ten Pounds Sterling, nor leſs than Two 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, nor leſs than One Calendar Month.

Penalty for defacing Mile Stones.

Head Ridges to be made on the Sides of the Road.

CIII. And, for preventing Annoyances in or upon the ſaid Roads, be it further enacted, That, from and after Two Months from the Commencement of this Act, every Perſon in ploughing any Field contiguous to any of the ſaid Roads, ſhall always make Head Ridges along the Sides of the ſaid Roads of the Breadth of Six Feet at leaſt; and all Gates upon Incloſures next to any of the ſaid Roads ſhall open inwards to the Field; and no Perſon or Perſons whatſoever ſhall lay any dead Horſes (except in Caſes of Accident), or other Carrion, upon any of the ſaid Roads, or within Twenty Yards of

No Annoyances to be laid on the Road.

of the Sides of any of the ſaid Roads, or any Dung, Lime, Soil, or Compoſt, or Matter whatſoever, either for manuring Land, or any other Purpoſe; nor any Cart or Carriage, or the Load thereof, or other Obſtruction whatever, upon any of the ſaid Roads, or within Five Yards of the Side thereof; and that in making any covered or arched Paſſage or Drain for Water acroſs any of the ſaid Roads, a ſafe and eaſy Paſſage along One Half of ſuch Road ſhall be left without any Obſtruction, either by breaking the Road or laying down the Materials; and ſuch covered Drain or Paſſage ſhall be made acroſs and completely finiſhed on the One Half of the ſaid Road before the other Half ſhall be opened; and the Whole, or the open Part thereof, ſhall, if practicable, be completed in One Day, or otherwiſe the Materials for executing the ſame ſhall be ſo well fenced off that Paſſengers may ſuffer no Injury thereby; which Precautions and Manner of executing covered Drains as aforeſaid, ſhall be ſtrictly obſerved by all Contractors or others, employed in making or repairing the ſaid Roads; and every Perſon offending herein ſhall forfeit a Sum not exceeding Twenty Shillings Sterling for every Offence, to be levied and recovered in Manner herein-after directed, One Half thereof to be paid to the Informer, and the other Half to be applied for making or repairing the ſaid Roads; and every Contractor, or other Perſon employed by the ſaid Truſtees for making, amending, widening, or repairing any of the ſaid Roads, ſhall be expreſsly prohibited from digging Pits or breaking up any Ground within Twelve Feet from the Sides of the ſaid Roads; and when that cannot conveniently be done ſuch Contractor, or other Perſon employed as aforeſaid, ſhall be obliged to erect a ſufficient Fence between the Side of the Road and any Pit which it may be found neceſſary to dig for the Purpoſes above mentioned, and that under a Penalty not exceeding Five Pounds Sterling.

In making Drains acroſs the Road, One Half of the Road to be left without Obſtruction.

Contractors, &c. not to dig Pits on the Sides of the Roads, or, if that cannot be avoided, to be fenced in.

CIV. And be it further enacted, That if after the paſſing of this Act 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, every ſuch Perſon ſhall, for every ſuch Offence, forfeit a Sum not exceeding Ten Shillings Sterling, to be recovered and levied in Manner herein-after directed.

Articles to be drawn on a Wheel Carriage.

CV. And be it further enacted, That no Houſes or Buildings of any Deſcription, (other than a Wall for the Purpoſes of Incloſure not exceeding Six Feet in Height,) to be erected near the Sides of any publick Roads, or in any Villages, or near the Outlets of any Town within the ſaid Counties where Houſes have not been formerly erected, or Streets laid off before the paſſing of this Act, ſhall be built within the Diſtance of Thirty Feet from the Middle of any of the ſaid publick Roads including the Foot Paths, under a Penalty not exceeding Forty Shillings Sterling for every Offence, and the Expence of demoliſhing ſuch Houſe or Building; and it ſhall be lawful for any Juſtice of the Peace to ſtop the Erection of every ſuch Houſe or Building which ſhall be within the ſaid Diſtance from the Middle 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 them by any One Truſtee, and upon Proof

Buildings erected within 30 Feet from the Middle of Highways to be pulled down.

Proof being adduced that the ſaid Building is within the Diſtance aforeſaid, may order ſuch Building to be pulled down and removed at the Expence of the Erector, or of the Proprietor of the Ground on which the ſame ſtands, and may grant Warrant for levying and recovering the ſaid Penalty and Expences as aforeſaid.

Penalties and Forfeitures not particularly ſpecified how to be levied and applied.

CVI. And be it further enacted, That all Forfeitures and Penalties by this Act impoſed, the Manner of levying and recovering whereof is not particularly ſpecified, ſhall, on Proof of the Offence before Two or more Juſtices of the Peace, or the Sheriff Depute of the County of *Banff*, 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 adminiſter the Oaths *gratis*), ſuch Sale being always made by publick 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 authorized and required, by Warrant under their Hands, to cauſe ſuch Offender or Offenders to be committed to Gaol, or to a Houſe of Correction, for any Time not exceeding Three Calendar Months, unleſs ſuch Penalties and Forfeitures, and all reaſonable Charges, ſhall be ſooner paid.

Recovery and Application of Penalties.

If Penalties not paid Offenders may be committed to Priſon.

Perſons aggrieved may apply to the Quarter Seſſions for Relief.

CVII. 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 for the County of *Banff*, the Appellant giving Fifteen Days previous Notice of ſuch Appeal to the Defender or Defenders, and to the Clerk of the ſaid Truſtees, and to the Clerk of the Juſtices of the Peace, which Juſtices ſhall have Authority to hear and determine the Matters in Diſpute, and their Judgement therein ſhall be final.

Bonds for borrowed Money to be transferrable.

CVIII. And be it further enacted, That the Bonds and Securities to be granted by the ſaid Truſtees for the Money to be borrowed by them in the Manner directed by the ſaid Act, ſhall be transferrable from One Perſon to another, by Indorſement duly ſubſcribed by the Party transferring, in the Preſence of One or more ſubſcribing Witneſs or Witneſſes.

In caſe of ſudden Damage to a Bridge,

CIX. 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 of the Diſtrict in

in which it is ſituated, or if it be ſituated on the Confines of Two Diſtricts, to any Two Truſtees of either Diſtrict, 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 Meeting of Truſtees within ſuch Diſtrict or Diſtricts, or, on their Failure or Neglect, by Order of the next ſtated General Meeting of the Truſtees, out of the Funds of ſuch Pariſhes as they ſhall think proper, 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 publick Communication obſtructed by Means of Snow, it ſhall in like Manner be in the Power of any Two of the ſaid Truſtees to cauſe the ſaid Roads to be cleared, the Expence of the ſame, not exceeding Ten Pounds Sterling, to be provided for and paid in Manner as herein-before allowed.

Two Truſtees may order Repairs.

CX. And be it enacted, That it ſhall be no Objection to any Perſon acting as a Juſtice of the Peace, in any Thing relative hereto, that he is appointed a Truſtee, except where he is perſonally intereſted.

Truſtees may act as Juſtices.

CXI. And whereas by an Act made 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*,' it is among other Things enacted, that the Pariſhes of *Gamery*, *Inverkeithney*, *Keith*, and *Mortlach*, and thoſe Parts of the Pariſhes of *Alva* and *Rothiemay*, lying South of the River *Doveran*, although rated in the Ceſs Books of the County of *Banff*, ſhould nevertheleſs be comprehended in the ſaid Act, and be conſidered as making Part of the Diſtricts in which they are ſituated: And whereas it is expedient that ſo much of the ſaid Act as relates to the ſaid Pariſhes and Places in the ſaid County of *Banff* ſhould be repealed; be it therefore enacted, That, from and after the paſſing of this Act, ſo much of the ſaid Act as is herein recited ſhall be and the ſame is hereby repealed.

Part of *Aberdeen* Act repealed.

CXII. 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.

Limitation of Actions.

CXIII. And be it further enacted, That all Lands through which the ſaid Roads in this Act mentioned do or may paſs, which are ſubject to the Juriſdiction of the Sheriff of *Banff*, although rated in the Ceſs Books of other Counties, ſhall be underſtood to be comprehended in this Act.

All Lands ſubject to the Juriſdiction of the Sheriff of *Banff* comprehended in this Act.

CXIV. And

Expences of this Act how to be paid.

CXIV. And be it enacted, That the whole Expences in advertising for, preparing, procuring, and passing this Act, the surveying and estimating the said Roads prior to the passing thereof, and all other Expences attending the same, to be ascertained at the First, Second, or Third General Meeting of the said Trustees, shall be paid by an Assessment on all the Proprietors of Lands and Fishings valued in the Cess Books of the County of *Banff*, and in the Cess Books of the Burghs of *Banff* and *Cullen*, agreeable to the respective valued Rents at which the said Lands and Fishings stand rated in the said Cess and Valuation Books of the said County and Burghs; and the said Expences shall be levied and collected by such Person or Persons as the said respective Trustees shall appoint.

Publick Act.

CXV. And be it further enacted, That this Act shall be deemed a Publick Act, and shall be allowed and taken in all Courts as such, and all Judges, Justices, and other Persons are hereby required to take Notice thereof as such without specially pleading the same.

Commencement and Endurance of this Act, with respect to the Turnpike Roads.

CXVI. And be it also enacted, That this Act, in as far as it respects the Roads upon which the Power to erect Turnpikes and levy Tolls is given, and also so far as respects the Bridge over the River *Spey* at *Boat of Bridge*, shall commence and take place upon the Nineteenth Day of *July* One thousand eight hundred and four, and shall remain in 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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