ANNO SEPTIMO

GULIELMI IV. REGIS.

Cap. v.

An Act for making and maintaining a Turnpike Road along the South Side of the River *Dee* in the County of *Kincardine*. [22d *March* 1837.]

WHEREAS there at present exists no sufficient Line of Road along the South Side of the River *Dee* in the County of *Kincardine* for the Purposes of Communication between the East Coast and the Interior of the Country, and it would be a great Convenience and Advantage to the Inhabitants of the several Parishes after mentioned, and others residing upon the South Side of the said River, as well as of great public Utility, if a Road were made and maintained and rendered Turnpike, to commence at or near to the old Bridge of *Dee* in the Parish of *Nigg* in the said County of *Kincardine*, and to pass from thence alongst or near the South Side of the said River, through the said Parish of *Nigg*, and through the Parishes of *Banchory Devenick*, *Maryculter*, *Durris*, and *Banchory Ternan*, terminating at the *Slug* Turnpike Road at or near the March or Boundary between the Farms of *Balbreadie* and *Maryfield* in the said Parish of *Banchory Ternan*, all in the said County of *Kincardine*: And whereas the aforesaid Purposes cannot be effected without the Aid and Authority of Parliament: And whereas an Act was passed in the First and Second Years of the Reign of His present Majesty, intituled *An Act for amending and making more effectual the Laws concerning Turnpike Roads in* Scotland: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent

1 & 2 W. 4. c. 43.

Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act of the First and Second Years of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, and Forfeitures, Payments, Remedies, Matters, and Things therein contained, save and except such Parts thereof as are hereby expressly varied, altered, or repealed, shall be as good, valid, and effectual for carrying this Act into execution as if the same had been repeated and re-enacted in this Act.

Powers of recited Act 1 & 2 W. 4. *c.* 43. extended to this Act.

Trustees.

II. And be it further enacted, That every Person who, in his own Right or in the Right of his Wife, now is or hereafter shall be in the actual Possession or Enjoyment, as Proprietor or Life-renter, of the *Dominium utile* of the Lands within the foresaid Parishes of *Banchory Devenick*, *Maryculter*, *Durris*, and *Banchory Ternan*, valued in the Cess Books of the County at the Sum of One hundred Pounds *Scots* of valued Rent, or producing or worth One hundred Pounds Sterling of actual Rent, and all Proprietors possessing the foresaid Qualification whose Property may be intersected by the said Road, and all and every the eldest Sons and Heirs Apparent of such Heritors being of Age at the Time, and One Guardian or Trustee of any Minor, fatuous or furious Person, possessing Lands of the Extent and situated as aforesaid, and One Trustee of every Estate vested in Trustees and being of the Valuation or Worth aforesaid, One Manager, Factor, or Box-master for each Corporation or associated Body holding Lands of said Valuation or Worth, One Factor, Land Steward, or accredited Agent for an absent Proprietor holding the above Qualification, and the Persons who have subscribed or may subscribe and pay Money towards making and repairing the said Road to the Extent of One hundred Pounds Sterling or upwards in One Subscription, with the Sheriff, Sheriff Substitute, and Convener of the said County of *Kincardine*, shall be and they hereby are nominated and appointed Trustees for surveying, ordering, making, amending, widening, repairing, and keeping in repair the Road herein-before described, for erecting Arches and Bridges thereon when and where they shall see the same to be necessary, and for exercising and carrying into effect the Powers and Purposes of this Act: Provided always, that no Trustee whatever under this Act shall be entitled to vote and act until he shall have attained the Age of Twenty-one Years complete.

No Trustee to have more than One Vote.

III. Provided also, and be it enacted, That although a Person being a Trustee in his own Right shall claim as Trustee, Commissioner, Factor, Steward, or accredited Agent, or as Guardian, Tutor, or Curator for any absent Proprietor, or for any Minor, or for any fatuous or furious Person, or appear in Two Capacities, he shall have but One Vote, and that no Person of any Description whatever claiming as a Trustee under this Act shall have more than One Vote on any Pretence whatever.

Qualification of Trustees.

IV. And be it enacted, That no Person other than a Proprietor or a Life-renter of Lands of the Valuation or real Rent and situated as

aforesaid, or the eldest Son of such Proprietor, or a Trustee, Guardian, or Factor as aforesaid, shall be capable of acting as a Trustee unless he is in his own Right in Possession of Real or Personal Estate to the Amount or Value of Three hundred Pounds Sterling.

Power to make the Road, Bridges, &c.

V. And be it further enacted, That it shall be lawful for the said Trustees and they are hereby authorized and empowered to order and direct the said Road herein-before described to be made, repaired, and maintained, and to cut and make such Drains and other Outlets for Water through any Grounds adjoining or lying contiguous thereto, to make such Embankments, Foundations, Footpaths, and Fences, to erect, repair, and maintain Abutments, Piers, Bridges, Arches, Culverts, Toll Houses, Weighing Machines, Repositories for storing Materials for making and repairing the said Roads and Bridges or other Uses, and other Works, on the Line of the said Road, as they shall think expedient, and for these Purposes to take and use any Lands, Tenements, or Hereditaments, making or tendering Compensation to the Owners thereof and Persons interested therein for the same, or for the Damage they may sustain by the Execution of this Act, in the manner provided for by the herein-before recited Act of the First and Second Year of the Reign of His present Majesty.

Trustees not to deviate from Line laid down, (except as herein permitted,) nor to remove any Dwelling House or Building, or take any Orchard, &c. not specified in the Schedule without Consent.

VI. And be it further enacted, That the said Trustees in making the said Road hereby authorized to be made shall not deviate to a greater Distance than One hundred Yards at any one Point, or to a greater Length at any one Place than Five hundred Yards from the Line described in the Map or Plan of the said Road lodged with the Clerk of the Peace for the said County of *Kincardine*, without the Consent or Approbation in Writing of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviation shall be made, neither shall they take down or remove any Dwelling House or other Building the Side Walls of which exceed Twenty Feet in Height, or take or make use of any Policy, Orchard, or Garden the Contents of which exceed Half an Acre, of any Lawn, planted Walk or Avenue to a House, or any inclosed Ground planted as an Ornament or Shelter to a House, other than the Dwelling Houses or Buildings, Policies, Orchards, Gardens, Lawns, planted Walks and Avenues, or inclosed Grounds planted as aforesaid, or any of them, or other Premises, described in the Schedule annexed to this Act, without the Consent in Writing of the Owners thereof.

First and subsequent Meetings of Trustees.

VII. And be it further enacted, That the said Trustees or any Three or more of them shall hold their First Meeting in virtue hereof at *Aberdeen* upon the Third *Monday* after the passing of this Act, or as soon after as conveniently may be, and the said Trustees may then and there proceed to put this Act in execution, and their Second stated General Meeting on the *Saturday* next before the Day on which the *Michaelmas* Meeting of the Commissioners of Supply for the County of *Aberdeen* for the said Year is held, and shall thereafter hold Two stated General Meetings in each Year during the Continuance

Continuance of this Act, one upon the *Saturday* before the Day on which the Commissioners of Supply shall meet in the said County of *Aberdeen* relative to the County Rates or Assessments, being on or about the Thirtieth *April*, and the other upon the *Saturday* next before the Day of the *Michaelmas* Meeting of the Commissioners of Supply of the said County of *Aberdeen* yearly.

Quorum of Trustees.

VIII. And be it further enacted, That the Quorum in Number of Trustees necessary to do Business in General Meetings shall be Three (excepting at General Meetings for the sole Purpose of letting the Tolls, where the Quorum may be Two, along with any Justice of Peace of said County of *Kincardine*, who shall be entitled on such Occasions, and where only Two of such qualified Trustees are present, to act and vote as a Trustee on all Matters and in all respects as if possessed of the Qualification of a Trustee herein-before specified), but if only One or any Number less than Three (under the Exception foresaid) shall be present at any of the stated or other General Meetings, or if it shall appear necessary at any Meeting of Three or more Trustees, 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 Journal* and in some One or more of the other *Aberdeen* Newspapers, the first of such Advertisements in any one Paper being at least Fourteen Days before the Day of such adjourned Meeting: Provided always, that such adjourned Meetings, as well as all Meetings whatsoever of the said Trustees, other than the Two stated General Meetings above provided for, which are to be held at *Aberdeen* as aforesaid, may be held at such Place or Places as to the said Trustees may appear most fit and convenient.

Tolls to be levied:

IX. And be it further enacted, That the said Trustees, or any Person or Persons duly authorized by them, shall be and they are hereby authorized and empowered to demand and take, or cause to be demanded and taken, at the several Gates, Bars, and Turnpikes which shall be erected by virtue of this Act, a Sum not exceeding the Rates and Duties herein-after specified, before any Horse, Mule, Ass, Cattle, great or small, Coach, Landau, Chariot, Berlin, Chaise, Curricle, Omnibus, or any Carriage propelled by Steam, Hearse, Chair, Calash, Litter, Waggon, Wain, Cart, Sledge, Hurly, Wheelbarrow, or other Carriage whatever, shall be permitted to pass through any Gate or Turnpike to be erected on the said Road; (*videlicet*,)

Coaches and Carriages: For every Horse or other Beast drawing any Coach, Barouche, Chariot, Berlin, Landau, Chaise, Curricle, Omnibus, Calash, Chair, Hearse, or other such like Carriage, with Four Wheels, the Sum of One Shilling and Four-pence Sterling:

Gigs, Curricles, &c.: For every Horse or other Beast drawing any Curricle, Chaise, Gig, or other such like Carriage, with Two Wheels, the Sum of Eightpence Sterling:

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

Carts, Waggons, &c.: For every Horse or other Beast drawing any Van, Caravan, Waggon, Wain, Cart, or such like Carriage, with Two Wheels, the Sum of Eight-

Eight-pence Sterling; and if with Four Wheels, the Sum of One Shilling Sterling; and if with Six Wheels, the Sum of One Shilling and Four-pence Sterling; and for every Hundred Weight which any or either of the said last-mentioned Carriages with the Loading thereof shall weigh above Twenty Hundred Weight and not exceeding Twenty-five Hundred Weight, the additional Sum of One Halfpenny Sterling; and for every Hundred Weight which such Carriage with the Loading thereof shall weigh above Twenty-five Hundred Weight and not exceeding Thirty Hundred Weight, the additional Sum of One Penny Sterling; and for every Hundred Weight which such Carriage with the Loading thereof shall weigh above Thirty Hundred Weight and not exceeding Thirty-five Hundred Weight, the additional Sum of Two-pence Sterling; and for every Hundred Weight which such Carriage with the Loading thereof shall weigh above Thirty-five Hundred Weight and not exceeding Forty Hundred Weight, the additional Sum of Three-pence Sterling; and for every Hundred Weight which such Carriage with the Loading thereof shall weigh above Forty Hundred Weight and not exceeding Forty-five Hundred Weight, the additional Sum of Four-pence Sterling; and for every additional Hundred Weight which such Carriage with the Loading thereof shall weigh above Forty-five Hundred Weight, the Sum of Sixpence Sterling:

Stage Coaches;

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

Steam and other Carriages:

For every Coach, Barouche, Berlin, Chariot, Landau, Chaise, or other such Carriage, or any Stage Coach, Long Coach, Diligence, Omnibus, or other Carriage of the like Kind, drawn or propelled by Steam or otherwise than by Animal Power, when such Carriage and the Loading thereof taken together shall not exceed Twenty Hundred Weight, Two Shillings Sterling, and with such additional Charges for Overweights to be made on the same Scale and in the same Manner in all respects as the Charges for Overweights herein-before provided with respect to any Van, Caravan, Waggon, Wain, Cart, or other such like Carriage:

Horses, &c.;

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

Droves of Cattle, &c.:

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

Droves of Sheep.

For every Drove of Calves, Hogs, Sheep, Lambs, or Goats, the Sum of Sixpence *per* Score, and so in proportion for any greater or less Number.

Power to diminish the Tolls on Carriages drawn by Oxen.

X. Provided always, and be it enacted, That it shall be in the Power of said Trustees, in any of their Two annual stated General Meetings assembled, to diminish, for such Length of Time as they shall judge fit, the Tolls payable for Wains or other Carriages drawn by Oxen, such Diminution not exceeding One Half of the Tolls payable for the same Carriages drawn by Horses, and to raise the said Tolls again, so as that the same shall not at any Time exceed the Rate of Tolls by this Act granted.

Power to diminish Tolls on Waggons, &c. with a certain Description of Wheels.

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

Tolls to be paid but once a Day.

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

Tolls may be levied at Side Bars.

XIII. And be it further enacted, That it shall and may be lawful to and for the said Trustees to take and receive the said Tolls, Rates, and Duties hereby granted at any Toll Bar or Toll Bars to be erected on Side or Sides of the said Road, but so as that the Payment thereof at such Toll Bar or Toll Bars on any such Roads shall entitle the Horses, Cattle, or Beasts, with or without any Cart or Carriage, in respect whereof the same shall have been paid, to pass and return through all the Toll Bars on the same Road which shall be at a less Distance than Six Miles from such Side Bar Toll-free during the same Day.

Limitation of Number of Tolls payable.

XIV. Provided also, and be it enacted, That although the said Trustees may place and erect more than Two Toll Bars along the whole Line of the said Road, yet no Person travelling the same shall be liable in Payment of more than Two Tolls, and that the Production of Tickets or Certificates from the Keepers of any Two of the said Bars shall entitle the Bearer thereof to Exemption from Payment of Toll at any other Bar or Side Bar on the Road.

Application of Tolls.

XV. And be it further enacted, That all the Monies which shall arise and be produced by and from the Tolls by this Act granted and made payable, together with the Monies that shall be subscribed or borrowed upon the Credit thereof, and all other Monies which shall arise and be produced by virtue of this Act, shall be vested in the said Trustees, and shall be applied to and for the several Uses, Intents, and Purposes, and in the Order and Manner following; (that is to say,) in the first place, in the Payment of all the Costs, Charges, and Expences which shall have been incurred in applying for, preparing, obtaining, and passing this Act, and otherwise relating thereto respectively; secondly, in defraying the Expences of making the said Road, and of erecting Turnpikes, Toll Gates, Side Gates, and Toll Houses, with suitable Outbuildings, upon, across, and by the Side of

the said Road; thirdly, in making, amending, altering, raising, widening, repairing, and keeping in repair the said Road, and of building Bridges, Tunnels, Arches, and other Erections where the said Road may be injured by Water, and for keeping the same, and also the same Turnpikes, Toll Gates, Side Gates, Toll Houses, and Outbuildings, in repair, and in executing the other Purposes of this Act; fourthly, in paying and discharging all the Interest which shall from Time to Time be owing to any Mortgagee or Mortgagees of the Tolls and Duties payable on the said Road; and lastly, in reducing, paying off, and discharging the several Principal Sums of Money which shall have been borrowed or subscribed or which may be hereafter borrowed or subscribed and secured by virtue of this Act, and Interest accruing thereon.

Public Act.

XVI. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

Commencement and Continuance of this Act.

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

SCHE-

SCHEDULE to which the foregoing Act refers.

Nos. on Plan.	Owners.	Occupiers.	Description of Property.	Parish.	County.
13, 13, 13, 13, 13	Alexander Thompson	Alexander Thompson	Arable, Nursery, and Planting, Ornamental, and Approach to House.	Banchory Devenick	Kincardine.
17, 17, 17, 17, 17	Ditto	Mrs. Thompson	Arable and Pleasure Grounds, and Ornamental.	Ditto	Ditto.
20, 20, 20, 20	Heritors of the Parish of Banchory and Presbytery of Aberdeen, and Dr. Morison	Dr. Morison	Glebe, Garden, and House	Ditto	Ditto.
22, 22	Andrew Watson Fordyce	George Birnie	House and Garden	Ditto	Ditto.
25, 25	Ditto	Andrew Watson Fordyce.	Wood, Ornamental, and Approach to House.	Ditto	Ditto.
26	Ditto	John Blaikie	Garden	Ditto	Ditto.
31, 31, 31	The Right Reverend John Kyle, Roman Catholic Bishop, residing at Presholm; the Right Reverend Andrew Scott, Roman Catholic Bishop, Greenock; and the Reverend Charles Gordon, residing in Aberdeen	The Proprietors	Arable and Wood, Ornamental, Shelter, and Approach to College	Maryculter	Ditto.
39		John Boswell	Wood, Ornamental, and Shelter	Ditto	Ditto.
40, 40, 40, 40, 40	John Boswell	Ditto	Arable and Wood, Ornamental, and Approaches to House.	Ditto	Ditto.
44	William Gordon	William Gordon	Wood, Ornamental, and Shelter	Ditto	Ditto.
46	Ditto	Ditto	Ditto and Approach to House	Ditto	Ditto.
49, 49, 49	Ditto	David Bell	Wood, Arable, Pasture, and Shelter	Ditto	Ditto.
52, 52	Anthony Mactier	Anthony Mactier	Wood Shelter	Durris	Ditto.
58	Ditto	Ditto	Ditto	Ditto	Ditto.
60	Ditto	Ditto	Ditto	Ditto	Ditto.
62	Ditto	Ditto	Ditto	Ditto	Ditto.
73	Ditto	Ditto	Ditto	Ditto	Ditto.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE,
Printers to the King's most Excellent Majesty. 1836.