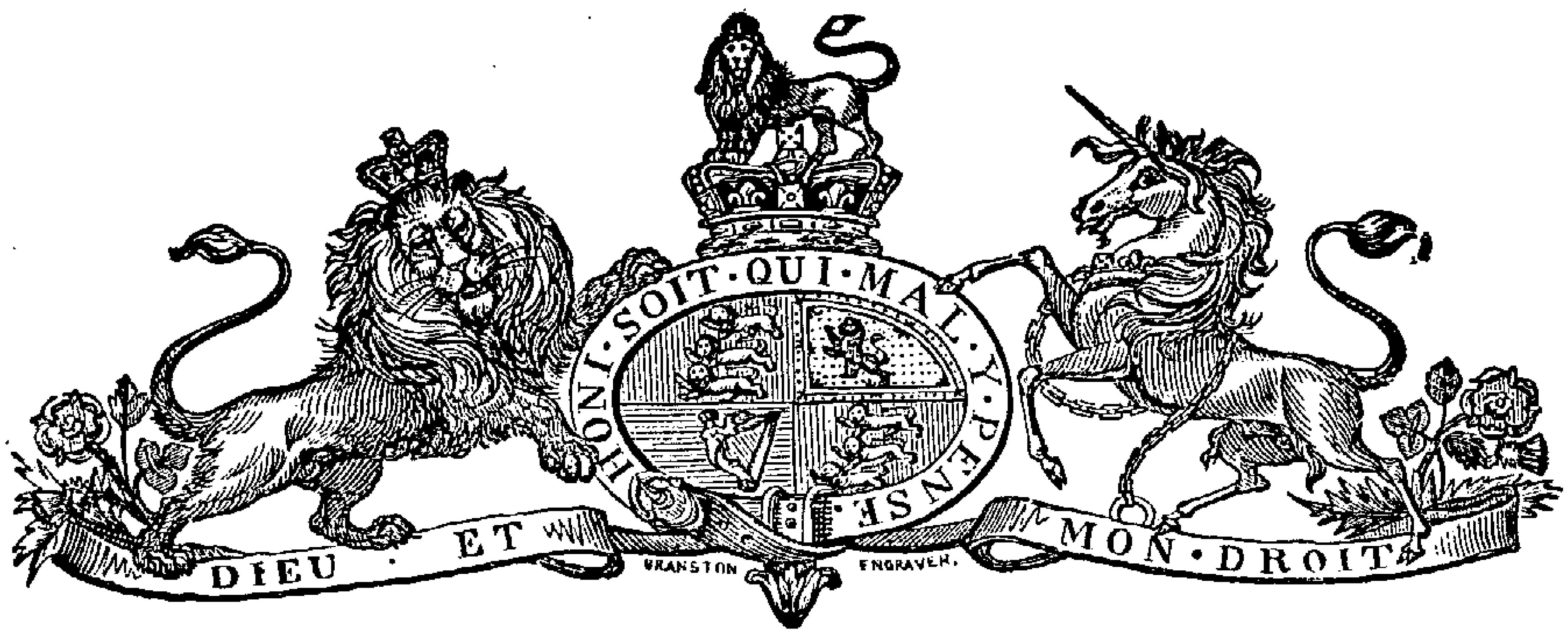


ANNO QUINTO

VICTORIÆ REGINÆ.

Sess. 2.

****

Cap. lxxv.

An Act to alter and amend the Acts for making, repairing, and keeping in repair the Road from *Stonehaven* through the *Slug Mount* to the Bridge at *Cobleheugh* in the County of *Kincardine*.

[18th *June* 1842.]

WHEREAS an Act was passed in the Thirty-ninth and Fortieth Years of the Reign of His late Majesty King *George* the Third, intituled *An Act for making and* 39 & 40 G. 3.
repairing the Road from the Town of Stonehaven *through the* Slug c. 17.
Mount *to the new Bridge over the River* Dee *at* Cobleheugh *in the County of* Kincardine: And whereas another Act was passed in the First Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to enlarge the Term and Powers of an Act passed in* 1 G. 4. c. 27.
the Thirty-ninth and Fortieth Years of His late Majesty, for making and repairing the Road from the Town of Stonehaven *through the* Slug Mount *to the new Bridge over the River* Dee *at* Cobleheugh *in the County of* Kincardine: And whereas another Act was passed in the First and Second Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for amending and making more* 1 & 2 W. 4.
effectual the Laws concerning Turnpike Roads in Scotland: And c. 43.
whereas, in pursuance of the said Two first-recited Acts, the Trustees acting by virtue thereof have put the same into execution, and have made and completed the Road thereby authorized to be made:

And whereas considerable Sums of Money have been advanced upon the Credit of the Tolls authorized to be taken by the said Two first-recited Acts, which Money still remains owing, and cannot be paid off, nor can the said Road be effectually improved and kept in repair, unless the Terms and Powers of the said Two first-recited Acts be extended: And whereas it is expedient that the said Two first-recited Acts should be repealed, and that further and other Powers should be granted and made in lieu thereof; but the Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen'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 upon the Fourth *Monday* next after the passing of this Act the said recited Acts of the Thirty-ninth and Fortieth Years of His late Majesty King *George* the Third, and of the First Year of His late Majesty King *George* the Fourth, shall be repealed, save and except as to all Monies borrowed, and Contracts, Bonds, Assignments, and other Obligations granted or entered into by the Trustees under the Authority of the said Acts or any of them, and that this Act shall thereafter be put into execution during the Term and for the Purposes herein-after mentioned.

Two first-recited Acts repealed, and this Act to be put in force.

Third-recited Act applied to this Act.

II. And be it enacted, That the said recited Act of the First and Second Year of the Reign of His said late Majesty King *William* the Fourth, and all and sundry the Powers, Provisoes, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, (save and except such Parts thereof as are hereby expressly varied, altered, or repealed,) shall be applied to this Act, and shall be as good, valid, and effectual for carrying into execution all the Purposes of this Act as if the same had been herein repeated and re-enacted.

All Arrears of Tolls and Monies due under recited Acts vested in the Trustees under this Act.

III. And be it enacted, That all Monies due to and all Property vested in the Trustees under the Acts hereby repealed shall, immediately on the Commencement of this Act, be vested in the Trustees for executing this Act, and such last-mentioned Trustees may sue for and recover the same, and act in respect thereof as effectually as if the same had been vested in them under the said recited Acts, and they shall be liable to all the Debts and Engagements to which the Trustees under the said recited Acts were liable at the Repeal thereof.

Existing Actions not to be prejudiced.

IV. And be it enacted, That nothing herein contained shall extend, or be deemed, taken, or construed to extend, in any Manner to affect, prejudice, or interfere with any Prosecution, Cause, Bill of Suspension, Interdict, or any other Proceeding now pending, suing, or prosecuting in the Court of Session or in any other Court, or before any other Tribunal, against the Trustees under the said recited Acts hereby repealed, or their Clerk or Treasurer, or at the Instance of the said Trustees, or their Clerk or Treasurer, in respect of or concerning any of the Enactments, Provisions, Matters, and Things contained in the said recited Acts hereby repealed.

V. And

Appointment of Trustees.

V. And be it enacted, That every Male Person who now is or hereafter shall be, in his own Right or in the Right of his Wife, in the actual Possession and Enjoyment, as Proprietor in Fee or in Liferent, of the *Dominium utile* of Lands in the Parishes of *Fetteresso*, *Durris Strachan*, and *Banchory Ternan*, in the County of *Kincardine*, or in any One or more of those Parishes, valued in the Cess or Valuation Books of the said County at or above One hundred Pounds *Scots*, and the eldest Son of every such Person, and One Tutor, Curator, Guardian, or Trustee of every Minor or other incapacitated Person, and the Trustee, Factor, Agent, or Commissioner duly authorized of every unmarried Woman or Widow, such Minor or incapacitated Person, and such unmarried Woman or Widow, being possessed of the *Dominium utile* of Lands situated in the said Parishes, or any One or more of them, and of the Value aforesaid, and every Person who has subscribed and advanced or lent, or who may subscribe and advance or lend, any Sum not less than One hundred Pounds Sterling towards the Purposes of the before-recited Acts hereby repealed, or of this Act, or the Heir, Assignee, or other Person acquiring Right to a Sum not less than the said Amount subscribed and advanced or lent, or to be subscribed and advanced or lent as aforesaid, and the Sheriff, or in his Absence the Sheriff Substitute of the said County for the Time being, shall be Trustees for putting this Act into execution, and carrying into effect all the Purposes thereof.

Minors not to be Trustees, and no Trustee to have more than One Vote, except the Preses.

VI. And be it enacted, That no Person shall be entitled to act or vote as a Trustee under this Act who shall not have attained the Age of Twenty-one Years complete, and no Person claiming to be a Trustee under this Act shall have more than One Vote on any Pretence whatsoever, except the Preses of any Meeting under this Act, who shall, in case of an Equality of Votes, in addition to his Vote as a Trustee, have a casting Vote.

First and other Meetings of Trustees.

VII. And be it enacted, That the Trustees shall hold their First Meeting under this Act in some convenient Place within the Village of *Banchory Ternan* in the said County upon the Fourth *Monday* next after the passing of this Act, or as soon thereafter as conveniently may be, and proceed to carry this Act into execution; and the said Trustees shall thereafter hold another Meeting at or near the said Village of *Banchory Ternan* upon the Second *Tuesday* which shall happen after the Twenty-ninth Day of *September* next after the passing of this Act, and shall in each and every Year thereafter hold Two stated General Meetings, one whereof shall be at *Stonehaven* in the said County, upon the Day when the Commissioners of Supply for the said County shall meet for the Purpose of assessing the said County to the Land Tax, on or about the Thirtieth Day of *April*, and the other whereof shall be held at or near the said Village of *Banchory Ternan* upon the Second *Tuesday* which shall happen after the Twenty-ninth Day of *September* in each and every such Year.

Quorum at Meetings.

VIII. And be it enacted, That at all Meetings under this Act the Quorum or Number of Members necessary to do Business shall be Three,

Three, saving and excepting always at Meetings for the sole Purpose of letting Tolls, or at Meetings of Committees, in which Cases the Quorum shall be Two.

Adjournment of Meetings.

IX. And be it enacted, That if it shall happen that there shall not be a Quorum present at any stated or General Meeting under this Act, it shall be in the Power of any One or more Trustee or Trustees present at such Meeting to adjourn the Meeting to such Time and Place as he or they shall think proper, of which Time and Place Notice shall be given by Advertisement to be published once at least in some One of the Newspapers published in *Aberdeen*, or other Newspaper usually circulated in the said County, such Advertisement being inserted not less than Eight Days before the Time appointed for holding such adjourned Meeting; and if no Trustee shall attend at any stated or General Meeting, or at any Adjournment thereof, it shall be lawful for the Clerk to the said Trustees to call, by Advertisement as aforesaid, a General Meeting of the Trustees, to meet at *Stonehaven* aforesaid, or some other convenient Place within the said County, at a Time and Place to be named in such Advertisement.

Power to appoint Committees.

X. And be it enacted, That the said Trustees may appoint Committees out of their own Number to take the Care and Management of the Whole or any particular Part of the Road, or to execute any of the other Purposes of this Act, according to such Instructions and Regulations as shall be laid down by the said Trustees at any General Meeting, and the said Committees and their Surveyors may proceed and act according to such Appointment, but shall always be accountable according to the Instructions and Regulations so to be made.

Road to which this Act applies.

XI. And be it enacted, That this Act shall be put in execution for the Purpose of more effectually improving, widening, repairing, and keeping in repair the present Turnpike Road from the Harbour and Town of *Stonehaven*, or near the same, by or near the Bridge over *Carron*, through the Hollow Westward of the Links of *Arduthie*, and a little to the Eastward of the some Time existing Road as it led towards *Ury*, and by the Bridge of *Finlayston*, through the *Slug Mount* or *Slug Month*, the Farms of *Darnford*, *Balladrum*, *Auchwynach*, and *Balbredies*, and along or near the some Time existing Road on the South Side of the *Dee*, through the Farms of *Maryfield*, *Baldcraigs*, and *Minonie*, by the lower Bridge over the River *Feugh*, to the Bridge over the *Dee* at *Cobleheugh*, and the several other Bridges, Arches, Gates, Houses, Bars, and other Structures upon or connected with the said Road, and for the several other Purposes of this Act; and it shall and may be lawful to the said Trustees and they are hereby authorized and required to cause to be built necessary and sufficient Bridges and Drains, of Stone and Lime, in the Line of the said Road, and to keep such Bridges when built, and those on the Rivers *Feugh* and *Dee*, above mentioned, in proper Repair, as Parts of the said Road, as well as all other Bridges or Drains built or which may be built in the Line thereof in virtue of the foresaid recited Acts hereby repealed, or of this Act.

XII. And

Present Tolls to be levied until 26th of May.

XII. And be it enacted, That notwithstanding the Repeal of the said recited Acts hereby repealed the several Tolls thereby granted and made payable shall continue to be leviable and paid at the Toll Gates or Toll Bars on the said Road until the Twenty-sixth Day of *May* next after the passing of this Act.

Tolls to be taken upon and after 26th of May.

XIII. And be it enacted, That upon and after the said Twenty-sixth Day of *May* it shall be lawful for the said Trustees, or any Person duly authorized by them, to demand and take, at the several and respective Bars or Turnpike Gates erected or to be erected upon the said Road, or placed or to be placed upon or across any Road or Lane leading from or into the said Road, the following Tolls and Duties, or such other Tolls and Duties as the said Trustees shall determine, not exceeding the following; (that is to say,)

For every Horse, Mule, or other Beast drawing any Coach, Barouche, Chariot, Berlin, Landau, Chaise, Curricle, Omnibus, Calash, Chair, Hearse, or other such Carriage with Three or Four Wheels, where Six or More Horses, Mules, or other Beasts are so drawing, the Sum of One Shilling Sterling; where Two and not more than Five Horses, Mules, or other Beasts are so drawing, the Sum of Nine-pence Sterling; and where One Horse, Mule, or other Beast is so drawing, the Sum of Eight-pence Sterling:

For every Horse, Mule, or other Beast drawing any Chaise, Curricle, Chair, Gig, or other such Carriage with Two Wheels, the Sum of Sixpence Sterling:

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

For every Horse, Mule, or other Beast drawing any Waggon, Wain, Van, Caravan, Cart, or other such Carriage where Six or more Horses, Mules, or other Beasts are so drawing, the Sum of One Shilling and Two-pence Sterling; where Five are so drawing, the Sum of One Shilling Sterling; where Four are so drawing, the Sum of Nine-pence Sterling; where Three are so drawing, the Sum of Eight-pence Sterling; and where One or Two are so drawing, the Sum of Sixpence Sterling:

For every Horse, Mule, or other Beast, with or without a Rider, laden or unladen, and not drawing, the Sum of Three-pence Sterling:

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

For every Carriage of any Kind, worked, drawn, or propelled by Steam, or otherwise than by Animal Power, when such Carriage and the Loading thereof shall not weigh Twenty Hundred Weight, the Sum of Four Shillings Sterling, and when such Carriage and the Loading thereof shall weigh Twenty Hundred Weight or upwards, then for every entire Weight of Ten Hundred Weight over and above the First Ten Hundred Weight a further Sum of Two Shillings Sterling.

Additional Tolls to be taken for Weights exceeding those herein mentioned.

XIV. And be it enacted, That every Waggon, Wain, Cart, or other such Carriage shall be subject to additional Toll in respect of Overweight, provided the same, with the Loading thereof, shall weigh more than the Weights following; *videlicet*,

Every Waggon or such Carriage having more than Two Wheels, and having the Sole or Bottom of 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 such Carriage having the Sole or Bottom of the Fellies of the Wheels of the Breadth of Nine Inches, Six Tons in Summer and Five Tons and a Half in Winter:

Every Cart having the Sole of the Fellies of the Wheels of the Breadth of Nine Inches, Three Tons in Summer and Two Tons Fifteen Hundred Weight in Winter:

Every Waggon having the Sole of the Fellies of the Wheels of the Breadth of Six Inches, Four Tons and a Quarter in Summer and Three Tons Three Quarters in Winter:

Every Cart having the Sole of the Fellies of the Wheels of the Breadth of Six Inches, Two Tons Twelve Hundred Weight in Summer and Two Tons Seven Hundred Weight in Winter:

Every Waggon having the Sole of the Fellies of the Wheels of a Breadth less than Six Inches, Three Tons and a Half in Summer and Three Tons in Winter:

Every Cart having the Sole of the Fellies of the Wheels of a Breadth less than Six Inches, One Ton and a Half in Summer and One Ton Seven Hundred Weight in Winter:

And for the foresaid Purpose it shall be deemed Summer from the First Day of *May* to the Thirty-first Day of *October*, both inclusive, and Winter from the First Day of *November* to the Thirtieth Day of *April*, both inclusive: Provided always, that where the Wheels of such Carriages shall not be so formed as that the whole Breadth of the Sole of the Fellies shall bear equally on the Road they shall be reckoned as if only of the Breadth of less than Six Inches.

Additional Tolls for Overweight.

XV. And be it enacted, That the said Trustees shall be entitled and they are hereby authorized and empowered to demand and take, over and above the Tolls herein-before granted, for and in respect of every Waggon, Wain, Cart, or other such Carriage, the additional Tolls and Duties in respect of Overweight following; *videlicet*,

For every Hundred Weight which any such Carriage, having respect to the Description thereof, shall, together with its Loading, weigh over and above the Weight herein-before expressed, the Sums following:

For each of the First and Second Hundred Weight of such Overweight, the Sum of Three-pence Sterling;

For each of the Third, Fourth, and Fifth Hundred Weight of such Overweight, the Sum of Sixpence Sterling;

For each of the Sixth, Seventh, Eighth, Ninth, and Tenth Hundred Weight of such Overweight, the Sum of Two Shillings and Sixpence Sterling;

For each of the Eleventh, Twelfth, Thirteenth, Fourteenth, and Fifteenth Hundred Weight of such Overweight, the Sum of Five Shillings Sterling; and

For

For every additional Hundred Weight of such Overweight after the Fifteenth Hundred Weight thereof, the Sum of Twenty Shillings Sterling.

Tolls not to be levied on Return of Horses, &c.

XVI. And be it enacted, That any Horse, Mule, or other Beast, or any Carriage, in respect of which Toll shall have been paid at any of the said Bars or Turnpike Gates, shall be allowed to return or repass once before Twelve o'Clock at Night for each such Payment, provided such Horse, Mule, or other Beast shall be in the same Employment, and, if drawing, shall be drawing the same Cart or other Carriage as when originally passing the Bar or Turnpike Gate, and paying the Toll thereat.

Tolls to be levied only once in Six Miles.

XVII. And be it enacted, That if the said Trustees shall erect or have already erected Bars or Turnpike Gates, either upon the said Road or upon any Road or Lane leading from or into the same, within Six Statute Miles of one another, then any Person or Persons, having paid Toll for any Horse, Mule, or other Beast, or any Carriage, at any One of such Bars or Gates, and producing a Ticket to prove such Payment, shall not be liable on the same Occasion to pay at the next Bar or Gate, if such next Bar or Gate be within Six Statute Miles of the Bar or Gate at which such Payment was made.

Fractional Part of a Halfpenny in Toll.

XVIII. And be it enacted, That in all Cases where there shall be a fractional Part of a Halfpenny in the Calculation of the Tolls hereby granted, or any of them, the Sum of One Halfpenny shall be taken in lieu of such fractional Part.

Application of Tolls.

XIX. And be it enacted, That all the Monies which before the Commencement of this Act shall have been raised and produced by virtue of the said recited Acts hereby repealed, and which at the Commencement of this Act shall remain undisposed of, and also all the Monies which shall arise and be produced by or from the Tolls and Duties by this Act granted and made payable, and all other Monies which shall arise by virtue of this Act, shall be applied to and for the several Uses, Intents, and Purposes, and in Order and Manner following; (that is to say,)

Firstly — In discharging the Expences which shall have been incurred in applying for, preparing, obtaining, and passing this Act, or incident thereto:

Secondly — In improving and maintaining and keeping in repair the Road herein-before mentioned, and in putting this Act into execution with reference thereto:

Thirdly — In reducing, paying off, and discharging the Monies lent, subscribed, and advanced for the Purposes of the said recited Acts hereby repealed upon any Assignments of the Tolls and Duties thereby granted, or upon other Securities or Obligations, with the Interest due or to become due upon the said Monies, and all other Debts and Sums of Money now due or owing in pursuance of the said recited Acts hereby repealed, or hereafter to become due or owing in pursuance of this Act, and that according to and in the Order of the several Rights and Preferences of the respective Creditors under the said recited Acts hereby repealed and this Act.

XX. And

Power to adjust and compromise Debts under repealed Acts.

XX. And be it enacted, That it shall be lawful for the Trustees under this Act and they are hereby authorized and empowered to enter into and effect an Adjustment and Compromise with all or any of the Creditors under the said recited Acts hereby repealed, for the Purpose of obtaining from such Creditors a Discharge and Relinquishment or Re-assignment of their Debts and Claims against the Trust, on Payment to such Creditors of such Sum or Sums of Money, less than the Amount of their respective Debts and Claims, as the said Trustees at any General Meeting may think equitable and proper, and which the said Creditors may agree to accept; and for the Purpose of enabling the Trustees to carry any such Adjustment and Compromise into effect it shall be lawful for them and they are hereby empowered to take up and borrow on the Credit and Security of the Tolls hereby granted such Sum or Sums of Money, by way of Subscription, Loan, or Annuity, as they shall consider proper and necessary, and to grant Assignments or other Securities for the same: Provided always, that if Part of the said Debts and Claims shall be so compromised or re-assigned, and not the Whole thereof, then it shall be lawful for the said Parties, notwithstanding such partial Compromise or Re-assignment, to keep up and rank on the Funds of the Trust that Part of the said Debts and Claims which shall be so compromised or re-assigned along with that Part thereof which may not be compromised or re-assigned, in the same Manner and in the same Order as if no such Compromise or Re-assignment had taken place; and the Payments or Dividends to be made upon such Compromise or re-assigned Debts and Claims shall be applied in the first place towards Payment of any Sums that may have been borrowed or taken up for the Purpose of effecting such Compromise or Re-assignment, and in the next place, after the Payment of the Sums so borrowed or taken up, and the Interest thereof, towards the general Purposes of this Act.

This Act not to be exempt from Provisions of any general Act.

XXI. And be it enacted, That nothing herein contained shall be deemed to exempt the Road comprised in this Act from the Provisions of any general Act relating to the Consolidation or other improved Arrangement of Turnpike Roads which may pass during the present or any future Session of Parliament.

Term of Act.

XXII. And be it enacted, That this Act shall commence on the Fourth *Monday* next after the passing thereof, and shall continue in force for the Term of Thirty-one Years, and from thence to the End of the Session of Parliament which shall then next follow.

Public Act.

XXIII. And be it enacted, That this Act shall be deemed to be a Public Act, and shall be judicially taken notice of as such.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1842.