



ANNO SEXTO

GEORGIIV. REGIS.

Cap. cix.

An Act for more effectually making, maintaining, and repairing certain Roads in the Counties of *Banff, Aberdeen, and Elgin*, and for building Bridges over the Rivers *Spey* and *Dovern*.

[10th June 1825.]

WHEREAS an Act was passed in the Forty-fourth Year of the Reign of His late Majesty, intituled *An Act for making and repairing certain Roads in the Counties of Banff, Elgin, Aberdeen, and Inverness; for building Bridges over the River Spey; and for regulating the making and repairing the High Roads and Bridges in the said County of Banff*: And whereas another Act was passed in the Fourth Year of His present Majesty, intituled *An Act for regulating Turnpike Roads in that Part of Great Britain called Scotland*: And whereas a great Part of the Roads specified in the said first recited Act, on which Turnpikes were authorised to be erected and Tolls collected, has been made and put in repair, and sundry Sums of Money have been subscribed and borrowed for that Purpose upon the Credit of the Tolls by the said Acts granted; but it is found that the said Roads cannot be completely made and kept in repair, and the Money so subscribed and borrowed repaid, unless the Term and Powers granted by the said Act, in so far as regards Roads on which Turnpikes are allowed to be erected and Bridges built on which Tolls and Pontage are leviable, be enlarged and continued, and some of the Provisions thereof be altered and amended, and other and further

44 G. 3. c. 81.

4 G. 4. c. 49.

[Local.]

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Powers

New Roads.

Powers granted, and the Tolls and Duties thereby leviabie be regulated, and in certain Instances increased: And whereas it would be of great Advantage to the Public if, in Addition to the Roads described and specified in the said first recited Act, the Roads hereinafter mentioned, which are at present in bad Repair, inconvenient, and dangerous to Travellers, and the Bridges also hereinafter mentioned, were put under the Management of the same Persons, with the same Powers and under the same Regulations and Provisions as the other Roads specified in the said Act; that is to say, the Road from the present Turnpike Road leading from *Banff* to *Huntley* by *Marnoch* at or near *Auchintoul*, to join the Turnpike Road leading from *Portsoy* to *Huntly* at or near *Newmills* of *Boyne*, passing through the Parishes of *Marnoch*, *Ordequhill*, and *Fordyce*, all in the said County of *Banff*; the Road from the said Turnpike Road leading from *Portsoy* to *Huntly* at or near *Newmills* of *Boyne* aforesaid to join the Turnpike Road from *Banff* to *Cullen* at or near *Cullen*, passing through the Parishes of *Fordyce*, *Deskford*, *Rathven*, and *Cullen*, all in the said County of *Banff*; the Road from the Bridge of *Marnoch* to join the Turnpike Road leading from *Portsoy* to *Keith* at or near *Limehillock*, passing through the Parishes of *Marnoch*, *Rothiemay*, and *Grange*, all in the said County of *Banff*; the Road from the said present Turnpike Road leading from *Banff* to *Huntly* by *Marnoch* at *Corskie*, near the Village of *Aberchirder*, to *Turriff*, by one or two Lines, passing through the Parishes of *Marnoch*, *Alva*, and *Forglen*, in the said County of *Banff*, and *Turriff* in the County of *Aberdeen*; the Road from the present Turnpike Road leading from *Keith* to *Fochabers* at or near *Forgieside* to *Port Gordon*, passing through the Parishes of *Keith*, *Boharm*, *Grange*, *Bellie*, and *Rathven*, all in the said County of *Banff*; the Road from the present Turnpike leading from *Keith* to *Boat of Bridge* at or near *Mulben* to the Turnpike Road leading from *Keith* to *Fochabers* at or near *Redpath*, and from thence to join the abovementioned Road leading from *Keith* to *Port Gordon*, passing through the Parishes of *Boharm*, *Keith*, and *Bellie*, partly in the said County of *Banff*, and partly in the County of *Elgin* and *Forres*, and the Parish of *Rathven* in the County of *Banff*; the Road from *Buckie* to join the Turnpike Road from *Portsoy* to *Keith* at or near *Auchinhove*, passing through the Parishes of *Rathven*, *Bellie*, *Keith*, *Deskford*, and *Grange*, all in the said County of *Banff*; the Road from the Village of *Craig-Elachie* near the Bridge thereof to *Mortlach*, and from thence through the Districts of *Auchindown* and *Cabrach*, to join the Turnpike Road from *Huntly* to *Muir of Rhynie* at or near *Muir of Rhynie* in *Aberdeen-Shire*, passing through the Parishes of *Aberlour* and *Mortlach* in the County of *Banff*, *Cabrach*, partly in the County of *Banff* and partly in the County of *Aberdeen*, and *Gartly*, *Rhynie*, and *Auchindoir* in the County of *Aberdeen*; the Road from the projected Turnpike Road leading from *Keith* to *Tamintoul* at or near *Mill of Towie* to join the Road above mentioned leading through the *Cabrach* at or near *Invercharroch*, passing through the Parishes of *Keith*, *Botriphney*, and *Mortlach*, in the County of *Banff*, and *Cairney*, *Glass* and *Cabrach*, partly in the County of *Banff* and partly in the County of *Aberdeen*; the Piece of Road from near the *Shambles of Banff* in the Burgh of *Banff* along the Shore and passing the Harbour thereof along the Sea Bank and joining the present Turnpike Road

Road leading from *Banff* to *Pontsoy*, at or near a Place called the *Swordings*, passing through the Parishes of *Banff* and *Boyndie* in the said County of *Banff*; the Road from the Turnpike Road leading from *Banff* to *Grantown*, at or near the Bridge on the Burn of *Eschiebuie* through *Glackenronnich*, to *Mortlach*, passing through the Parishes of *Aberlour* and *Mortlach*, in the County of *Banff*; the Road from the said Turnpike Road leading from *Banff* to *Grantown* at or near the Old Church of *Aberlour* through *Glackharness*, to join the projected Turnpike Road from *Keith* to *Tamintoul* at or near *Reclietick*, passing through the Parishes of *Aberlour* and *Mortlach* in the said County of *Banff*; And whereas the Passage across the River *Dovern*, near *Forglen*, is often difficult and dangerous for Travellers, and it would be expedient and of Advantage to the Public that a Bridge of Stone, Iron, or Timber were erected across the said River *Dovern*, from a Point on the West Bank of the said River, at or near a Place called *East Side*, in the Parish of *Forglen* and County of *Banff*, to a Point on the East Bank thereof, at or near a Place called *Fearwards*, in the Parish of *Turriff* and County of *Aberdeen*; And whereas it would tend to the more easy and effectual Execution of the Powers necessary for the above Purposes, if the said first recited Act were repealed, and renewed Powers given by the present Act: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said herein first before recited Act, passed in the Forty-fourth Year of the Reign of His late Majesty, in so far as regards the Roads therein described, in which Power is given to erect Turnpikes and to levy Tolls, and in so far as regards the Bridge across the River *Spey*, at or near the Place called *Boat of Bridge*, shall from and after the passing of this Act be, and the same is hereby repealed, without Prejudice nevertheless to the Claims and Demands of any Person or Persons having Security on the Tolls authorised to be levied on the same Roads; which Claims and Demands, and all Sums of Money laid out in making and repairing the said Roads, or any of them, borrowed on the individual Security of the said Trustees and remaining due, shall attach upon the Tolls authorised to be levied on the said Roads by this present Act, in all respects as they did under the said former Act passed in the Forty-fourth Year of the Reign of His late Majesty.

Bridge
across the
River Do-
vern.

Former Act
44 G. 3. re-
pealed.

II. And be it further enacted, That the said recited Act passed in the Fourth Year of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained (save and except always such Parts thereof as are expressly varied, altered, or repealed), shall respectively be as good, valid and effectual to all Intents and Purposes for carrying this Act into execution, as if the same had been respectively repeated and re-enacted in the Body of this Act.

General Re-
ference to
Act 4 G. 4.
c. 49.

III. 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

Trustees.

the

the actual Possession and Enjoyment as Proprietor and Life Renter of the *Dominium utile* of Lands in the said County of *Banff*, valued in the Cess Books thereof at or above One hundred Pounds Scots, and all and every the eldest Sons of such Persons being the Heirs Apparent of such Property; One Guardian of each Minor, fatuous or furious Person possessing Lands of the Valuation aforesaid; One Trustee on every Estate vested in Trustees, and being of the Valuation aforesaid; or in the Absence of such Proprietor or Life Renter or other Persons aforesaid, the Factor or Manager of their said Estate; One Manager, Factor, or Boxmaster for each Corporation or associated Body holding Lands of the said Valuation; the Persons who have subscribed or may hereafter subscribe and pay Money towards making and repairing the Roads in this Act mentioned, to the Extent of One hundred Pounds Sterling or upwards; One Manager, Factor, Boxmaster, or other Office Bearer of each Corporation or associated Body, who have subscribed, or may hereafter subscribe and pay Money towards making and repairing the Roads in this Act mentioned, to the Extent of the said Sum of One hundred Pounds Sterling or upwards; the Provost and eldest Baillie of the Burgh of *Banff*, the eldest Baillie of the Burgh of *Cullen*, the Chief Magistrates of *Macduff*, *Portsoy*, *Keith*, *Huntly*, and *Fochabers*, the Sheriff Depute of the County of *Banff*, and his Substitute, all for the Time being, shall be, and they are hereby nominated and appointed Trustees for surveying, ordering, making, amending, widening, repairing, keeping in repair, and superintending the several Roads specially described in the said first recited Act of the Forty-fourth Year of the Reign of His late Majesty, that is to say, the Road from the Bridge of *Banff* to the River *Spey* at or near *Boat of Bog*, passing through the Parishes of *Banff*, *Boyndie*, *Fordyce*, *Deskford*, *Cullen*, *Rathven*, and *Bellie*; the Road from *Turriff* to *Portsoy*, joining the above Road, with a Branch leading from the same to *Banff*, and passing through the Parishes of *Turriff*, *Forglen*, *Marnoch*, *Alva*, *Banff*, *Boyndie*, and *Fordyce*; the Road from *Banff* to *Huntly*, by One or Two Lines, passing through the Parishes of *Banff*, *Boyndie*, *Alva*, *Forglen*, *Fordyce*, *Ordequhill*, *Marnoch*, *Inverkeithney*, *Rothiemay*, *Grange*, *Forgue*, *Dramblade*, *Gartly*, *Cairney*, and *Huntly*; the Road from *Portsoy* to *Huntly* joining the above, if necessary, and passing through the Parishes last above mentioned, with a Branch leading from the same to *Keith*, and passing through the said Parishes and Parish of *Keith*; the Road from *Banff* to *Grantown* by *Keith*, with a Branch leading from the 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,

Former
Roads.

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 all the other Roads hereinbefore mentioned and described as intended to be made Turnpike, and for putting in Execution all the Authorities by this Act given respecting the said Roads and the Bridges thereon, and respecting the Bridges hereinafter mentioned, whereon Tolls or Pontage are authorised to be levied.

IV. And be it enacted, That the said Trustees or any Five or more of them shall hold their first stated or General Meeting by virtue of this Act upon the Day following the Expiration of one Month after the passing of this Act, or as soon thereafter as conveniently may be, and their second stated General Meeting on the Day on which the *Michaelmas* Meeting of Freeholders for the County of *Banff* 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 meet for assessing the Land Tax on the said County, and the other upon the Day of the *Michaelmas* Meeting of Freeholders of the said County, yearly, with Power to the said Trustees, or Majority of those present at the said stated or other General Meetings, to adjourn to such other Time or Place as they shall think convenient.

First and subsequent General Meetings.

V. And whereas Parts of the Roads described in this Act pass through Parishes in the Counties of *Aberdeen* and *Elgin*, and it is expedient that Persons possessed of the same Qualification in those Counties as in the County of *Banff* should be appointed Members of Committees to be appointed in Manner after mentioned; be it therefore enacted, That the said Trustees, at any General Meeting held under the Authority of this Act, shall be and are hereby authorised to appoint Committees not only of their own Number, being Heritors in the respective Parishes through which the Roads pass, qualified to act as Trustees under this Act, or Subscribers to the Extent hereinbefore mentioned, but also Heritors with the like Qualification in those Parishes of the Counties of *Aberdeen* or *Elgin* mentioned in this Act through which such Roads pass, each Heritor not present having Power to act by his Agent or Factor specially authorised by a Writing under his Hand for that Purpose, to have the more immediate Care and Management of particular Parts of the said Roads, and to give these Committees (whereof Three to be a Quorum) such Instructions and such Powers as they shall think fit and expedient.

Power to appoint Committees.

VI. Provided also, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint any Person or Persons who may be appointed the Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk, or of his Partner, to be the Treasurer for the Purposes of this Act, or to continue or

Treasurer and Clerk not to be the same Person.

appoint any Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer, or of his Partner, to be the Clerk to the said Trustees; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person or Persons being the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk, or of his Partner, shall accept the Office of Treasurer, or being the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer, or of his Partner, shall accept the Office of Clerk in the Execution of this Act, or if any such Treasurer shall hold any such Place or Office of Profit or Trust under the said Trustees other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue and prosecute for the same, to be recovered with Expences by summary Action in the Court of Session: Provided always, that nothing herein contained shall extend or be construed to extend to prevent any Partner of, or any Person having a Share or Concern in the Bank of Scotland, or Royal Bank of Scotland, or British Linen Company, being the Clerk to the said Trustees, although any such Company or Bank shall be the Treasurer for the Purposes of this Act.

Power to
appoint Spe-
cial Com-
mittee for
examining
Accounts.

Accounts to
be lodged.

Power to
employ
Auditor.

Committee
for Repairs.

VII. And be it further enacted, That the said Trustees, at their General Meetings assembled, shall have Power and they are hereby authorised to name and appoint a Special Committee of their Number for the Purpose of examining the whole Annual Accounts of Monies received and disbursed upon the different Roads hereinbefore mentioned; and the Clerks and Treasurers shall be obliged annually to lodge with the Clerk of General Meetings, the respective Accounts audited and settled by the Committees named for the Superintendance and Management of said Roads, and that on or before the Twelfth Day of August annually, in Manner required and enjoined by the said Act passed in the Fourth Year of the Reign of His present Majesty, and the said Special Committee to be nominated by the General Meetings as aforesaid are hereby empowered to employ an Auditor to examine said Accounts and the Vouchers thereof, and to report on the same to the stated General Meeting of said Trustees to be held at Michaelmas annually, and to pay the said Auditor a reasonable Allowance for his Trouble.

VIII. And be it further enacted, That the said Trustees, at any of their said stated General Meetings assembled, shall have Power, and they are hereby authorised, annually to name a Special Committee of their Number, for the Purpose of examining into and issuing such Instructions and Regulations as may appear to them best adapted for the effectual Maintenance of the different Roads and Bridges thereon, with the Ditches, Drains, and Footpaths thereon already made under the said recited Act, and which may be made under the Authority of this Act; and the different Committees on the said Roads, and the Clerks, Treasurers, Surveyors, Contractors, and all Persons employed by them, or acting under their Authority, shall be bound to execute and fulfil the whole Instructions and Regulations which may

may from Time to Time be issued by the said Committee of Repairs, or their Quorum, touching the Maintenance and Repair of said Roads.

IX. And be it further enacted, That the Quorum or Number of Trustees necessary to do Business on General Meetings shall be Five (excepting at General Meetings for the Purpose of letting Tolls, where the Quorum shall be Three); but if only One or any less Number than a Quorum shall be present at any General Meeting, such Trustee or Trustees shall have Power to adjourn the Meeting, and in that Case Notice shall be given of such adjourned Meeting, in the Way and Manner directed by the said Act passed in the Fourth Year of the Reign of His present Majesty; and in all Notices or Advertisements of adjourned General Meetings, the Day, Place, and Purpose of such adjourned Meeting shall be specified; and at such Meetings no Business shall be entered or decided upon, other than what is specified in the Notice given as aforesaid.

Quorum of Trustees for General Meetings and Adjournments.

X. And be it enacted, That the said Trustees, at the First or at any of the stated or other General Meetings assembled, may direct and authorise the Gates which are already erected, upon any of the Roads described in the said first-recited Act to be continued, and may cause to be erected other Gates or Turnpikes across any Part of the Roads therein or in this present Act described, or Side or Check Bars connected therewith, and to build and erect such Number of Toll Houses, Side Bars, and Gates as they shall think fit, and may authorise the Collectors or Tacksmen under their Authority to take and levy at each of the said Gates (save and except as hereinafter mentioned), before any Passage be permitted, not exceeding the Rates, Tolls, and Duties after mentioned, that is to say;

For continuing and erecting Turnpikes, Toll Houses, &c.

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

Rates of Tolls.

Coaches, &c. with Four Wheels.

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

Gigs, &c. with Two Wheels.

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

Taxed Cart.

For every Horse or other Beast drawing any Waggon, Wain, Cart, or other such like Carriage with Two Wheels, Eight-pence:

Waggons and Carts.

And if with Four Wheels, One Shilling:

And if with Six Wheels, One Shilling and Four-pence:

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

Horses.

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

Droves of Cattle.

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

Droves of Sheep.

XI. Provided

No Toll Bars to be erected until Four Miles of Road are made.

Provision as to Gates within Six Miles of each other.

Tolls to be paid once a Day.

Side Gates may be erected.

XI. Provided always, and be it further enacted, That no Toll Bar shall be erected or Toll levied at any of the said Roads until at least One Half of the Sum estimated for making such Road shall be subscribed and paid to a Treasurer appointed by the said Trustees; nor until Four Miles of the said Road nearest to the Place where such Turnpike or Toll Bar shall be erected, shall be well and sufficiently made, amended, or repaired; and if any Toll Bar be erected within a less Distance of any other Toll Bar on the same Line of Road than Six Miles, any Person or Persons producing a Ticket to show that he, she, or they have paid the Toll at one Bar on the same Day, shall not pay any further Toll on the same Line of Road till the Distance exceeds Six Statute Miles from the Bar at which he, she, or they have already paid; provided that this Exception shall not be applicable to the Tolls leviable on any of the Bridges over the said Rivers *Spey* or *Dovern*, which may be exacted without regard to the Distance from any Toll Bars established on the Roads under the Authority of this Act or any other Act.

XII. And be it further enacted, That for or in respect of any Horse or Horses or Cattle for or in respect of which there shall have been paid the Tolls hereby authorised to be taken at any of the said Gates or Turnpikes, Toll shall not be again demandable or taken at the same Gates or Turnpikes on the same Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock of the succeeding Night; and in the Case of Post Horses having passed through any Bar, they shall be permitted, when returning before Nine of the Clock on the following Morning, to repass in the Manner directed by the said Act passed in the Fourth Year of the Reign of His present Majesty.

XIII. And be it further enacted, That it shall be lawful for the said Trustees to erect or cause to be erected One or more Gate or Gates on the Side or Sides of the said Roads, and across any Lane or Way leading out of the same, and also a Toll House at each such Gate, and there to take and receive such Tolls as are hereby granted and made payable; but so as that a Ticket received at any such Side Gate or Cross Bar shall entitle the Receiver thereof to pass free through the next Bar or Turnpike within Six Miles on the same Line of Road on the same Day, to be always computed as aforesaid: Provided always, that in erecting One or more Side Bars or Gates on the Sides of the said Roads, and across any Lane or Way leading out of the same as aforesaid, the said Trustees shall be empowered, when Circumstances and Situation appear to them to require it, to place such Side, Cross, or Check Gates at any Distance from the Side of the said Turnpike Road not exceeding Two hundred Yards; and also to build and erect Walls or Fences, or to make Ditches where they shall be found necessary, near to all Toll Bars or Side or Check Bars, and across useless or condemned Roads, Lanes, or Passages, and in all other Places on the Sides of the said Roads or other Ways where the said Trustees may find the same requisite, to prevent any Person or Persons travelling on the said Turnpike Roads from evading Payment of any of the Tolls or Duties granted by this Act.

XIV. And

XIV. 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 by this Act directed, and no Part thereof shall be expended without their Orders, or the Orders of the Committee or other Persons authorised by General Meetings; and the Right and Property of all and every the said Turnpikes, Toll Houses, and Premises used for the Purposes of this Act, and the Materials thereof, with the Materials that shall be dug up and collected for making and repairing the said Roads and Bridges, shall be vested in the said Trustees.

Tolls vested
in Trustees,

and Toll
Houses, and
Gates.

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

Trustees to
obtain Lands
for Toll
Houses.

XVI. And be it further enacted, That in Cases where Trustees or Committees or Sets of Trustees or other Persons already have interponed or may hereafter interpone their Credit for Money borrowed or advanced for the Purposes of such Turnpike Road or Roads by having granted or subscribed personal Bonds, Bills, or other Vouchers for the same, and thereby become Sureties for Money so borrowed or advanced; that such Trustee or Trustees or other Person or Persons who have granted or subscribed such Bonds, Bills, or Vouchers for said borrowed Money as interponed Securities aforesaid, shall have a Lien, and be Creditors on the Tolls by this Act established on such Turnpike Road or Roads alike, and in the same Manner as if the Money so borrowed on the interponed personal Security of said individual Trustee, Trustees, or other Person or Persons, had been lent by such Trustee, Trustees, or other Person or Persons themselves; and he or they shall be entitled to demand and receive from the Trustees of such Turnpike Road or Roads, to the Purposes of which the said borrowed Money has been or shall be applied, an Assignment to the Tolls on such Road or Roads, or any Part or Parts thereof, in the same Manner as if such Money had been lent, advanced, and paid by the said interponed Persons themselves.

Individual
Trustees
granting in-
terponed Se-
curities to
have a Lien
on Tolls.

XVII. And be it further enacted, That it shall be in the Power of the said Trustees, at a General Meeting for that special Purpose, and they are hereby authorised and empowered to cause Bridges of Stone, Iron, or Timber to be erected and built across the River *Spey*, at or near a Place called *Boat of Bridge*, and another Bridge of Stone, Iron or Timber across the River *Dover*, at or near a Place called *East-side*, and to dig and make proper Foundations on the said Rivers and Lands lying on each Side thereof for the Piers and Abutments of the said Bridges, and to cut and level the Banks of the said Rivers in such Manner as shall be necessary and proper for building the said

Bridges over
the Rivers
Spey and
Dover.

Bridges, and for the Approaches, or Accesses thereto, and Toll Houses thereat, and to cut, remove, and carry away all Trees, Roots of Trees, Gravel, Stones, Mud, Sand, or any other Impediment whatsoever, which may in any ways hinder the erecting, building, or repairing the said Bridges and Approaches or Accesses thereto, and Toll Houses; and also to do, perform, and execute all other Matters and Things requisite and necessary, useful or convenient; for erecting, building, maintaining and supporting the said Bridges; to name Committees of Trustees duly qualified, as in the Case of Turnpike Roads, to have the more immediate Superintendance and Management of executing, repairing, and supporting the said Bridges; the said Trustees and their Committees, (whereof Three to be a Quorum,) or any Person or Persons to be appointed by them, shall from Time to Time have full Power and Authority to land and lay down on either Side of the said Rivers, all Materials and other Things to be used in and about the same, and there to work and use all 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 building the said Bridges and Toll Houses, and Accesses or Approaches thereto; and the said Trustees and their Committees shall be and are hereby empowered to enter into and make such Contracts and Agreements as may be necessary, or as they shall deem proper, with all Engineers, Artificers, Workmen, or other Persons, for making, building, erecting, and repairing such Bridges and Toll Houses, and all Ramparts, Wings, Walls, Embankments and other Works, or any Part thereof; such Artificers or others contracting, always giving Security to be approved of by the said Trustees; and along with the said Bridges, the said Trustees shall be, and they are hereby authorised and empowered to erect or cause to be erected a Turnpike or Toll Bar and Toll House, either upon or at either Side of the said Bridges or near thereunto, and they are empowered to purchase or take in lease such Pieces of Ground as they shall judge most convenient, and not exceeding One Fourth of an Acre, in the same Manner in all respects as they are empowered to do in the Case of Toll Houses on the Turnpike Roads as aforesaid, and subject to the same Rules and Restrictions.

Rate of
Pontage to
be levied.

XVIII. And be it enacted, That as soon as the said Bridges or either of them shall be completed, and Toll Bars and Toll Houses erected, the said Trustees, at a General Meeting assembled for that Purpose, shall be, and they are hereby authorised and empowered to levy or cause to be levied at each of the said Bridges which shall be so completed, before permitting any Passage thereat, the Tolls and Duties granted by this Act for and in respect of every Horse or Beast drawing any Carriage or Cart, and for and in respect of any Horse or Mule with or without a Rider, laden or unladen, and not drawing; and for and in respect of every Drove of Oxen, Neat Cattle, or Horses unshod, or of Calves, Hogs, Sheep, Lambs, or Goats, and so in Proportion for any greater or less Number; and moreover, for and in respect of each Person passing the said Bridges and either of them on Foot, and for and in respect of each Person, except the
Driver,

Driver; passing in any Waggon or Cart, there shall be levied and taken from each such Person the Sum of One Halfpenny Sterling for each Passage; 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 or Bridges shall be passed, except that Carts or Carriages in respect of which Tolls have been paid in passing loaded, shall not be liable to pay on returning empty, and Carts or Carriages in respect of which Tolls have been paid in passing empty, shall not be liable to pay on returning loaded the same Day; and that in other respects the same Rules and Regulations which are hereinbefore to take place with regard to passing the Turnpike Gates upon Roads, shall likewise take place and be observed as to passing and repassing the Turnpikes or Toll Bars erected upon or near the said Bridges or any of them, and subject to the same Exemptions as contained in the said Act passed in the Fourth Year of the Reign of His present Majesty, so far as not here altered, varied, or rescinded.

Tolls on Foot Passengers.

XIX. Provided always, That the Tolls or Pontage on both and each of the said Bridges shall be exacted and taken from all Passengers without regard to the Distance they may have travelled, and without regard to their having paid Toll nearer than Six Miles from said Bridges at any Toll Bar or Bars established on the Roads under Authority of this Act or any other Act.

Tolls to be taken at Bridges without regard to the Distance from other Bars.

XX. Provided always, and be it further enacted; That it shall and may be lawful for the said Trustees to lessen or diminish all or any of the said Rates of Pontage, and again to raise the same, so as not to exceed the respective Sums aforesaid in the Maximum, and subject always to the Rules and Regulations in such case provided by the said Act passed in the Fourth Year of the Reign of His present Majesty.

Powers to lessen and diminish Pontage, and again to raise same.

XXI. And be it further enacted, That the Money arising from the Tolls or Pontage on the said Bridges shall be applied to and for upholding the said Bridges and Toll Houses thereon on which the Tolls and Pontage are respectively collected, and for paying the Interest of the Money borrowed, and to defray the Expenses thereof, and the Surplus of the said Toll or Pontage shall be applied to pay off the Money so borrowed for each such respective Bridge, and afterwards in such Manner towards the Purposes of this Act as the said Trustees shall at any General Meeting for that Purpose direct.

Application of the Produce of Pontage.

XXII. Provided always, That it shall and may be lawful for the said Trustees or their Committee to borrow any Sum or Sums of Money not exceeding Four thousand Pounds Sterling for the Purposes of the said Bridge over the *Spey* at *Boat of Bridge*, and any Sum or Sums of Money not exceeding One thousand five hundred Pounds Sterling for the Purposes of the said Bridge over the River *Dovern*, upon the Credit of the said Tolls or Pontage on each of the said Bridges respectively, 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 are subjected to by the said Act passed

Power to borrow Money.

passed in the Fourth Year of the Reign of His present Majesty, and by this present Act.

Ferries or
Fords not to
be used
within Half
a Mile of
Bridges.

XXIII. And be it enacted, That as soon as the said Bridges or either of them, and the Roads, Approaches, and Avenues leading to and from the same, are completed and opened for Passengers, and the Trustees shall have erected Toll Gates and Toll Houses thereon, the Passage by either Bridge shall be the only Public Road or Passage across the said Rivers *Spey* and *Dover*n respectively, in Manner hereinafter mentioned; that is to say, it shall not be lawful for any Person or Persons to pass either of the said Rivers at any Ford within Half a Mile of either of such Bridges, or to use any Ferry for Hire or Reward within Half a Mile thereof, for conveying any Person, or for any Horses, Cattle, or other Beast, or for any Carts or Carriages of any Description whatever across either of the said Rivers within the Spaces above mentioned respectively; or in case any Person or Persons shall pass either of the said Rivers at any such Ford within Half a Mile of either of the said Bridges, or use any such Ferry for Hire or Reward within Half a Mile thereof, he, she, or they shall forfeit the Sum of Forty Shillings Sterling for every Person, or Beast, or Carriage, passing, or ferried, or conveyed across the said Rivers, or either of them, within the Space aforesaid respectively, and which Penalties shall be recovered, levied, and applied in the same Manner as other Penalties and Forfeitures are directed to be recovered, levied, and applied by the said Act passed in the Fourth Year of the Reign of His present Majesty, and by this Act.

Compens-
ation to Pro-
prietors of
Ferries.

XXIV. Provided always, and be it enacted, That the said Trustees shall make Compensation to the Proprietors of such Ferries, and to the Tenants and Tacksmen thereof, for the Damage thereby occasioned, and Loss or Injury suffered, where such Compensation shall be demanded by such Proprietors or Tacksmen; and in case of Difference such Compensation shall be settled and ascertained by a Jury, in Manner prescribed by the said Act passed in the Fourth Year of the Reign of His present Majesty.

Penalties for
destroying
Bridges or
Works con-
nected
therewith.

XXV. And, for preventing the wilful and malicious burning or otherwise damaging, destroying, or injuring the said Bridges, or Centres thereof, or Works connected therewith, be it further enacted, That if any Person or Persons shall wilfully and maliciously burn, blow up, pull down, or otherwise injure or destroy either or any 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, or be Art and Part therein, whereby the said Bridges or any of them, or the Centres or Works thereof, may be damaged, or the Lives of Passengers or Workmen endangered, such Offender or Offenders, besides being liable for all Damages sustained, shall forfeit and pay the Sum of Twenty Pounds for every such Offence, to be recovered as any Penalty may be recovered by the said recited Act passed in the Fourth Year of the Reign of His present Majesty.

XXVI. And

XXVI. And be it further enacted, That no Person or Persons shall be allowed to float any Timber on the said Rivers, or any of them, during the Period that the said Bridges are in the Progress of building, from the Time Piles shall be begun to be driven for the Foundations of said Bridges, or any of them, until the Service Bridges and Centres supporting the Arches shall be removed and taken away, and that under the Penalty of Fifty Pounds Sterling, besides paying all Damages; and thereafter, when said Bridges shall have been completed, no Person or Persons shall float any Timber upon the said Rivers, through any of the Arches of the said Bridges, except the same shall be fastened together as Rafts, and attended by One or more Boats to conduct the same, so as to pass clear of the Piers and Abutments of said Arches; and if any Timber shall be floated through any of the Arches of any of the said Bridges in any other Manner, or if any Damage shall be done to the said Bridges or any of them, or to the Piers or Abutments thereof, by any such Raft, the Owner or Owners thereof shall not only pay the Damage sustained, but shall forfeit and pay any Sum not exceeding Ten Pounds, nor less than Five Pounds Sterling, for every such Offence.

Floating of Timber prohibited during the Execution of Bridges,

and put under certain Regulations.

XXVII. And be it further enacted, That the said Trustees, at a General Meeting assembled, may, and they are hereby authorised and empowered, to let by Public Roup the said respective Tolls, Duties, or Pontage leviabie on the said Bridges, or any of them, 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 that can be got for the same, and on sufficient Security to be approved by the said Trustees, and subject to the Rules, Regulations, and Conditions in the Case of no Bidders or Offerers, and in all other respects as specified and laid down regarding the rousing of Tolls in the said Act passed in the Fourth Year of the Reign of His present Majesty.

Tolls and Pontage may be let by Roup.

XXVIII. And be it further enacted, That in case of any sudden Damage to a Bridge, Cross Drain, Mound, or Embankment across any of the Roads hereinbefore described, it shall be in the Power of any Two Trustees to give Orders for making such immediate Repairs as may be necessary, the Expence of the same not exceeding Twenty Pounds Sterling; and the Money so expended shall be provided for and paid by Order of the next Meeting of the Committee of Trustees having the Superintendance and Management of such Road, or, on their Failure or Neglect, by Order of the next stated General Meeting, out of the Trust Funds of such Road, on an Application for that Purpose, and on a Proof of the Necessity of the Order, and that the Money was properly expended; and in case any of the said Roads shall be shut up, and the Public Communication obstructed by Means of Snow or otherwise, it shall in like Manner be in the Power of the said Trustees to cause the said Roads to be cleared, the reasonable Expences of the same, not exceeding Twenty Pounds Sterling, to be provided and paid in Manner as hereinbefore allowed in the Case of sudden Damage.

In Cases of sudden Damage,

or Obstruction by Snow.

Toll Collectors, Overseers, &c. may be received as Witnesses.

XXIX. And be it further enacted, That in all Disputes, Suits, Litigations, and Appeals touching or in any Way relating to the Tolls, or to any Offences, Penalties, or Forfeitures under this Act, the Lessee or Person or Persons appointed to collect or receive the said Tolls, or any Superintendant, Overseer, Contractor, or other Person or Persons acting by and under the Authority of the said Trustees, shall not be disqualified from giving Evidence as a Witness in any such Dispute, Suit, Litigation, or Appeal, by reason of his, her, or their being appointed to collect such Tolls, or acting under such Authority as aforesaid.

Penalties, One Half to be made payable to Informers.

XXX. And be it further enacted, That notwithstanding the Provisions of the said Statute passed in the Fourth Year of the Reign of His present Majesty, regarding the Application of Monies which may be recovered, arising by Penalties, Forfeitures, and Fines respectively under the Enactments of the said Act, that it shall be in the Power of the said Trustees, for the Purposes of this Act, and they are hereby authorised and empowered, to pay any Sum not exceeding One Half of the Monies so arising by such Penalties, Forfeitures, and Fines (after deducting the necessary Expences), to the Person or Persons giving the Information leading to Conviction of the Offenders.

Expences of this Act, how to be paid.

XXXI. And be it further enacted, That the whole Expence of advertising for, preparing, procuring, and passing this Act, the surveying and estimating the said Roads and Bridges, Plans thereof, and all other Expences attending the same, or incurred relative thereto, to be ascertained at the first or any subsequent General Meeting of the Trustees under this Act, shall be defrayed and paid by an Assessment on all Proprietors of Lands and Fishings within the said County of *Banff*, valued in the Cess Books of the County of *Banff*, and in the Cess Books of the Burghs of *Banff* and *Cullen*; and also upon all Proprietors of Lands and Fishings in the Parishes of *Turriff*, *Glass*, *Cabrach*, *Rhynie*, and *Auchindoir*, in the said County of *Aberdeen*; and also upon all Proprietors of Lands and Fishings in those Parts of the Parishes of *Keith*, *Boharm*, and *Bellie* situated in the County of *Elgin*, according to the respective valued Rents at which the said Lands and Fishings stood rated in the Cess and Valuation Books of the said respective Counties of *Banff*, *Aberdeen*, and *Elgin*, and in the Cess and Valuation Books or Rolls of the said Burghs of *Banff* and *Cullen*; and the Whole of the said Assessments so ascertained shall be levied and collected by the Collector of Cess for the County of *Banff*, who shall have such Allowance for his Trouble as shall be fixed by the said Trustees at their General Meeting aforesaid.

Public Act.

XXXII. And be it further enacted, That this Act shall be deemed a Public Act, and shall be allowed and taken as such in all Courts, and by all Judges, Justices, and others, without being specially pleaded.

XXXIII. And

XXXIII. And be it also enacted, That this Act shall commence from the Expiration of One Month from and after passing the same, 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.

Commence-
ment and
Continuance
of Act.

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THE HISTORY OF THE

The history of the...
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By the Rev. James...

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