



ANNO SEXTO

# GEORGIIV. REGIS.

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## Cap. lix.

An Act for building a Bridge over the River *Don*, near the Village of *Balgownie* or *Polgownie*, in the Parish of *Old Machar* and County of *Aberdeen*. [20th May 1825.]

WHEREAS by Charter bearing Date the First Day of *February* One thousand six hundred and five, *Alexander Hay*, afterwards *Sir Alexander Hay* Knight, One of the Clerks of Session, granted and bequeathed to the Provost, Bailies, Council, and Community of the City of *Aberdeen*, and their Successors, certain specific Feu Duties or Annuities, amounting in the Whole to the Sum of Twenty-seven Pounds Eight Shillings and Eight-pence Scots, or two Pounds Five Shillings and Eight-pence and Eight-twelfths Sterling, payable out of several Pieces of Land lying within the Territory of the said City, which Feu Duties or Annuities he ordained to be applied by the said Provost, Bailies, Council, and Community, or their Master of Bridge Works for the Time being, for repairing and upholding the Bridge built by King *Robert Bruce* of Blessed Memory, over the River *Don*, near the said City of *Aberdeen*: And whereas, in compliance with the Intentions of the said *Sir Alexander Hay*, the Provost, Bailies, and Council of the said City, as the legal Administrators or Trustees of the Fund bequeathed by the said *Sir*

[Local.]

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*Alexander*

*Printed and Sold by James Nichol, Edinburgh.*

Provost, &c.  
of Aberdeen  
may apply  
Accumula-  
tions of Fund  
to building a  
new Bridge.

*Alexander Hay* as aforesaid, have from Time to Time expended the requisite and necessary Sums for keeping in Repair and upholding the said Bridge, and after defraying all Charges and Expences thereby incurred, have, from the Annual Savings which have arisen upon the said Fund, accumulated a Sum of Eighteen thousand Pounds Sterling and upwards, which Sum so accumulated, joined to the Annual Feu Duties bequeathed as aforesaid, would be sufficient not only for keeping in repair and rebuilding, if necessary, the said Bridge, but also for constructing a new Bridge across the said River in Manner herein-after mentioned: And whereas the Passage of the said Bridge from its Narrowness and the precipitous Nature of the Accesses or Approaches thereto, and other Causes, is extremely dangerous and difficult; and it would be attended with great Advantage to the Public if, besides keeping up the said present Bridge, a new or additional Bridge of a more commodious Description, and in a more safe and convenient Situation, were constructed across the said River, and if Powers were given to the said Provost, Bailies, and City Council of *Aberdeen*, as the legal Administrators or Trustees acting under the said Deed or Charter executed by the said *Sir Alexander Hay*, to appropriate, lay out, and expend from the Savings or Accumulations of the said Fund, but saving and reserving always the Feu Duties or Annuities destined by the said *Sir Alexander Hay* for upholding and keeping in Repair the said present Bridge, such a Sum of Money as may be necessary for constructing and erecting a Bridge of Stone over the said River *Don*, at the Eastern End of the Island or Inch in the said River called *Allochby Inch*, in the Parish of *Old Machar* and County of *Aberdeen*, or within One hundred and eighty Yards to the Westward of such East End, or Twenty Yards to the Eastward of such East End, and rendering more convenient and commodious the present Road or Approach leading from *Castle Street* by *King Street* to the said intended Bridge, being the only proper Access towards the same from the South, and if Power were given to the said Provost, Bailies, and City Council to proceed in the Execution of the same; but as the same 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 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 it shall and may be lawful to and for the Provost, Bailies, and City Council of *Aberdeen* for the Time being, as Trustees or Administrators of the Fund established by *Sir Alexander Hay* as aforesaid, and they are hereby authorized and empowered to lay out and expend, from the Savings or Accumulations which have arisen or may arise upon the said Fund, such a Sum of Money, not exceeding in the Whole the Sum of Fourteen thousand Pounds Sterling, as may be necessary for constructing and erecting a Bridge of Stone over the River *Don*, at the Eastern End of the Island or Inch in the said River called *Allochby Inch*, in the Parish of *Old Machar* and County of *Aberdeen*, or within One hundred and eighty Yards to the Westward of such East End, or Twenty Yards to the Eastward of such East End, and putting in proper and complete Repair such Part or

Parts of the present Road or Approach leading from *Castle Street*, in the said City, towards the said intended Bridge, as the said Provost, Bailies, and City Council, or the Surveyors or Superintendants to be employed by them, shall find to stand in need of such Repair, so as to render the Communication between the said intended Bridge and the Market Place of the said City more commodious and convenient.

II. And be it enacted, That it shall and may be lawful to and for such of the said Trustees as shall be in the Commission of the Peace for the said County of *Aberdeen*, to act as Justices in the Execution of this Act, notwithstanding he or they is or are such Trustee or Trustees.

Trustees in Commission of the Peace may act as Justices.

III. And be it enacted, That it shall be lawful to and for the said Trustees, and their Servants, Assistants, and Workmen, and they are hereby authorized and empowered to design, erect, and build, or cause to be designed, erected, and built, a Bridge of Stone over the River *Don*, at the Eastern End of the said Island or Inch called *Allochy Inch*, or within One hundred and eighty Yards to the Westward of such East End, or Twenty Yards to the Eastward of such East End; and to dig and make proper Foundations and Embankments therein, and on the Lands and Grounds adjoining, for the Piers and Abutments of the said Bridge, in such Manner as shall be found necessary or proper for building the said Bridge; and to cut and remove all Trees, Roots of Trees, Gravel, Sand, and Mud, or other Impediments which may in anywise retard or hinder the erecting and completing the said Bridge; and to do and execute all other Things requisite or useful for erecting, building, and securing the said Bridge, and putting in complete Repair such Part or Parts of the said present Road as they may find to stand in need thereof, for rendering the Communication between the said Bridge and the said City of *Aberdeen* more commodious and convenient; and to make and enter into such Contracts and Agreements as they shall think proper for carrying into Execution all or any of the Purposes aforesaid; and all such Contracts and Agreements shall be binding upon all such Parties or Persons as shall sign or enter into the same, his, her, and their Heirs, Executors, or Administrators.

Power to build a Bridge.

IV. And be it enacted, That it shall and may be lawful for the said Trustees to purchase or take in Feu or Lease such Pieces of Ground at each End and adjacent to the said Bridge, not exceeding Thirty square Yards each in Extent, as a Scite for a Toll House and Depositories whereon the Mud or Rubbish that may be raked off the Bridge, and the Stones or other Materials for building or repairing the same, may be deposited; and in case the said Trustees, or their Surveyor, cannot agree with the Owner or Occupiers as to the Price, Feu Duty, Rent, or Damages to be paid for the same, such Price, Feu Duty, Rent, or Damages shall be settled and determined by the Sheriff Depute of the said County of *Aberdeen*.

Power to take Land for Toll House and Depositories for Mud, &c.

V. And

For purchas-  
ing Lands.

V. And be it further enacted, That the said Trustees shall be, and they are hereby authorized and empowered to purchase, and all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Heirs of Entail, Husbands, Trustees, Tutors and Curators, and all and every Person or Persons whatsoever under any legal Disability or Incapacity, are hereby empowered, authorized, and required to sell all such Lands, Tenements, and Heritages as may be wanted or required for the Purposes of this Act; and upon Payment, Consignation, or Satisfaction of the Sums agreed upon for such Sale or Sales, or awarded in Manner herein provided, shall convey the same to the said Trustees for the Purposes of this Act: Provided always, that it shall be in the Power of all Proprietors of such Lands, Tenements, and Heritages, Husbands, Trustees, Tutors and Curators, and all and every other Person or Persons under any Disability or Incapacity as aforesaid, to give up and renounce all or every Claims or Claim of Damage or Compensation competent to them, when the same shall not amount in Value to the Sum of Twenty-five Pounds Sterling; and such Renunciation shall be binding on the Heirs and Successors of such Proprietors and others.

Houses, &c.  
not to be in-  
jured.

VI. Provided always, and be it enacted, That nothing herein contained shall authorize or empower the said Trustees or their Surveyor to take down any Dwelling House or Buildings, the Side Walls whereof are above Twenty Feet high from the Surface of the adjoining Ground, or to take in any Garden, Orchard, or planted Walk, Lawn, Park, Yard, Paddock, or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, at the Time of the passing of this Act, without the Consent in Writing of the Owner thereof; under his Hand and Seal, first had and obtained.

Lands to be  
valued by a  
Jury.

VII. And be it further enacted, That in case the said Trustees and the Proprietor or Proprietors, Occupier or Occupiers, cannot agree as to the Amount of the Price to be paid for the Lands, Grounds, Houses, Buildings, and Fences to be taken for the Purposes of this Act, or for the Damage done to the same respectively; or in case the Claim of Damages shall not have been renounced; or in case such Proprietor or Proprietors, or Occupier or Occupiers, shall be absent, or shall refuse or delay after Twenty-one Days previous Notice to enter into an Agreement with the said Trustees, for the Sale of such Ground, or Compensation for such Damage, it shall and may be lawful for the said Trustees to apply by summary Petition to the Sheriff Depute of the said County, or his Substitute, who shall direct the said Petition to be served upon the said Proprietor or Proprietors, Occupier or Occupiers, or his or their Agent or Commissioner in case of his or their Absence; and thereafter the said Sheriff Depute or his Substitute shall order and direct a Jury of Seven Persons to be summoned and chosen in the Manner in which Juries are summoned and chosen by Sheriffs in *Scotland*, which Jury upon their Oaths (which Oaths as well as the Oaths to such Person or Persons as shall be called upon to give Evidence the said Sheriff Depute or his Substitute is hereby required and authorized to administer) shall enquire into and ascertain the Sum or Sums of Money to be paid by the said Trustees for the Lands, Grounds, Houses, Buildings, or Fences which may be so  
taken,

taken, or for the Damage done thereto; and after a Verdict is pronounced by the said Jury, the said Sheriff Depute or his Substitute shall decern and adjudge the Sum or Sums of Money thereby awarded to be paid by the said Trustees to the Person or Persons having Right thereto; which Verdict and Judgment following thereupon shall be binding and conclusive to all Intents and Purposes, and shall not be subject or liable to Review by Advocation, Suspension, Reduction, or otherwise, any Law or Statute to the contrary notwithstanding; and in estimating the Sum or Sums so to be paid; the said Jury shall have Power to take into consideration all the Circumstances, particularly the Advantages and Disadvantages which in their Judgment may arise to such Proprietor or Proprietors, Occupier or Occupiers, and other Persons, by the Operation of this Act: Provided always, that after having paid or offered to the Owner or Owners, Occupier or Occupiers of such Lands, Houses, or Fences, such Sum or Sums of Money as shall have been agreed upon between them and the said Trustees, or as shall have been awarded in Manner aforesaid, or in case of his, her, or their Absence, or Refusal to accept the same, upon Consignation thereof in the Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of the *British* Linen Company, there to remain at such Interest as the said Banks may allow at the Peril of such Owner or Owners, Occupier or Occupiers; it shall and may be lawful for the said Trustees to enter into or upon such Lands, and to take down such Houses, Buildings, or Fences, for the Purposes of this Act, as fully and effectually ever after to all Intents and Purposes as if the Owner or Owners, Occupier or Occupiers thereof; had executed regular Dispositions of the same, and Infeftments had followed thereupon, and no Stop shall in the meantime be put to the Operations of the said Trustees on pretence of settling the said Damages, or that the same have not been satisfied and paid; and in case any Warrant shall have been obtained from any Judge competent for stopping the Execution of any of the Operations hereby authorized, the said Judge, upon a Representation from the said Trustees, is hereby directed immediately to recall such Warrant, and remove any Sist that may have been obtained as aforesaid.

VIII. And be it enacted, That if any Person summoned as a Jurymen or a Witness under the Authority of the said Sheriff Depute or his Substitute, in any Matter arising out of this Act, shall neglect or fail to appear, or shall refuse to act as a Jurymen or to give Evidence, the said Sheriff Depute or his Substitute is hereby empowered to fine every such Person for every such Offence in any Sum not exceeding Five Pounds Sterling.

IX. And be it further enacted, That in every Case where a Verdict shall be given by any such Jury for more Money than shall have been previously offered for or on Behalf of the said Trustees as a Recompence or Satisfaction for any such Lands, Tenements, or Heritages as aforesaid, or for any such Estate, Right, or Interest therein, all the Costs and Charges incurred in summoning, impanelling, and returning such Jury, taking such Inquisition, and the Attendance of Witnesses, and recording the Verdict or Judgment thereon, shall be borne by the said Trustees; and in case such Costs and Expences shall not be paid to the Party or Person entitled to receive the same within Fourteen

[Local.]

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Days

Penalty on  
Jurymen  
and Wit-  
nesses not  
appearing.

Penalty on  
Jurymen  
and Wit-  
nesses not  
appearing.

By whom  
Expences of  
Juries shall  
be paid.

Days after Demand made thereof from the said Trustees; then the same shall and may be recovered by Distress and Sale of the Goods and Chattels vested in the said Trustees by virtue of this Act; and in every Case where a Verdict shall be given by any such Jury for no more or for less Money than shall have been previously offered by or on Behalf of the said Trustees as such Recompence or Satisfaction as aforesaid, all the Costs and Charges incurred as aforesaid shall be borne in equal Proportions by the Party or Parties refusing or neglecting to treat or agree as before mentioned, and by the said Trustees; but in Cases where any Person or Persons, Party or Parties, shall have been prevented by Absence from entering into any Treaty with the said Trustees, the Costs and Charges so incurred shall be borne by the said Trustees in Manner aforesaid; and in all Cases where any Difference shall arise touching the Amount of the said Costs and Charges, the same shall be settled and ascertained by such Sheriff Depute or Substitute not interested in the Matter in question, who is hereby authorized and required to examine into and settle the same, and to order and decern the Payment thereof to be made to the Party or Parties entitled to the same at such Time or Times as he may see fit; and where the Costs shall be payable by the Party or Parties having had such Disagreement or Dispute with the said Trustees as aforesaid, the Amount thereof, having been first paid by the said Trustees, may be deducted by them out of the Monies awarded to be paid to such Party or Parties as so much Money advanced for his, her, or their Use, and the Payment or Tender of the Balance of such Money shall be deemed and taken to all Intents and Purposes whatsoever to be a Payment or Tender of the whole Money awarded and adjudged to such Party or Parties.

Application  
of Compensation where  
amounting  
to 200%.

X. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Heritages 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 Corporation, married Woman, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, such Money shall, in case the same shall amount to Two hundred Pounds Sterling, 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*, or *British Linen Company*, to the Intent that such Monies 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 Heritages, in the Redemption or 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 Heritages, or affecting other Lands, Tenements, or Heritages standing settled therewith to the same or the like Intents, Uses, 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 Heritages, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the

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

XI. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Heritages purchased, taken, or used for the Purposes aforesaid, belonging to any Incorporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds Sterling, and not less than the Sum of Twenty Pounds Sterling, 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 Heritages 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, her, 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 therefrom may be applied in any Manner herein-before directed, so far as the Case may be applicable.

Application where Compensation does not amount to 200*l.* nor less than 20*l.*

XII. Provided always, and be it further enacted, That when such Money so agreed or awarded to be paid as last before mentioned, shall be less than Twenty Pounds Sterling, 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 Heritages so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Trustees, or any Three 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.

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

XIII. And be it further enacted, That in case any Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Heritages 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 Heritages be not known or discovered, then and in every such Case it shall and may be

In case of not making out Title, &c.

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

be lawful to and for the said Trustees, or any Three 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*, or *British Linen Company*, to the Credit of the Parties interested in the said Lands, Tenements, or Heritages (describing them), subject to the Order, Controul, and Disposition of the Court of Session; which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money; or any part thereof, by Petition, shall be and is hereby empowered, in a summary Way of Proceeding, or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *Scotland*, or Royal Bank of *Scotland*, or *British Linen Company*, 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 Banks as aforesaid.

Where any Question shall arise touching the Right to such Money

XIV. 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 Heritages, or of any Estate, Right, or Interest in any Lands, Tenements, or Heritages, to be purchased in pursuance thereof, the Person or Persons who shall have been in possession of such Lands, Tenements, or Heritages 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, and Heritages, 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 Heritages, or to some Estate or Interest therein.

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

XV. 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 Heritages, 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 Heritages, 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.

XVI. And



XVI. And be it enacted, That it shall be lawful for the said Trustees to erect a Toll Bar, with a Toll House and Accommodation for a Toll Keeper or Collector of Tolls, on or near the said Bridge to be built by virtue of this Act, and as soon as the said Bridge shall be opened for the Accommodation of Passengers, to demand and take, or cause to be demanded and taken, as or for Tolls or Pontage, before any Passage over the said Bridge shall be permitted, the following Sums; that is to say,

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

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

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

For every Horse or other Beast drawing any Waggon, Wain, Cart, or other such like Carriage with Two Wheels, the Sum of Four-pence Sterling, and if with Four Wheels, the Sum of Sixpence Sterling, and if with Six Wheels, the Sum of Eight-pence Sterling :

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 :

For every Horse 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 Sixpence 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 Three-pence Sterling *per* Score, and so in proportion for any greater or less Number.

And which several Tolls and Duties aforesaid shall be accordingly levied and taken, excepting in so far as the same may have been or shall be diminished by the said Trustees.

XVII. And be it further enacted, That the Right, Interest, and Property of and in the said several Tolls, Toll Houses, and Gates to be erected in pursuance of this Act, shall be and are hereby vested in the said Trustees for the Purposes of this Act; and it shall be in the Power of the said Trustees to lessen the said Tolls, and from Time to Time raise them again, so as that the same shall not at any Time exceed the Tolls hereby authorized to be demanded and taken.

Power to diminish Pontage Duty.

XVIII. And be it further enacted, That before any Tolls or Pontage shall be demanded for passing over the said Bridge, the said Trustees shall cause to be put and afterwards to be continued at the Toll Gate, or every Toll Gate on or near to the said Bridge, a Table, painted in distinct and legible Black Letters on a Board with a White Ground, containing a List of all the Tolls or Pontage payable at the said Bridge, distinguishing the several Tolls or Pontage, and the different Sorts of Carriages for which they are to be paid where there is

A Table of Tolls or Pontage to be put up.

[*Local.*]

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any

any Variation therein, and shall provide or cause to be provided Tickets denoting the Payment of Toll or Pontage, One of which Tickets shall be delivered *gratis* to the Person or Persons paying the Toll or Pontage.

Collectors to  
put up their  
Names on a  
Board.

XIX. And be it further enacted, That every Collector of the said Tolls or Pontage shall place or cause to be placed on some conspicuous Part of the Front of the Toll House at which he or she shall be stationed, and so that the same shall appear to public View his or her Christian and Surname painted in Black Letters on a Board with a White Ground, each of such Letters of each Name or Names to be at least Two Inches in Length, and of a Breadth in proportion, and that such Board shall be and remain at such Toll House during the whole of the Time that the Person whose Name shall be expressed thereon shall be on Duty thereat; and every such Collector shall place or cause to be placed on the Front of the Toll House at which such Collector shall be stationed, the Board herein-before directed to be provided by the said Trustees, containing the List of the Tolls or Pontage; and if any Collector of the said Tolls shall not place such Boards respectively as aforesaid, and keep the same there during the Time he or she shall be such Collector as aforesaid, or shall demand and take a greater or less Toll or Pontage from any Person than he or she shall be authorized to do, or shall refuse to permit or suffer any Person or Persons to read, or shall in anywise hinder any Person or Persons from reading the Inscriptions on such Boards respectively, or refuse to tell his or her Christian and Surname to any Person or Persons who shall demand the same, on being paid the said Tolls or Pontage, or any of them, or shall in answer to such Demand give a false Name or Names, or shall refuse or omit to give to the Person paying the Toll or Pontage a Ticket denoting the Payment of the same, or upon the legal Toll or Pontage being paid or tendered shall unnecessarily detain or wilfully obstruct, hinder, or prevent any Passenger or Passengers from passing over the said Bridge, or shall make use of any scurrilous or abusive Language to any Traveller or Passenger; then and in every such Case every such Toll Collector shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds Sterling, at the Discretion of the Justice or Justices before whom he or she shall be convicted.

To prevent  
Evasion of  
Tolls.

XX. And be it further enacted, That if any Person shall take or cause to be taken off any Horse or Beast from any Carriage on either Side of the said Bridge, with an Intent to evade the Payment of the said Tolls, or any Part thereof, or shall forcibly or wilfully pass through the said Toll Bar or Gate without Payment of the Tolls or Pontage, or any Part thereof, every Person so offending in any of the said Cases shall for every such Offence forfeit a Sum not exceeding Forty Shillings Sterling, whereof one Moiety shall be paid to the Informer or Informers, and the other Moiety shall be applied in the same Manner as the Tolls and Duties are hereby authorized to be applied.

Tolls to be  
recovered by  
Distress and  
Sale.

XXI. And be it enacted, That if any Person or Persons subject to the Payment of the said Tolls or Pontage shall refuse to pay

pay the same, or any Part thereof, it shall be lawful for the Person or Persons appointed to collect the said Tolls or Pontage as aforesaid, to seize and distrain any Horse or other Cattle, or any Carriage, or other Matter or Thing, upon or in respect whereof any such Tolls or Pontage are by this Act imposed, or the Goods and Chattels of any such Person or Persons as ought to pay the same, and to obtain and keep such Distress for any Time not exceeding the Space of Six Days; and then if such Tolls or Pontage, together with the Charges of such Seizure, Distress, and Detainer, shall not be fully paid and satisfied, the Person or Persons so distraining shall and may, upon obtaining a Warrant for that Purpose from One of the Justices of the Peace for the County of *Aberdeen* (which any One of such Justices is hereby authorized and empowered to grant), sell the Cattle or other Goods so distrained, returning the Overplus in Money (if any be) upon Demand to the Owner thereof, after such Tolls or Pontage, and all reasonable Charges occasioned by such Distress, Detention, and Sale, shall be deducted.

XXII. And be it further enacted, That if any Dispute shall happen about the Amount of the Tolls due, or the Charges of making, keeping, or selling any Distress taken by virtue of this Act, it shall be lawful for the Collector or Person distraining to retain such Distress, or the Money arising from the Sale thereof (as the Case may happen), until the Amount of the Tolls due, and of the Charges of the Distress and Sale, or of keeping the Distress (as the Case shall happen), shall be ascertained by some Justice of the Peace for the said County, who, on Application made to him for that Purpose, shall examine the Matter on the Oath of the Parties or other Witness or Witnesses, and shall determine the Amount of the Tolls due, and shall award such Costs and Charges to either Party as to the said Justice shall appear right and proper; all which Costs and Charges shall and may be levied and recovered, in case of Nonpayment thereof forthwith, by Warrant under the Hand of such Justice, rendering the Overplus (if any) on Demand, after deducting the Costs and Charges of making such Distress and Sale, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

For settling  
Disputes  
concerning  
Tolls.

XXIII. Provided always, and be it further enacted, That every Person who shall have paid the Toll hereby imposed on any Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock on the succeeding Night, with the same Carriage or Carriages, Horses or other Cattle, shall, on Production of the proper Ticket, be allowed to pass and repass free of Toll.

No Toll  
chargeable  
on returning  
on the same  
Day.

XXIV. And be it further enacted, That it shall and may be lawful to and for the Tacksman or Tacksmen, Collector or Collectors of the said Tolls or Pontage, or any of them, to stop and prevent the Passage of any Person or Persons neglecting or refusing to pay the said Tolls or Pontage, or any of them, or the Horse, Beast, Cattle, Carriage, or other Thing, for or in respect whereof the said Tolls or Pontage ought to be paid; or if any Person subject or liable to the Payment of any of the said Tolls or Pontage shall, after Demand thereof made, neglect or refuse to pay the same, or any Part or Parts thereof,

To enforce  
Payment of  
Toll.

thereof, it shall be lawful for the Tacksman or Tacksmen, Collector or Collectors of such Tolls or Pontage, by himself or themselves, or taking such Assistance as he or they shall think necessary, to seize and distrain any Horse, Beast, Cattle, Carriage, or other Thing upon or in respect of which any such Tolls or Pontage is imposed, together with their respective Bridles, Saddles, Gears, Harness or Accoutrements (except the Bridle or Reins of any Horse or other Beast separate from the Horse or Beast so taken), or any Carriage in respect of the Horses or Cattle drawing the Carriage on which such Tolls or Pontage is imposed, or any of the Goods or Chattels of the Person or Persons so neglecting or refusing to pay; and if the Tolls or Pontage, or any Part thereof, so neglected or refused to be paid, and the reasonable Charges of such Seizure and Distress, shall not be paid within the Space of Four Days next after such Seizure and Distress made, the Person or Persons so seizing and distraining may sell the Horse, Beast, Cattle, Carriage, or Thing so seized and distrained, or a sufficient Part thereof, returning the Overplus of the Money to arise by such Sale (if any), and what shall remain unsold, upon Demand, to the Owner thereof, after such Tolls or Pontage, and the reasonable Charges occasioned by such Seizure, Distress, and Sale, shall be deducted.

Exemptions  
from Toll.

XXV. Provided also, nevertheless, and it is hereby enacted and declared, That no Toll shall be demanded or taken for or in respect of any Horses or Carriages attending His Majesty, or any of the Royal Family, or returning therefrom; or for any Carriages, Horses, or Cattle employed in carrying Stones or other Materials for making or repairing any of the public Roads within the said County of *Aberdeen*, or the Bridges thereon, or any Causeways within or belonging to the same, or carrying Hay, Grain, or Pulse in the Straw, Potatoes, Turnips, or other Vegetables; Flax, Hemp, or Wool, to be laid up in the Houses, Out-houses, Barns, or Yards of any Heritor, Tenant, or Inhabitant of the said County, by whom the same were raised, and not being for Sale, or Dung or other Manure for the improving and manuring of Land, not bought, sold, or disposed of, or carried for the Purpose of being sold or disposed of, but passing to be laid up or placed in the Out-houses or Out-steads, or on the Lands of the Owner thereof, who shall not have bought the same; and all Ploughs, Harrows, or other Implements of Husbandry; and all Work Horses and Cattle passing from one Part of a Farm to another Part of the same Farm, or from the Yard or Offices of the Inhabitants of Towns or Villages within the said County to Burgh Roads or Fields adjoining to any such Town or Village occupied by such Inhabitant, where there are no Yard or Offices; or Horses or other Cattle going to or returning from Pasture or Watering-Places, or any Smithy in the same or next adjoining Parish; as also all Waggons, Wains, Carts, or other Carriages whatsoever, and all Horses or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack, or Commissariat or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces; as also all Horses belonging to Officers or Soldiers upon their March or upon Duty, and all Horses, Cattle, or Carriages employed in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or conveying any wounded or disabled Officers or Soldiers; nor for any Horses or Carriages

riages of whatever Description employed or to be employed in carrying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster-General, either when employed in carrying, fetching, or guarding such Mails or Expresses, or in returning from conveying the same, except in so far as such Horses or Carriages are specially made liable to the Payment of Tolls by virtue of an Act made in the Fifty-third Year of His late Majesty, intituled *An Act to repeal the Exemption from Toll granted for or in respect of Carriages with more than Two Wheels, carrying the Mail in Scotland, and for granting a Rate of Postage as an Indemnity for the Loss which may arise to the Revenue of the Post Office from the Payment of such Tolls*; nor for any Horses furnished by or for any Persons belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them in going to or returning from the Place appointed for and on the Days of Exercise, provided that such Persons be dressed in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements according to the Regulations provided for such Corps respectively at the Time of claiming such Exemption; nor for Carts, Carriages, or Waggon travelling with Vagrants or Criminals under legal Passes; nor for Carts or other Carriages actually used for the Purpose of carrying Articles of Trade, Husbandry, or Commerce, going or returning empty; and if any Person shall claim or take the Benefit of any of the Exemptions aforesaid, or any other Exemptions granted by this Act, 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, besides the Money of which the said Trustees or their Tacksman have been defrauded, and full Costs of Suit.

Penalty for claiming an Exemption not due.

XXVI. Provided also, and be it further enacted, That all Clergymen going to or returning from visiting any sick Person, or upon any other their Parochial or Ministerial Duty within their respective Parishes; and all Persons going or returning from their own Parish Church, or their customary Place of Religious Worship, upon *Sundays* and *Fast-Days*, or on any other Day or Days on which Divine Worship may be ordered by Authority to be celebrated; and all Attendants upon the Funeral, or Persons going to attend, or returning from having attended the Funeral of any Person dying and buried within the County of *Aberdeen*, shall pass free of Toll at the said Bar; with this Limitation, that Persons going to or returning from Church or Funerals in Four-wheeled Carriages shall on all Occasions pay the customary Tolls.

Further Exemptions from Tolls.

Limitation.

XXVII. And be it further enacted, That the said Trustees, or their Lessee or Collector, shall be and they are hereby empowered as they shall see convenient or think fit, to compound or agree by the Year or otherwise, with any Person or Persons using to travel through the Turnpike to be erected on the said Bridge, and living within Three Miles of such Turnpike, with any Coach, Berlin, Landau, Chariot, Calash, Chaise, Chair, Waggon, Wain, Cart, or other Carriage, Horse, Mule, or any other Beast of Draught or Burden, and for any Stage-Coaches travelling along the said Bridge, for any Sum or Sums of Money, to be paid One Quarter in advance, from Time to Time

Power to compound.

[Local.]

15 N

after

after such Agreement is made; and that Copies of all such Compositions or Agreements so to be made by the said Trustees, or their Lessee or Collector as aforesaid, shall be entered at Length in a Book or Books to be kept for that Purpose, which said Book or Books shall and may be seen and perused by any Person or Persons whatever, at all seasonable Times, without paying any Fee or Reward.

Power for Trustees to let by public Roup the Tolls.

XXVIII. And be it further enacted, That it shall be lawful for the said Trustees, at a Meeting appointed for the Purpose, to let by public Roup the said Tolls: Provided, always, in case no Bidder shall offer, or in case the said Tolls shall not be let by public Roup, it shall then be lawful for the said Trustees to let the same by private Tender; provided also, that the said Tolls shall not be let for a longer Time than Three Years; and that at all such Lettings the Trustees shall be entitled to bid for the Tolls so to be let, either by themselves or any other Person by them respectively authorized.

Application of Tolls.

XXIX. And be it enacted, That the said Tolls or Duties to be raised in virtue of this Act, or the Rent to be received for the same, shall be levied and applied by the said Trustees towards making Satisfaction and Payment to such Person or Persons as may be found entitled to Compensation for any Injury or Damage occasioned by the Operations authorized by this present Act, and for no other Use or Purpose whatsoever; and an Account of the Receipt and Expensiture thereof shall be regularly given in and presented to the stated General Meeting of Turnpike Trustees for the County of *Aberdeen*, held in the Month of *October*, annually; and such Tolls and Duties shall cease and determine when it shall appear from such Accounts so to be rendered that the Indemnification for which the same are provided is extinguished and paid up.

For preventing wilful Damage to the Bridge, &c.

XXX. And be it further enacted, That if any Person or Persons shall wilfully or maliciously damage the said Bridge, or any Part thereof, or any Gate, Turnpike, or Toll House belonging thereunto, or shall wilfully and maliciously and without Authority from the Trustees, remove or take away any Works thereunto belonging, or in any way direct or procure the same to be done, or shall be aiding or assisting therein, whereby the said Bridge or the Works thereof may be damaged, or any Toll Gatherer be disturbed in the Exercise of his Office, the Person or Persons offending in the Premises, being lawfully convicted thereof, upon the Complaint of the said Trustees, before the Sheriff Depute or Substitute, or any Two of the Justices of the Peace for the said County of *Aberdeen*, either by the Confession or Oath of the Offender, or by the Oath of One credible Witness, shall not only pay the whole Damages and Expences, but also be fined in a Sum not exceeding Ten Pounds Sterling, at the Discretion of the said Sheriff or Justices, or be imprisoned for any Time not exceeding Three Calendar Months in case of Nonpayment; and the Fine, when recovered, shall be applied to the Purposes of this Act, after defraying the necessary Expences attending the Suit.

XXXI. And

XXXI. And whereas Persons guilty of Offences against this Act may be transient Persons, and unknown to the Collectors, Surveyors, and other Officers acting under this Act, be it therefore enacted, That it shall be lawful for the said Collectors, Surveyor, and other Officers respectively, with such Aid as shall be necessary, to seize and detain any such unknown Person or Persons guilty of any Offence against this Act, and forthwith to convey him, her, or them before One or more Justice or Justices of the Peace for the said County, without any other Warrant or Authority than this Act for so doing.

Power to Collectors, &c. to detain unknown Persons guilty of Offences.

XXXII. And be it enacted, That in all Cases where any Dispute, Suit, or Litigation shall arise touching, concerning, or in any ways relating to the said Tolls or Pontage, the Person or Persons appointed to collect the same, by or under the Authority of the said Trustees, shall not by reason thereof be disqualified from giving Evidence in any such Dispute, Suit, or Litigation.

Toll Gatherers may give Evidence.

XXXIII. And be it further enacted, That if the said Trustees shall not within the Space of Seven Years after the passing of this Act complete the said Bridge so as to make the same passable for Horses, Carts, and Carriages, then and from thenceforth all and singular the Powers and Authorities hereby vested in them for building the said Bridge shall cease and determine, save only as to so much of such Works as shall have been completed or executed within the Period limited.

If Bridge not passable within Seven Years Powers to cease.

XXXIV. And be it further enacted, That the said Trustees shall and they are hereby required from Time to Time to order and direct a Book or Books to be provided and kept, in which Book or Books shall be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for and on account of the Bridge to be erected and made in pursuance of this Act, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; which Book or Books shall at all seasonable Times be open to the Inspection of the said Trustees without Fee or Reward; and the said Trustees or any of them shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same; and in case the Person or Persons appointed to keep such Book or Books shall refuse to permit, or shall not permit the said Trustees, or any or either of them, to inspect the same, or take such Copies or Extracts as aforesaid, such Person or Persons shall forfeit and pay any Sum of Money not exceeding Ten Pounds Sterling, to be levied and recovered in Manner herein-after mentioned; and the said Trustees shall upon Demand give certified Copies or Extracts of the said Accounts to any Person requiring the same, upon Payment of such reasonable Fee or Reward as the Magistrates of the said City shall determine and appoint; and an Abstract of such Accounts, made up in the Month of *September* in each Year, shall be published in One of the *Aberdeen* Newspapers.

Accounts to be kept of Receipts and Disbursements, which shall be open to the Inspection of the Trustees.

XXXV. And be it further enacted, That when the whole of the said Works authorized and directed by this Act shall be finished, an accurate

Account of the Receipts and Pay-

ments to be  
made up.

accurate Account of the whole Expence incurred in and about the Execution of the same, and in applying for, soliciting, and obtaining this Act, shall be made up and deposited with the Town Clerk of the said City of *Aberdeen*, and the same shall be open for the Inspection and Information of all who are concerned, without Fee or Reward; and the said Bridge and Approaches thereto shall in all Time thereafter be supported, maintained, and preserved as public Bridges in *Scotland* are by Law supported, maintained, and preserved.

Act not to  
alter the  
Feu Duties.

XXXVI. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to alter or divert the said Feu Duties or Annuities, by the said Deed of the First Day of *February* One thousand six hundred and five, ordained to be applied by the said Provost, Bailies, and Council of the said City of *Aberdeen*, or their Master of Bridge Works, for repairing and upholding the said Bridge built by King *Robert Bruce*, but that the same and all future Accumulations thereof in all Time coming be applied by the said Provost, Bailies, and Council, as the legal Administrators thereof, as by the said Deed is directed.

Act not to  
prevent the  
Passage over  
the present  
Bridge.

XXXVII. Provided also, and be it enacted, That nothing herein contained shall extend, or be construed to extend to debar or prevent the Use of the present Bridge over the said River at the Village of *Balgownie*, without Payment of any Toll or Pontage as heretofore.

In case of  
Nonpay-  
ment of  
Compensa-  
tion for Da-  
mages, &c.

XXXVIII. And be it further enacted, That when and so often as any Sum or Sums of Money shall be directed or ordered to be paid by any Justice or Justices of the Peace, in pursuance of the Directions of this Act, as or by way of Compensation or Satisfaction for any Materials or Costs, or for any Damage, Spoil, or Injury of any Nature or Kind whatsoever, done or committed by the said Trustees, or any Person or Persons acting by or under their Authority, and such Sum or Sums of Money shall not be paid by the said Trustees to the Party or Parties entitled to receive the same, within Ten Days after Demand in Writing shall have been made from the said Trustees in pursuance of the Direction or Order made by such Justice or Justices, and in which Demand the Order of such Justice or Justices shall be stated, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Trustees by virtue of this Act, under a Warrant to be issued for that Purpose by such Justice or Justices, which Warrant any such Justice or Justices is and are hereby authorized and required to grant under his Hand or their Hands, on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money, as or by Way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned on Demand to the said Trustees.

XXXIX. And



XXXIX. And be it further enacted, That all Penalties and Forfeitures by this Act imposed, the Recovery whereof is not herein otherwise provided for, may be recovered by summary Complaint at the Instance of any of the said Trustees, or of any Person acting by their Orders, before any One or more of the Justices of the Peace for the said County of *Aberdeen*; and the Fact or Facts being verified and proved by the Confession of the Party, or by the Oath or Oaths of One or more credible Witness or Witnesses, or by any other legal Evidence, such Justice or Justices is and are hereby authorized and required to grant Warrant for distraining the readiest moveable Goods or Effects of the Defaulter or Offender; and the Persons distraining the same are hereby authorized and empowered to sell the Goods and Effects so distrained, and to return the overplus Money (if there any be), upon Demand, to the Owners of such Goods or Effects, after such Penalties and Forfeitures, the Expence of the Warrant and the reasonable Charges of distraining, keeping, and selling such Goods or Effects, shall be deducted and paid; and in case such Penalties and Forfeitures shall not be forthwith paid, then it shall and may be lawful for such Justice or Justices to order the Offender or Offenders so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant or Warrants of Distress, unless the said Offender or Offenders shall give sufficient Security to the Satisfaction of such Justice or Justices for his or their Appearance before him or them on such Day or Days as shall be appointed for the Return of such Warrant or Warrants of Distress, such Day or Days not being more than Seven Days from the Time of taking any such Security; and which Security the said Justice or Justices is and are hereby empowered to take by Way of Recognizance or otherwise; but if upon the Return of such Warrant or Warrants it shall appear that no sufficient Distress can be had thereupon, or in case it shall appear to the Satisfaction of such Justice or Justices, either by the Confession of the Offender or Offenders, or otherwise, that such Offender or Offenders hath or have not sufficient Goods and Chattels whereon such Penalties, Forfeitures, and Expences as aforesaid can be levied were a Warrant of Distress issued, such Justice or Justices shall not be required to issue such Warrant of Distress; and thereupon it shall be lawful for such Justice or Justices, and he and they is and are hereby authorized and required by Warrant or Warrants under his or their Hand or Hands, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction for the said County, there to remain without Bail or Mainprize for any Term not exceeding Three Calendar Months, unless such Penalties and Forfeitures and all reasonable Charges shall be sooner paid and satisfied; and all Penalties and Forfeitures, if not otherwise directed to be applied by this Act, shall be paid to the said Trustees, and shall be laid out for the Purposes of this Act.

Recovery of  
Tolls, Penalties,  
&c.

XL. And be it further enacted, That every Justice of the Peace before whom any Person shall be convicted of any Offence against this Act shall and may cause the Conviction to be drawn up in the following Form, or to the like Effect; (that is to say,)

Form of  
Conviction  
of Offenders.

[*Local.*]

15 O

*Aberdeen*

‘ *Aberdeen.* } BE it remembered, that on the  
 ‘ to wit. } Day of \_\_\_\_\_ in the \_\_\_\_\_ Year of  
 ‘ the Reign of His present Majesty, *A. B.* is convicted before me, One  
 ‘ of His Majesty’s Justices of the Peace for the said County of *Aber-*  
 ‘ *deen,* by virtue of an Act of Parliament made in the Sixth Year of  
 ‘ the Reign of His Majesty King *George* the Fourth [*here set forth the*  
 ‘ *Title of the Act, and specify the Offence, and the Time and Place when*  
 ‘ *and where the same was committed, as the Case may be.*] Given un-  
 ‘ der my Hand the Day of the Year aforesaid.’

Appeal.

XLI. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Order or other Proceeding of the said Trustees, or of any One or more Justices of the Peace of the said County, not assembled in Quarter Sessions, it shall and may be lawful for him, her, and them (except in Cases already or otherwise provided for) to appeal to the said Justices of the Peace of the said County in their General Quarter Session assembled, who are hereby authorized and empowered to hear and determine the Matter in dispute, and whose Order therein shall be final and conclusive; and the Proceedings of the Justices on Appeal shall not be subject to Review in any Court by Suspension, Advocation, Reduction, or otherwise.

For paying  
 the Ex-  
 pences of  
 this Act.

XLII. And be it further enacted, That the Costs, Charges, and Expences incident to and attending the applying for, soliciting, and obtaining this Act, shall be paid out of the Savings or Accumulations aforesaid, as soon as conveniently may be after the passing thereof.

Public Act.

XLIII. 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, without being specially pleaded.

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