



ANNO TRICESIMO NONO & QUADRAGESIMO

GEORGI II. REGIS.

Cap. 32.

An Act for repealing an Act, passed in the Thirty-fifth Year of His present Majesty's Reign, intituled, *An Act for making and repairing certain Roads in the County of Aberdeen*; and for the more effectually amending, widening, repairing, and keeping in Repair the said Roads, and other Roads in the said County, and for levying a Conversion Money in lieu of the Statute Labour, and otherwise regulating the making and repairing the High Roads and Bridges in the said County.

[30th May 1800.]

WHEREAS by an Act, passed in the Thirty-fifth Year of the Reign of His present Majesty, intituled, *An Act for making and repairing certain Roads in the County of Aberdeen*, certain Persons were appointed Trustees for surveying, ordering, amending, and repairing, and keeping in Repair, the Road from the Bridge of Dee, near *Aberdeen*, through the Burgh of *Aberdeen* to the Confines of the County of *Aberdeen* towards *Banff*; the Road from *Aberdeen*, to the Confines of the said County towards *Keith* by *Kintore*, *Inverury*, and *Huntly*; the Road from *Aberdeen* to *Peterhead*, and from *Aberdeen* to *Frasersburgh*; the Road from *Aberdeen* to *Kirktown of Alford*, by *Kingswells*, *Kirktown*, and *Loch of Skene*, *Kirktown of Kinairny*, *Linton*, the Farm called *Ley of Tullochadie*, and *Moss of Craigmadd*; and that

[Loc. & Per.]

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Part

Preambl.

35 Geo. III.

Part of the Road from *Aberdeen* to *Kincardine O'Neil*, by the North-Side of the River *Dee*, passing through the Parishes of *Saint Nicholas*, or *Aberdeen*, *Old Machar*, *Banchory Devenick*, *Peter-Culter*, and *Drumoak*; and for building new Bridges upon the said Roads where the same shall be found necessary; and certain Powers were given to the said Trustees for borrowing Money, and for other Purposes: And whereas some Progress has been made in making and repairing the said Roads, but the Powers granted by the said Act have been found ineffectual for the Purposes thereby intended; and it would be of Advantage to the Publick if the said Act was repealed, and more effectual Powers were given for making and repairing the said Roads, and also the other Roads herein-after mentioned and described: And whereas the following Roads are in bad Repair, narrow, and incommodious and dangerous to Travellers; that is to say, the Road from *Peterhead*, in the said County, to *Banff*, passing through the Parishes of *Peterhead*, *Longside*, *Saint Fergus*, *Crimond*, *Loanmay*, *Strichen*, *Aberdour*, *Tyrie*, *Old Deer*, *New Deer*, *Monquibittar*, *Gamery*, *Fordyce*, *Alva*, *Fyvie*, *Forglen*, *King Edward*, *Inverkeithny*, *Drumblade*, *Auchterless*, and *Banff*; the Road from the Burgh of *Newburgh* to *Old Meldrum*, in the said County, passing through the Parishes of *Foveran*, *Slains*, *Ellon*, *Logie-Buchan*, *Methlic*, *Tarves*, *Udny*, *Old Meldrum*, and *Bourty*; the Road from *Frasersburgh* to *Banff*, passing through *Frasersburgh*, *Tyrie*, *Raethan*, *Aberdour*, *Pitsligo*, *Auchterless*, *King Edward*, *Drumblade*, *Inverkeithny*, *Gamery*, *Alva*, and *Banff*; the Road from *Kinernie* to *Tarland*, passing through the Parishes of *Midmar*, *Kincardine O'Neil*, *Lumphannan*, and *Tarland*; the Road from *Peterhead* to *Frasersburgh*, passing through the Parishes of *Peterhead*, *Saint Fergus*, *Crimond*, *Loanmay*, *Raethan*, and *Frasersburgh*; and the Road from *Mills of Drum*, in the Confines of the said County of *Aberdeen*, to *Charleston of Aboyne*, passing through the Parishes of *Drumoak*, *Banchory Ternan*, *Kincardine O'Neil*, and *Aboyne*; and the said Roads cannot be sufficiently amended, widened, repaired, and kept in Repair, by the Funds and Method provided and prescribed by the Laws now in force: And whereas the Laws now subsisting for the making of Roads and building Bridges, and repairing the same, have been found ineffectual, in the said County of *Aberdeen*, to make and maintain the Roads through the same generally; and other and farther Powers are necessary in order to carry the Purposes of the said Laws into Execution; and it is attended with Difficulty to make effectual, and properly to apply, the Statute Work in the said County: And whereas a reasonable Composition in Money, in lieu of actual Labour, is in many Places found to be more useful and effectual for the Purpose of making and repairing the Roads, as well as more easy and convenient for the Persons liable in Statute Services, than the actual Performance; and it would therefore be of Advantage to the said County of *Aberdeen* to convert the Statute Services into Money, and to ascertain the Rates thereof and the Mode of levying the same, and to authorize an additional Assessment than that at present allowed to be imposed on the Heritors of Lands and other Persons in the said County, for making Highways, Bridges, and Ferries through the same; but as these several Purposes cannot be effectually accomplished without the Aid of Parliament, May it therefore please Your Majesty that it may be enacted; and be it enacted, by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That

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the said recited Act shall be, and the same is hereby, from and after the First *Thursday* in *June* One thousand eight hundred, repealed.

Act of the
35 Geo. III.
repealed.

II. And be it further enacted, That every Person who in his own Right or in the Right of his Wife now is or hereafter shall be in the actual Possession or Enjoyment, as Proprietor or Liferenter, of Lands in the said County of *Aberdeen*, valued in the Cess Books thereof at One hundred Pounds *Scots*, or of Lands within the Freedom and Liberties of the Burgh of *Aberdeen*, valued in the Tax Roll of the Burgh at Four hundred Pounds *Scots* annual Value; and all and every the eldest Sons of such Persons; One Guardian of each Minor possessing Lands of the Valuation aforesaid; One Trustee of every Estate of the said Valuation vested in Trust; One Manager or Factor for each Corporation or Associated Body, holding Lands of the said Valuation; the Provost and eldest Baillie, Treasurer, Dean of Guild, and Convener of the Trades of the Burgh of *Aberdeen*; the Provost of *Old Aberdeen*; the chief Magistrate of each of the Royal Burghs of *Inverury* and *Kintore*; the Baron Baillies of *Peterhead*, *Frasersburgh*, *Huntly*, and *Old Meldrum*; the Sheriff Depute of the County of *Aberdeen*, and his Substitute, all for the Time being, shall be, and they hereby are nominated and appointed Trustees for surveying, ordering, making, amending, widening, repairing, and keeping in Repair, and causing to be surveyed, made, amended, repaired, and kept in Repair, the several Roads before and after mentioned, and the Bridges thereupon; that is to say, the said Road from the Bridge of *Dee*, near *Aberdeen*, through the Burgh of *Aberdeen*, to the Confines of the County of *Aberdeen* towards *Banff*; the Road from *Aberdeen* to the Confines of the said County towards *Keith* by *Kintore*, *Inverury*, and *Huntly*; the Road from *Aberdeen* to *Peterhead*, and from *Aberdeen* to *Frasersburgh*; the Road from *Aberdeen* to the *Kirktown* of *Alford*, by *Rubelaw*, *Springfield*, *Hazelhead*, *Counteswells*, *Kingswells*, *Kirktown*, and *Loch of Skene*; *Kirktown* of *Kinairny*, *Linton*, the Farm called *Ley of Tullochadie*, and *Moss of Craigmadd*; and that Part of the Road from *Aberdeen* to *Kincardine O'Neil*, by the North Side of the River *Dee*, passing through the Parishes of *Saint Nicholas* or *Aberdeen*, *Old Machar*, *Banchory-Devenick*, *Peter-Culter*, and *Drumoak*; the Road from *Peterhead* to *Banff*, passing through the Parishes of *Peterhead*, *Longside*, *Saint Fergus*, *Crimond*, *Loanmay*, *Strichen*, *Aberdour*, *Tyrie*, *Old Deer*, *New Deer*, *Monquibittar*, *Gamry*, *Fordyce*, *Forglen*, *King Edward*, *Inverkeithny*, *Drumblade*, *Auchterless*, and *Banff*; the Road from the Burgh of *Newburgh* to *Old Meldrum* passing through the Parishes of *Foveran*, *Slaines*, *Ellon*, *Logie-Buchan*, *Metblic*, *Tarves*, *Udny*, *Old Meldrum*, and *Bourty*; the Road from *Frasersburgh* to *Banff*, passing through *Frasersburgh*, *Tyrie*, *Raethan*, *Aberdour*, *Pitligo*, *Auchterless*, *King Edward*, *Drumblade*, *Inverkeithny*, *Gamry*, *Alva*, and *Banff*; the Road from *Kinernie* to *Tarland*, passing through *Midmar*, *Kincardine O'Neil*, *Lumphannan*, and *Tarland*; the Road from *Peterhead* to *Frasersburgh*, passing through the Parishes of *Peterhead*, *Saint Fergus*, *Crimond*, *Loanmay*, *Raethan*, and *Frasersburgh*; and the Road from *Mills of Drum*, on the Confines of the said County of *Aberdeen*, to *Charleston* of *Aboyne*, passing through the Parishes of *Drumoak*, *Banchory-Ternan*, *Kincardine O'Neil*, and *Aboyne*; and for putting in Execution all the Powers and Authorities by this Act given and granted respecting the Roads before mentioned.

Trustees for
the Turnpike
Roads.

III. And

Penalty on
acting if not
qualified.

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

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

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

Time and
Place of Ge-
neral Meet-
ing, and Or-
der of Pro-
ceedings, &c.

V. And be it further enacted, That the said Trustees, or any Seven or more of them, shall hold their First stated or General Meeting by virtue of this Act, at *Aberdeen*, upon the First *Thursday* of *June* One thousand eight hundred, or as soon after as conveniently may be, and their Second stated General Meeting on the Day on which the *Michaelmas* Meeting of Freeholders for the said County for the said Year is held; and shall thereafter hold Two stated General Meetings in each Year, during the Continuance of this Act, One upon the Day on which the Commissioners of Supply shall meet for assessing the said County in the Land Tax, and the other upon the Day of the *Michaelmas* Meeting of Freeholders of the said County; yearly, with Power to the said Trustees, or Majority of those present at the said stated or other General Meetings, to adjourn to such other Time and Place as they shall think convenient, with Power also to name Committees of their Number, being Heritors in the respective Parishes through which the Roads pass, each Heritor not present having Power to act by his Agent or Factor, specially authorized by a Writing under his Hand for that Purpose, to have the more immediate Care and Management of particular Parts of 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; and also with Power to the said Trustees, both in their General Meetings and Committee Meetings, to appoint Clerks, Cashiers, Collectors, Surveyors, Overseers, and other Officers, with reasonable Salaries for their Trouble; all which Clerks, Cashiers, Collectors, and others appointed to Offices of Trust, shall find Security for the due Execution of their Offices, and shall account to such Committee or other Persons appointed to receive their Accounts Once every Six Months or oftener (if required) for all Monies received by them, and pay over the Balance to the Trustees or their Order; and in case of Default in accounting or Payment, it shall be lawful for any Two or more Justices of the Peace, at the Suit of the said Trustees, to commit the Defaulter to Prison till a faithful Account be rendered, or until he shall have compounded with the said Trustees
for

for the Balance due from him as aforesaid, which Composition the said Trustees are hereby authorized and empowered to make: Provided always, That no Person shall be committed for Want of sufficient Goods or Property whereon to make Distress for such Balance, for any longer Space of Time than Three Calendar Months.

VI. And be it further enacted, That the Quorum, or Number of Trustees necessary to do Business in General Meetings, shall be Seven; but if only One, or any Number less than Seven, shall be present at any of the stated or other General Meetings, such Trustee or Trustees shall have Power to adjourn the Meeting; and in that Case Notice shall be given of the Day, Place, and Purpose of such adjourned Meeting, by Two several Advertisements in the *Aberdeen* Newspapers, the First of such Advertisements being at least Twenty Days before the Day of such adjourned Meeting; and the Clerk of the said Trustees shall have Power, and he is hereby required, when directed (by a Writing under the Hands of any Two or more Trustees) to call at any Time a General Meeting, giving the like previous Notice of the Time, Place, and Purpose of the Meeting; and at such Meeting no Business shall be entered or decided upon, other than what is specified in the Notice given as aforesaid; and it shall not be in the Power of any stated or General Meeting to rescind, alter, or vary the Determinations of any former stated or other General Meeting, unless previous Notice of the Intention of so doing, and the Time and Place of the Meeting, be given by Advertisements in the *Aberdeen* Newspapers as aforesaid.

VII. And be it further enacted, That all the Proceedings of the said Trustees, and an exact Account of all the Money received by virtue of this Act, and of the Application of the same, shall be entered in a Book to be kept by the Clerks to the Committees appointed by the said Trustees, whose Duty it shall be to enter and record regularly all these Proceedings and Accounts, and for that Purpose to call for and oblige the Receivers, Tacksmen, and Cashiers, to produce their Accounts and Vouchers thereof; and in case of their neglecting so to do they shall forfeit a Sum not exceeding their Year's Salary; which Books of Account and Proceedings shall be open to the Inspection of every Heritor in the County of *Aberdeen*, without Fee or Reward; and in case of Misapplication of Money borrowed, collected, received, or levied, by or under this Act, all and every Person or Persons who shall so misapply, or by whose Authority the Misapplication shall be made, shall forfeit double the Sum misapplied, with Costs of Suit, to be recovered at the Suit of any Two or more Heritors of the County of *Aberdeen*, by a summary Process before the Court of Session, out of which Sum, when recovered, the Sum so misapplied shall be paid to the Trustees for the Purposes of this Act, and the Remainder be divided into Two Moieties, One to be paid to the Trustees for the like Purposes, and the other to the Persons suing for the same; and Committees, appointed as aforesaid, shall be accountable to the General Meetings, and for that Purpose shall lay before them, Once in the Year at least, a State of their Accounts, and all other their Transactions, to be by them at One of their stated General Meetings examined, audited, and approved; and in case of Failure or Neglect, the Clerk of the General Meeting shall, and he is hereby required to apply to the Sheriff Depute or Substitute of the County, or to the Justices of the Peace at their Quarter Sessions, or adjourned Quarter Sessions, which Sheriff or Justices shall

shall grant a Warrant for summoning the Clerk of the Committee so failing, or other Person or Persons to whom the said Failure or Neglect is imputed, and on Proof of such Failure or Neglect shall fine him or them in a Sum not exceeding Five Pounds Sterling, to be paid to the said Trustees, to be by them applied to the Purposes of this Act.

Trustees may sue and be sued in the Name of their Clerk and Treasurer.

VIII. And be it further enacted and declared, That the said Trustees may sue and be sued for any Matter or Thing to be done in the Execution of this Act, in the Name of their Clerk and Treasurer for the Time being; and that no Action or Suit wherein the said Trustees shall be concerned as Pursuers or Defenders, in the Name of their Clerk and Treasurer, by virtue of this Act, shall abate by the Death or Removal of any such Clerk or Treasurer, but that the Clerk and Treasurer to the said Trustees for the Time being, shall be deemed to be the Pursuer or Defender (as the Case may be) in every such Action.

For erecting Turnpikes.

IX. And be it enacted, That the said Trustees, at the First or any of the stated Meetings assembled, may direct and authorize the Gates which are already upon any of the said Roads to be continued, and may cause to be erected other Gates and Turnpikes across any Part of the said Roads, and such Number of Toll Houses as they shall think fit; and may authorize the Collectors or Tacksmen, under their Authority, to take and levy at each of the said Gates, before any Passage be permitted, the Rates, Tolls, and Duties aftermentioned; that is to say,

Tolls.

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

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

For every Carriage commonly called *A Taxed Cart*, the Sum of Six-pence Sterling:

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

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

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

For

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

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

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

XII. Provided also, and be it further enacted, That in case the Magistrates of the Town of *Aberdeen* shall take Care that the Road between the Town and the Bridge of *Dee* be kept in good and sufficient Repair, it shall not be lawful for the said Trustees to erect any Turnpike, or take any Toll upon the said Bridge of *Dee*, or between the said Bridge and the said Town. No Toll to be taken on the *Dee* Bridge, or between it and *Aberdeen*, if the Magistrates of the Town keep that Part of the Road in Repair.

XIII. And be it further enacted, That the said Trustees, or any Seven or more of them, shall, if they find it necessary, cause Weighing Engines to be erected upon such Parts of the said Roads as they shall think fit, for weighing all Carriages that shall pass along the said Roads, and shall receive and take (over and above the Tolls hereby granted) the following Sums of Money as additional Tolls; for every Hundred Weight, of One hundred and twelve Pounds to the Hundred, which any Waggon, Cart, or Carriage, together with the Loading thereof, shall weigh at any of the said Weighing Engines, over and above the Weight which such Waggon, Cart, or Carriage is allowed to weigh, without paying additional Toll, that is to say, for the First and Second Hundred the Sum of Three-pence Sterling for each Hundred; for every Hundred of such Overweight above Two hundred and not exceeding Five hundred, the Sum of Sixpence Sterling; for every Hundred of such Overweight above Five hundred and not exceeding Ten hundred, the Sum of Two Shillings and Sixpence Sterling; for every Hundred of such Overweight above Ten hundred and not exceeding Fifteen hundred, the Sum of Five Shillings Sterling; and for every Hundred of such Overweight above Fifteen hundred, the Sum of Twenty Shillings Sterling, before they respectively shall be permitted to pass through such Gate or Turnpike, and the same shall be applied as the other Tolls are by this Act directed to be applied; and in case any Person or Persons shall hinder or obstruct the Weighing of any such Carriage as aforesaid, such Person or Persons shall for every such Offence forfeit any Sum not exceeding Ten Shillings Sterling, nor less than Five Shillings Sterling. Trustees may erect Weighing Engines, &c.

XIV. And

Regulation
concerning
the Weight of
Carriages.

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

Tolls vested in
the Trustees.

XV. And be it further enacted, That the Money so to be raised and collected as aforesaid shall and is hereby declared to be vested in the said Trustees, and shall be strictly applied to and for the Uses and Purposes by this Act directed, nor shall any Part thereof be expended without their Orders, or the Orders of the Committees, or other Persons authorized by General Meetings; and if any Person or Persons, subject to the Payment of the Tolls hereby granted, shall, after Demand made, neglect or refuse to pay the same, the said Trustees shall be and are hereby empowered by themselves, or such other Person or Persons as they shall appoint, to levy the same by Distress and Sale of any Horse or Horses, or other Cattle or Carriage, upon which such Toll is imposed, and to keep such Cattle or Carriage until the Toll and Charges of the Distress be paid, and after the Expiration of Six Days to sell the Cattle or Carriage distrained by publick Roup, at the Toll House where the Toll should have been paid, returning the Overplus to the Owner on Demand (if any be) after Deduction of such Toll, and all Charges for distraining, keeping, appraising, and selling the same.

Tolls may be
levied by Dis-
tress and Sale.

Toll Houses
and Gates
vested in
Trustees.

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

Trustees to
purchase
Lands and to
erect Toll
Houses.

XVII. And, for the better enabling the said Trustees to erect the Toll Houses necessary for collecting the said Tolls, be it further enacted, That the said Trustees shall be and they are hereby empowered to purchase or take in Lease such Pieces of Ground as they shall judge most convenient,

nient, not exceeding One Fourth of an Acre for each House; and if they cannot agree with the Proprietor and Occupier of the Ground, they shall apply to the Quarter Sessions of the County, who shall have Power, and are hereby required to oblige such Proprietor or Occupier to give a Lease of the said Ground, for any Term not exceeding the Continuance of this Act, and fix the Rent of the same.

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

Application of
the Tolls on
the different
Roads:

XIX. And be it further enacted, That it shall be lawful for the said Trustees to erect or cause to be erected One or more Gate or Gates on the Side or Sides of the said respective Roads, and across any Lane or Way leading out of the same, and also a Toll House at each such Gate, and there to take and receive such Tolls as are hereby granted and made payable, but so as that a Ticket received at any such Side Gate shall entitle the Receiver thereof to pass Toll-free through the next Gate or Turnpike, if within Six Miles, on the same Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock on the succeeding Night.

Trustees may
erect Side
Bars.

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

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

XXI. And be it further enacted, That if any Person or Persons shall take off or cause to be taken off any Horse or Horses, Ox or Oxen, or other Beasts of Draught, from any Carriage at or before the same shall come to

Penalty on
taking off
Horses, etc:

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any

any of the Gates or Turnpikes erected by virtue of this Act, with an Intent to evade the Payment of any of the Tolls hereby imposed, or any Part thereof, or shall leave or cause to be left upon or near any Part of the said Roads any Carriage, or any Horse, Beast, or Cattle, with such Intent as aforesaid, each and every Person or Persons so offending in any of the Cases aforesaid, and being thereof convicted in Manner above-mentioned, shall forfeit and pay to the Trustees appointed to put this Act in Execution, or to their Collector for the Time being, any Sum not exceeding Twenty Shillings Sterling, nor less than Ten Shillings Sterling.

Penalty on unloading Carriages before coming to a Gate.

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

Tolls to be paid only Once a Day.

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

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

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

Persons and Things exempted from Tolls.

XXV. Provided always, and it is hereby further enacted and declared That no Person or Persons shall be charged with any of the Tolls or Duties aforesaid, for passing through any of the Turnpikes to be erected by virtue of this Act, who shall not travel above Two hundred Yards
on

on any of the said Roads or Highways, nor any Person carrying or conveying Stones or other Materials for repairing any of the said Roads and Bridges, or other publick Roads and Bridges within the said County, or any of the Causeways within or belonging to the same; nor shall any Occupier or Occupiers of Land be charged with any of the Duties or Tolls aforesaid, for passing from one Part to another of the same Farm; nor shall any Occupier or Occupiers of Fields or Borough Roods on which no Offices or Barn Yards are erected for the Use of the said Fields or Lands, be liable to pay any of the said Tolls or Duties for any Horses or Carriages carrying Dung to the said Fields or Roods from the Yard where such Dung is made, for the Use of the said Fields or Roods; nor carrying any Corn in the Straw, Hay, or Grass, being the Produce of the said Fields or Roods, to the Place where the said Corn in the Straw, Hay, or Grass, is usually kept or used by the said Occupier or Occupiers; nor shall any Toll or Duty be demanded from any Person or Persons who shall pass or return through the said Turnpikes to or from their Parish Church or Chapel, or any other Place of Religious Worship upon *Sunday*, or any other Day on which Divine Worship is ordered by Authority to be celebrated; nor for any Persons who shall pass or return on attending the Funeral of any Person or Persons who shall die and be buried in any of the Parishes in which the Roads hereby directed to be repaired do lie; nor for Horses or Cattle going to or returning from Pasture or Watering Places; nor for any Horses or Carriages, of whatsoever Description, employed or to be employed in carrying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning back from conveying the same; nor for the Horses or Carriages of Officers or Soldiers who are upon their March, or upon Duty, or the Carriages attending them; nor for Carts, Carriages, or Waggons travelling with Vagrants or Criminals sent with legal Passes.

XXVI. And be it further enacted, That no Toll Bar shall be erected, or Toll levied on the said Roads, until at least One Half of the Sum, estimated for making such Roads, shall be subscribed, and paid to a Treasurer appointed by the said Trustees; and that if any Turnpikes are erected within a less Distance of each other than Six Miles, any Person or Persons producing a Ticket to shew that he, she, or they have paid the Tolls at One Gate, shall not pay any further Tolls or Duties, till the Distance exceeds Six Statute Miles from the Gate at which he, she, or they, have already paid: Provided always, That this Exemption shall only take place in the Case of such Person or Persons continuing to travel on the same Line of Road or Branches thereof.

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

XXVII. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered to accept Subscriptions for such Sum or Sums of Money as may be requisite for the Amendment of any particular Part or Parts of the said Roads, and for securing the Repayment thereof, with Interest, to assign the Tolls hereby authorized to be levied on the said Roads; and that it shall also be lawful for the said Trustees to contract and agree with the Person or Persons lending Money as aforesaid, for the Amendment of any particular Part of the said Roads as aforesaid, to apply the same in amending such Roads or Parts of Road,

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

and they are hereby required to lay out and apply the Money so lent for that express Purpose accordingly: Provided, that no such Subscription shall be received or Agreement entered into for a Space of Road less than Six Miles in Length; and that no Turnpike or Toll Bar shall be erected, or Tolls taken on any such particular Space or Portion of Road, until Four Miles of the Six Miles nearest to the Place where such Turnpike or Toll Bar shall be erected, shall be well and sufficiently made, amended, or repaired.

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

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

Mode of repairing Roads to be determined at General Meetings.

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

Trustees may let the Tolls.

XXX. And be it further enacted, That the said Trustees, at a General Meeting assembled, may and they are hereby authorized and empowered, by publick Roup, to let the said Tolls or Duties upon each Line of Road respectively in Whole or by Parcels, from Time to Time during the Continuance of this Act, by Lease or otherwise, for any Term not exceeding Three Years, for the highest Rate or Rates they can get for the same, to such Person or Persons as shall from Time to Time give such good and sufficient Security for paying thereof, as shall be approved by the said Trustees.

Trustees may borrow Money on the Tolls.

XXXI. And be it further enacted, That it shall be lawful for the said Trustees to borrow such Sum or Sums of Money as they shall judge to be necessary, on the Credit of the Tolls leviable at any or each of the Turnpike Gates to be erected by virtue of this Act, to be laid out in making and repairing the said Roads, erecting Toll Houses, and defraying other Expences of carrying this Act into Execution; provided that the whole Amount of the Money so borrowed shall not, at any one Time, exceed Four hundred Pounds Sterling *per* Statute Mile, including the Sums already borrowed

borrowed and owing by virtue of the said Act now repealed, which shall be and continue a Lien upon the Tolls granted by this Act on the Roads for the Use of which the Money was borrowed or advanced in Preference to future Contractions; and it shall be lawful for the said Trustees, and they are hereby empowered to assign the Whole or any Part of the Tolls by this Act imposed, to the Person or Persons from whom the Money as aforesaid shall be borrowed, as a Security for Payment of the Sum or Sums of Money so lent by them, with the Interest thereupon; and the Assignments of the Tolls for Money so borrowed shall be entered in a Book to be kept by the said Trustees, or such Persons as they shall appoint, which Book may be seen and perused at all reasonable Times, by any Person or Persons anyway interested as a Land Owner in the said County, or as a Creditor or Subscriber as aforesaid, without Fee or Reward; and the Securities to be granted by the said Trustees for the Purposes aforesaid shall be transferable by Indorsement, duly subscribed by the Party transferring, in the Presence of One or more subscribing Witness or Witnesses: Provided always, That the said Trustees shall not be held or adjudged to have rendered themselves personally liable for the Re-payment of the Money borrowed, or Interest thereof, by reason of having signed the Securities, which Securities are to be held and considered as granted upon the sole Credit and Security of the Tolls; nor shall any Trustee or Subscriber be held personally liable upon any Pretext for Payment of any Sum which he shall not have bound himself to pay personally as an Individual, independent of his Office as a Trustee under this Act.

Trustees may assign Tolls.

Assignments to be entered in a Book.

Trustees not personally liable.

XXXII. And be it further enacted, That the said Trustees, at a General Meeting assembled, shall be, and they hereby are authorized to cause the aforesaid Roads to be amended, widened, and repaired, in such Manner as they shall think proper, to settle the particular Direction of the same, to appoint Committees of their Number, with Power to employ Engineers, Surveyors, and other Persons, with suitable Allowances for their Trouble, and also to make or cause to be made Causeways, and to cut and make Drains, Ditches, and Passages for the Water through any adjacent Ground, and to keep clear such Ditches or Outlets, for which Purpose the Persons employed by them may go upon the said Lands, provided that reasonable Satisfaction shall be made to the Owners and Occupiers of such Lands for the Damage done, to be settled as herein-after mentioned.

Trustees to settle the Course of the Roads.

XXXIII. And be it further enacted, That if any Person shall maliciously break down or otherwise destroy any Turnpike Gates, Posts, Chains, Bars, Houses, or other Works whatsoever, erected for the Use of such Turnpikes, or shall rescue any Person in Custody for any of these Offences, every Person so offending being thereof lawfully convicted in any Prosecution ordered by the said Trustees, or any Two of them, upon the Oath of One or more credible Witness or Witnesses before the Sheriffs, or any Two or more Justices of the Peace of the County of *Aberdeen*, shall be condemned to pay any Sum not exceeding triple the Damages sustained, and to be imprisoned for any Time not exceeding One Calendar Month, and thereafter until the Damages awarded shall be paid, and for a Second Offence may, on Conviction as aforesaid, be condemned to pay any Sum not exceeding triple the Damages, and be imprisoned

Penalty on breaking down Gates, &c.

for any Time not exceeding Six Calendar Months, and thereafter until the Damages shall be paid.

Power to compound for the Tolls,

XXXIV. And be it further enacted, That the said Trustees shall have Power at their General Meetings to compound or agree by the Year or otherwise, with any Person or Persons travelling, or in use to travel or use the said Roads, the Composition Money agreed upon being made payable quarterly and by Advance; and Copies of all such Agreements shall be entered in a Book or Books, to be kept for that Purpose, by the Clerk or respective Clerks, to be seen and perused by any Person or Persons at all reasonable Times, without Fee or Reward.

Penalty on the Keepers of Gates,

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

Subscription Money to be paid,

XXXVI. And be it further enacted, That if any Person or Persons who has or have subscribed, or shall subscribe towards the making and repairing the Roads by this Act intended to be made and repaired, shall, after Forty Days Notice given by any Person or Persons authorized by the said Trustees to receive and recover the Subscription Money, neglect or refuse to pay the same, by him, her, or them subscribed, to the Person or Persons so authorized, it shall be lawful to such Person or Persons, and he or they are hereby required to sue for and recover the said Subscription Money, in any Court competent in *Great Britain*, declaring that the Persons actually paying their Subscription Money shall have a Lien on the Tolls collected on the Road, for the Use of which the Money was subscribed, next after any Assignments that may have been made of such Tolls, previously to the actual Payment of such Subscription Money.

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

Qualification of Trustees for converting the Statute Services, and attending to the Roads and

XXXVIII. And be it further enacted, That every Person who in his own Right, or in the Right of his Wife, now is or hereafter shall be in the actual Possession or Enjoyment, as Proprietor or Life Renter, of Lands in the County of *Aberdeen*, valued in the Cess Books thereof at One hundred Pounds Scots, or of Lands and Fishings within the Freedom and Liberties of

of *Aberdeen*, valued in the Tax Roll of the Burgh at Four hundred Pounds Scots, of annual Value; and all and every the eldest Sons of such Persons, One Guardian of Minors possessing Lands to that Extent, One Trustee of Estates in Trust, One Manager or Factor of Lands belonging to Corporations and of mortified Lands within the County, such Estates in Trust or Lands mortified or belonging to Corporations being of the Extent aforesaid, the Provost of *Old Aberdeen*, and the Chief Magistrates of the Royal Burghs of *Inverury* and *Kintore*, and the Towns of *Peterhead*, *Frasersburgh*, *Hurstly*, and *Old Meldrum*, the Sheriff Depute of *Aberdeenshire* and his Substitute, all for the Time being, shall be Trustees for ordering and superintending the making and repairing, and keeping in Repair, or causing to be surveyed, altered, and repaired, all and every the Roads, Bridges, and Ferries within the County of *Aberdeen*, and those Parts of the County of *Banff* herein-after comprehended, other than and besides such Roads in the said County on which Turnpikes have been or shall hereafter be erected and Tolls taken, in virtue of this or any other Act of Parliament already passed, or which may be passed for that Purpose; and for exacting and applying the Assessments herein-after allowed to be imposed and levied; and for carrying into Execution the whole Powers given by former Laws and this present Act, relative to the Roads, Bridges, and Ferries, within the said County.

Bridges of the County generally.

XXXIX. Provided nevertheless, That besides the Trustees herein-before named, the Provost, Four Baillies, Dean of Guild, Treasurer and Conveener of the Trades of the Burgh of *Aberdeen*, together with all Tenants and Occupiers of Tenements, Houses, Shops, Warehouses, and other Heretages whatsoever within the Town of *Aberdeen* and Royalty thereof, rated in Manner herein-after directed, at an yearly Rent of Forty Pounds Sterling or upwards, and paying the Assessment herein-after allowed to be imposed, shall be, and they are hereby appointed Trustees for the Purposes of this Act, relative to the Statute Services and Composition, and shall be empowered to act and officiate as such at the whole General Meetings and Adjourned General Meetings to be held under the same, but only in so far as regards the District of *Aberdeen* as herein-after described.

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

Penalty on Trustees acting without being qualified.

XLI. And be it further enacted, That the said County shall be divided into the following Districts; *videlicet*,

The First District containing the Parishes of *Peterhead*, *Longside*, *Raethen*, *Strichen*, *Old Deer*, *Loanmay*, *Tyrie*, *Aberdour*, *Pitligo*, *Frasersburgh*, *Crimond*, and *New Deer*:

The Second District containing the Parishes of *Cruden*, *Slains*, *Foveram*, *Udny*, *Metblic*, *Tarves*, *Logie-Buchan*, and *Ellou*:

The Third District containing the Parishes of *Leslie, Premnay, Insch, Culsamond, Rayne, Meldrum, Oyne, Daviot, Logie-Durno, Keithball, Bourty, Kinkell, Kemnay, Monymusk, Kintore, and Inverury*:

The Fourth District containing the Parishes of *Tarland, Logie-Marr, Migvie, Coldstone, Coull, Aboyne, Birse, Kincardine, Lumphannan, Kindrocht, Glengairn, Crathie, Tulloch, Glenmuick, Glentaner, Kinernie, Midmarrs, Echt, and Clunie*:

The Fifth District containing the Parishes of *Fyvie, King Edward, Drumblade, Turreff, Monquibittar, Auchterless, and Forgue*:

The Sixth District containing the Parishes of *Drumoak, Peter-Culter, Part of Banckory, Skene, Dyce, Kinellar, Fintray, Belbelvie, New Machar, Newbills, and those Parts of the Parish of Old Machar lying North of the River Don*:

The Seventh District containing the Parishes of *Alford, Tough, Lochil, Cushnie, Kearn Forbes, Keig, Clatt, Tillynessel, Kinabmont, Kildrumy, Auchindoe, Glenbucket, Cabroch, Tervie, and Strathdon*:

The Eighth District containing the Parishes of *Dumbennan, Kinour, Ruthven, and Botary now called Cairney, Gairtly, Rhynie and Essie, and Glass*:

And the Ninth District containing the Town of *Aberdeen*, the Lands and Fishings situate within the Freedom and Liberties thereof; those Parts of the Parish of *Old Machar* lying South of the River *Don*, and the Salmon Fishings on *Nether Don*, rated in the Cess Books of the said County: And that the Parishes of *Saint Fergus, Gamery, Inverkeithney, Keith, and Mortlich*; those Parts of the Parishes of *Alva and Rotheimay* lying South of the River *Doveran*; Parts of the Parishes of *Cairney, Glass, and Cabroch*; the Barony of *Fetterangus* in the Parish of *Old Deer*; the Barony of *Gairtly* in the Parish of *Gairtly*; and the Lands of *Stralock* in the Parish of *New Machar*, although rated in the Cess Books of the County of *Banff*, shall nevertheless be comprehended in this Act, and shall be held and considered as making Part of the respective Districts within which they are locally situated.

Districts subject to Alteration by annual General Meetings.

XLII. Provided always, That the foregoing Division of the said County into Districts (excepting the District of *Aberdeen*, which is hereby declared to be fixt and permanent), shall be subject to Alteration by any of the annual stated General Meetings; Notice of such intended Alteration being advertised in the *Aberdeen Journal*, or other Newspaper published at *Aberdeen*, Twice within Three Weeks immediately preceding such General Meeting.

First Meeting of Trustees.

XLIII. And be it further enacted, That the said Trustees, or any Seven or more of them, shall, in order to put this Act into Execution, meet within the ordinary Court House of *Aberdeen*, on the same Day on which the Trustees herein-before named for the Superintendance and Direction of the Turnpike Roads hold their First stated General Meeting under this Act, and shall meet thereafter yearly on the Days appointed for the annual stated General Meetings of the said Trustees, with Power to adjourn and name a Preses, and also a Clerk, with a suitable Salary for his Trouble, who shall keep a regular Record of their Proceedings, and, when required, shall give out Extracts of the Orders or Proceedings of the Trustees, containing Warrants for putting these Orders into Execution; with Power also to the said Trustees to appoint convenient Times for

for the First Meetings in each Year of the Trustees for the respective Districts before mentioned, with such Instructions for carrying this Act into Execution as may be deemed necessary; and the Trustees at such District Meetings shall have Power afterwards to adjourn to such Time as they shall see Cause.

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

Quorum of Trustees.

XLV. And be it further enacted, That the Clerk of the said Trustees, or in his Absence the Preses of the former General Meeting, shall, when directed by any Two or more Trustees, call a General Meeting, by an Advertisement in the *Aberdeen* Journal, or other Newspaper published at *Aberdeen* Twenty Days before such Meeting, signifying the Purpose of the same; and no Person but the Clerk, or the Preses of the former General Meeting, shall have Power to call such Special Meetings; and the Expence of advertising shall be paid by the Trustees requiring such Meeting, who may be reimbursed out of the Funds of the District on the Business of which the Meeting is called, if the said Meeting shall order such Reimbursement.

Clerk to call Meetings by Order of Two Trustees, and in his Absence the Preses of the last General Meeting.

Expence of advertising, how to be paid.

XLVI. And be it enacted, That no Determination of either of the annual stated Meetings, or the Rules or Regulations established by them, shall be annulled or altered till the next annual stated Meeting.

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

XLVII. And be it enacted, That the Trustees whose Property is situated in, or who by their Offices are connected with the several Districts before mentioned, shall have the Superintendance of the Roads, Bridges, and Ferries within their respective Districts; and shall, at their Meeting, have Power to name the Preses, Clerks, Surveyors, Overseers, Collectors, and other Officers, with suitable Salaries, and take such Securities from those appointed to Offices of Trust, for the due Execution of their Offices, as they shall think proper; and in District Meetings Three shall be a Quorum, and any One or more attending shall have Power to adjourn; and the Trustees in each District shall cause to be kept exact Minutes of their Proceedings, and shall cause to be entered accurate Accounts of the Money received by virtue of this Act, and the Application thereof, in a Book to be kept by their Clerk, which all the Heritors of the County shall have Liberty to inspect *gratis*; and a particular Report of the State of the Roads and Bridges within the respective Districts, or the Books of the Proceedings kept by the Trustees within the same, and Estimates of the Sums necessary for the Repair of them, and of the Money expended and Work done the preceding Year, shall be laid before the annual stated General Meeting, held on the Day the Commissioners of Supply meet for assessing the Land Tax, or upon the Thirtieth Day of *April*, or next lawful Day yearly; and in case of Failure or Neglect, any Justice of the Peace, on the Application of any One Trustee, shall summon the Clerk of the District, or other Person or Persons to whom the said Failure or Neglect is imputed, and on Proof of such Failure or Neglect, shall fine him or them in a Sum not exceeding Five Pounds Sterling.

District Trustees.

Their Powers.

District Clerk to keep Books, and report Proceedings.

Penalty for not reporting, &c.

Trustees may
delegate Pow-
ers to Agents.

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

Conversion in
lieu of Statute
Labour.

Mode of As-
sessment.

Rate.

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

Heritors en-
titled to Relief
from their
Tenants for
Three Fourths
of the Asses-
ment.

L. And be it further enacted, That all the Heritors or Proprietors who shall have paid the Assessment to be imposed in Manner as herein-before directed, shall be entitled to Relief and Repayment from the actual Tenants or Possessors of Three-Fourth Parts of such Assessment, each Possessor paying a Sum corresponding to the valued Rent of their Possessions, or in case the Lands so occupied by different Persons be valued *in cumulo*, a Sum bearing the same Proportion to the Assessment payable for the whole Lands, as the real Rent or Value of each Possession bears to the real Rent or Value of the Whole; a just Share of the said Three-Fourth Parts being always laid upon Lands in the natural Possession of the Proprietor; and the like Action and Execution shall be competent to such Heritors or Proprietors for their Relief and Repayment of the said Assessment, as by Law is competent to them for the Payment and Recovery of their Rents; and such Relief shall also be competent in all Cases where an Occupier or Tenant is by Lease or Agreement exempted from the Payment of all publick Burthens, unless the Assessments imposed by this Act be expressly included in such Exemption.

Disputes re-
garding the
Division of
Cumulo Valu-
ations, how to
be determin-
ed.

LI. And be it further enacted, That in case any Tenant shall think himself aggrieved by the Division of a *Cumulo* Valuation, or that an adequate Value had not been put upon Lands in the natural Possession of the Proprietor, the said Trustees, or any Three or more of them, in a District Meeting assembled, are hereby empowered and required, upon a Complaint made to them by such Tenant, to determine the same in such Manner as they may see just and equitable; and the said Valuation shall continue to be the Rule for ascertaining the Proportion of valued Rent falling upon the said Lands as long as they remain in the natural Possession

sion of the Proprietor, and no Alteration made in the Rents of the other Lands included in the same Valuation.

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

Proprietors of Burgh Roods, &c. not valued in the Cess Books, liable to an Assessment of 4d. per Pound of real Rent.

LIII. And be it further enacted, That, from and after the passing of this Act, all Occupiers and Inhabitants, whether Heritors or Tenants, of all Houses, Shops, Cellars, Warehouses, and other Buildings, within any Part of the said County of *Aberdeen*, or those Parts of the County of *Banff* comprehended in this Act, that now are or hereafter may be erected in the said County, (excepting always such Houses as are situated within the Freedom and Liberties and Burgh of *Aberdeen*), not having any cultivated or profitable Lands, except a Garden annexed thereto, shall, in place of their Statute Labour, pay yearly an Assessment or Conversion not exceeding Eight-pence Sterling yearly, for every Dwelling House, Apartment, or Room, occupied by them, whereof the yearly Rent is Twenty Shillings Sterling, and under Three Pounds Sterling; an Assessment or Conversion, not exceeding One Shilling Sterling, for every Dwelling House occupied by them, whereof the yearly Rent is Three Pounds and under Five Pounds Sterling; an Assessment or Conversion not exceeding Two Shillings Sterling, for every Dwelling House occupied by them, whereof the yearly Rent is Five Pounds, and under Seven Pounds Sterling; an Assessment or Conversion, not exceeding Two Shillings and Eight-pence Sterling, for every Dwelling House occupied by them, whereof the yearly Rent is Seven Pounds and under Ten Pounds Sterling; an Assessment or Conversion, not exceeding Four Shillings Sterling, for every Dwelling House occupied by them, whereof the yearly Rent is Ten Pounds and under Fifteen Pounds Sterling; an Assessment or Conversion, not exceeding Six Shillings and Eight-pence Sterling, for every Dwelling House occupied by them, whereof the yearly Rent is Fifteen Pounds and under Twenty Pounds Sterling; an Assessment or Conversion, not exceeding Ten Shillings Sterling, for a House, whereof the Rent is Twenty Pounds Sterling; and for all above that Rent, an Assessment to be paid equivalent to Three Pounds Six Shillings and Eight-pence *per Centum* of the Rent: And all and every Inn-keeper,

Rate of Assessment on Inhabitants of Houses, &c.

Persons keep-
ing Horses,
and not pay-
ing 20 s. Af-
fessment, to
pay 2 s. for
each Horse.

keeper, Carter, Carrier, or other Persons, keeping Horses, Asses, or Mules, for Carriage or Hire, or for carrying on any particular Trade or Manufacture; and every Person keeping a Riding or Pleasure Horse, and who shall be assessed in a Sum not exceeding Twenty Shillings Sterling, for Lands or Houses in virtue of this Act, shall pay as an Assessment or Conversion for Statute Labour, a Sum not exceeding Two Shillings Sterling yearly, for each of such Horses, Asses, or Mules.

LIV. And be it further enacted, That all Men, whether married or unmarried, above Sixteen and under Sixty Years of Age, not being engaged Servants by the Year or Half Year, nor possessing Lands or Houses of the yearly Rent of Twenty Shillings Sterling, shall be obliged to pay a Sum not exceeding Six Shillings Sterling yearly for the Purposes of this Act, to the Collector or Clerk of the Parish within which he shall be residing, in the Month of *June*, or in case of his Removal from such Parish before Payment, to the Collector or Clerk of the Parish, who shall first demand the same,

Inhabitants of
Houses in
Aberdeen liable
in an Asses-
ment of 6 d.
per Pound
Sterling of
yearly Rent.

LV. And be it further enacted, That, from and after the passing of this Act, all Occupiers and Inhabitants, whether Heritors or Tenants, of all Houses, Shops, Cellars, Warehouses, and other Buildings, within the Town of *Aberdeen*, Freedom or Liberties thereof, that now are or hereafter may be erected within the same, not having any cultivated or profitable Lands, except a Garden annexed thereto, and rented at or above One Pound Five Shillings Sterling yearly, shall, in lieu of Statute Labour, pay an annual Assessment or Conversion, not exceeding Four-pence Sterling, upon each One Pound Sterling of yearly Rent.

Assessment
within the
Freedom,
Liberties, and
Burgh of *Aber-
deen*, not to be
above 400 l.
nor, under
100 l. an-
nually.

LVI. Provided always, and be it enacted, That the total Amount of the Assessment to be raised and levied from the Lands, Fishings, and Houses, situated within the Freedom, Liberties, and Burgh of *Aberdeen*, shall not at any Time exceed the Sum of Four hundred Pounds Sterling, nor be under the Sum of One hundred Pounds Sterling annually; which Sums are held and considered as equivalent to the Maximum and Minimum Rate of Assessment herein-after allowed to be imposed upon Lands valued in the Cess Books of the said Counties of *Aberdeen* and *Banff*.

Manufactur-
ing Houses
not to be rated
for a higher
Sum than
upon 50 l. of
yearly Rent.

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

Assessors to be
appointed for
assessing Oc-
cupiers of
Burgh Roods,
&c.

LVIII. And for ascertaining the Conversion payable by the Occupiers of Burgh Roods, Fishings, or Lands, not valued in the Cess Books of the said Counties, and Inhabitants of Houses and others in the royal Burghs, Towns, and Villages, and by Innkeepers, Carters, and others, as herein-before particularly described, be it enacted, That any Three or more of the said Trustees, at their First District Meeting to be held after the
passing

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

Duty of Assessors.

Penalty on Assessors not doing their Duty.

Their Salary.

LIX. And be it enacted, That the Assessors to be named as above directed for the District of *Aberdeen* shall, and they are hereby authorized and empowered to call for and procure a certified Copy of the Rent Roll annually made up of all the Dwelling Houses, Shops, Cellars, Warehouses, and other Buildings within the said Town of *Aberdeen* and Royalty thereof, with the Names and Designations of the Occupiers and Possessors of the same, now or that may hereafter be liable in Payment of the Rates and Assessments imposed by an Act, passed in the Thirty-fifth Year of His present Majesty's Reign, intituled, *An Act for the better paving, lighting, cleansing, and otherwise improving, the Streets, Lanes, and other publick Passages in the City of Aberdeen, and the Roads and Avenues within the Royalty thereof; for the better supplying the Inhabitants with fresh Water; and for the removing and preventing all Obstructions and Annoyances within the said City and Royalty;* and the Commissioners appointed by the above-recited Act shall be obliged, and they are hereby required to furnish annually to the said Assessors a certified Copy of the said Rent Roll as made up by them.

Assessors for Aberdeen empowered to call for Police Roll.

LX. And be it enacted, That the said Trustees at their District Meetings shall, and they are hereby required to order and appoint the whole Monies to be annually imposed and levied upon the District in lieu of Statute Labour, to be laid out and expended upon the respective Roads within the different Parishes of the District where it is levied; and when a publick Road happens to be the Boundary between Two Parishes, whether in the same or different Districts, it shall be made and supported by each Parish contributing equally to its Expence so far as connected together: Provided always, That it shall be in the Power of the said Trustees, with

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

Exceptions.

- [Loc. & Per.]

8 F

Consent

Consent of Heritors possessing Four-Fifths of the valued Rent of any Parish, to apply the Whole or Part of the Assessment arising therefrom to such Roads within other Parishes of the District, or within the Parishes of another District lying contiguous, as they may judge most necessary and expedient.

Assessment in Aberdeen District may be laid out on any of the Roads within the same.

LXI. Provided always, That it shall be lawful to and in the Power of the Trustees for the *Aberdeen* District, to order and appoint the Monies to be annually imposed and levied from the said District, to be laid out and expended upon any of the Roads within the same which they shall deem most necessary.

Time of Payment of Assessment.

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

Method of Recovery of Assessment.

Persons exempted.

LXIII. Provided always, and be it enacted, That no parochial Clergyman, or parochial Schoolmaster, shall pay any Assessment or Conversion for their Manse or Houses occupied in lieu thereof, Glebes, or Parish Schoolhouses, and the Lands thereunto belonging, in their natural Possession; but if they shall be Proprietors or Occupiers of other Lands or Houses, as Tenants or Proprietors, they shall, in that Case, pay for such other Lands or Houses occupied by them, according to the Rate of the Class to which they belong.

Trustees authorized to borrow Money.

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

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

Time when such Money may be borrowed as aforesaid; but that it shall nevertheless be in their Power to encrease such Assessment, if it shall be found necessary to borrow any farther Sum, in Manner and for the Period as herein-before allowed.

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

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

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

General Meeting may allocate Assessment, if the District Trustees fail to do so.

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

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

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

Rates not to be reduced till the borrowed Money be paid off.

LXIX. And be it enacted, That no Appeal taken from the Sentence or Proceeding of a District Meeting, nor any Complaint or Action founded thereon

No Appeal to stop Payment of Assessment.

thereon, shall stop the Payment of the Conversions in that Year in which such Conversions are ordered to be paid; saving to the Parties their Redress; either from the Persons by whom they may have been aggrieved, or out of the Conversions for the Year next after the Determination of the Cause.

Trustees to pay their own Expences.

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

Trustees may shut up Roads become useless.

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

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

Trustees may cause Roads to be altered and repaired.

Trustees may make Drains, &c.

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

Trustees to cause erect new Bridges, and pull down old ones.

Trustees may cause Roads to be widened.

LXXIII. And be it further enacted, That the said Trustees shall have Power to cause to be built new Arches and Bridges of Stone, Brick, or Timber on the said Roads, and to cause to be taken down old Bridges become unnecessary, and to apply the Materials thereof as they shall see proper for the Purposes of this Act; and also to cause such Parts of the Roads as are not of sufficient Width to be widened to any Breadth not exceeding Forty Feet, exclusive of the Foot-ways, and clear of the Ditches, within Two Miles of *Aberdeen*, and in all other Parts, to any Breadth not exceeding Thirty-five Feet, exclusive of the Foot-ways and clear of all Ditches; and to cause the Course of such Parts of the said Roads as they

they shall think proper, to be altered, for shortening the same, or making them more commodious; and for these Purposes to cause all Houses to be removed, and all Dwelling Houses, the Side Walls of which are not more than Twelve Feet high from the Surface of the adjoining Ground, to be taken down, after giving the Occupiers of such Houses Six Months Notice to remove from the Premises; and the Road so altered or widened shall thereafter be taken to be a publick Highway, and comprehended within this Act.

Trustees may cause Houses to be pulled down.

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

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

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

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

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

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

Application of Compensation where exceeding 200 £.

LXXVI. And be it enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used by virtue of the Powers of this Act, for the Purposes thereof, which are held under Entail, or are subject to Life-rents, Annuities, or other Incumbrances, or shall belong to any Corporation, married Woman, Infant, Lunatick, or Person or Persons under any Disability or Incapacity, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds, under the Direction and by the Authority of the Court of Session, be with all convenient Speed paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, to the Intent that such Money shall be applied under the Direction, and with the Approbation of the said Court, to be signified by an Order made upon a Petition, to be preferred in a summary Way, by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested under the like Direction and Approbation of the said Court, in the Purchase of other Messuages, Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Messuages, Lands, Tenements, and Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing, undetermined, and capable of taking Effect; and in the mean Time, and until such Purchase shall be made, the Interest or annual Produce of such Money shall, from Time to Time, be paid by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments

reditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

LXXVII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then, and in all such Cases, the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Hereditaments so purchased, taken, or used, or of his, her, or their Tutors or Curators, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, under the like Direction and Authority, be paid into either of the said Banks, and be placed to his or their Account as aforesaid, in order to be applied in Manner herein-before directed, or otherwise, the same shall be paid at the like Option to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Three or more of the said Trustees, (such Nomination and Approbation to be signified in Writing, under the Hands of the nominating and approving Parties), in order that such Principal Money, and the Interest arising thereon, may be applied in any Manner herein-before directed, so far as the Case be applicable.

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

LXXVIII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before-mentioned, shall be less than Twenty Pounds, then and in all such Cases the same shall be applied, to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Trustees, or any 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 where the Money is less than 20 l.

LXXIX. And be it further enacted, That wherever the Course of any of the said Roads upon which Toll-bars are allowed to be erected, shall be altered, as soon as the new Road shall be completed and made passable for Carriages, in case the old Road shall thereby become useless, and may be shut up without Inconvenience, the said respective Trustees shall be and are hereby empowered, if they see proper, to value by a Jury as aforesaid, and dispose of or sell the Land or Ground comprising such old or former Road, and that according to the Value of unimproved or uncultivated Lands in the Neighbourhood, the Proprietor or Proprietors of the Grounds through which the said old Road did pass having always an Offer of the same Preference of Purchase at the said Valuation; and the Money arising from such Sale shall be applied and disposed of for the Purposes of this Act; and the Sale and Conveyance or Conveyances to be made of such Lands and Grounds, comprising the said old Road, shall be good and effectual in Law to all Intents and Purposes whatsoever.

Old Roads to be sold.

LXXX. And be it further enacted, That in altering the Course of the said Roads, or in widening the same, it shall be in the Power of the said

Road may pass through a Minister's Glebe.

Trustees

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

Trustees to cause the same to be carried through any Minister's Glebe: Provided always, That such Quantity of Ground shall be added to the Glebe, lying most contiguous and convenient thereto, as shall be deemed a sufficient Compensation for that taken for the said Roads; which Grounds the said Trustees shall have Power to purchase from the contiguous Owner or Owners, Occupier or Occupiers thereof, whether the same be held under Entail or otherwise; and in case of any Difference with regard to the Addition to be made to such Glebe, or the Price to be paid to such Owner or Owners, Occupier or Occupiers, Application shall be made to the Sheriff Depute, or his Substitute, of the said County, who shall summon a Jury and determine the Extent of the said Addition, and Amount of such Price, in Manner as herein-before directed, in cases of Land to be taken for the Purposes of this Act; and upon such Determination, and upon Payment being made by the said Trustees of such Price to the Owner or Owners, Occupier or Occupiers of the Ground, or Consignation thereof in any of the *Aberdeen* Banks as aforesaid, the said Trustees shall from thenceforth have a Right to cause the Addition to be made to the Glebe, and to take and use the Part of the Glebe necessary for the Purpose of altering or widening the said Roads; and the Proceedings and Order of the said Sheriff Depute or his Substitute shall be final and conclusive: Provided always, That in every Case where it shall be necessary to exchange or take Ground as herein-before allowed for the Purposes of this Act, the same shall not affect, alter, or diminish the valued Rents of the Lands from which such Ground shall be so taken.

Trustees may take Materials, &c.

LXXXI. And be it further enacted, That the said Trustees, or such Person or Persons as they shall appoint, may dig, gather, take, and carry away Gravel, Furze, Heath, Stones, or such other like Materials, for the making, amending, and repairing of the said Roads, and for building Arches and Bridges as aforesaid, out of any Grounds where the same may be found, whether the same be within the said County of *Aberdeen* or in any other County adjoining thereto, (such Materials not having been dug or raised for the private Use of the Proprietor of such Grounds); and to open Accesses for carrying off the said Materials, such Accesses and the Places from whence the said Materials shall be proposed to be taken, being first marked out by any Two or more of the Trustees, after Notice in Writing given by them, or by some Person by their Order, to the Proprietor of such Grounds, or his or her Factor, and to the Occupier thereof, Twenty Days previous to marking out the same; the Trustees making reasonable Satisfaction, if demanded, to the Owners and Occupiers of such Grounds respectively from which the Materials shall be taken, or over which the same may be carried, for the Damages to be done thereby, and for the Value of such Materials; but if such Proprietor, Factor, or Occupier, shall not be satisfied with the Compensation offered by the said Trustees, the same shall be ascertained by a Jury, to be impannelled by the Sheriff Depute or his Substitute as aforesaid, whose Proceedings shall be final; but such Applications shall not prevent the said Trustees from causing the said Materials to be carried off and used in the mean Time.

On paying Damages.

Notice to be given to Occupiers of Lands before Materials are taken for re-

LXXXII. Provided nevertheless, and be it further enacted, That it shall not be lawful for any Surveyor, or any other Person or Persons under the Authority of this Act, to dig, gather, take, and carry away, Materials for making or repairing the said Roads from any inclosed Lands or Grounds,

Grounds, until Notice in Writing shall have been given to the Occupier of the Premises from which such Materials are intended to be taken, or left for such Occupier at his usual Place of Residence, to appear before the said Trustees, or any Three or more of them, or Two Justices of the Peace acting for the said County of *Aberdeen*, to shew Cause why such Materials should not be had from such Lands or Grounds; and in case such Occupier shall attend pursuant to such Notice, the said Trustees, or any Three or more of them, or such Justices, shall, if they think proper, authorize such Surveyor or other Persons to dig, gather, take, and carry away, such Materials at such Time or Times as to such Trustees, or any Three or more of them, or to such Justices, shall seem proper; and if such Occupier shall neglect or refuse to appear by himself or his Agent, the said Trustees, or any Three or more of them, or such Justices, shall and may make such Order therein as they shall think fit, as fully and effectually, to all Intents and Purposes, as if such Occupier or his Agent had attended.

pairing the Roads, and for building and repairing Bridges.

LXXXIII. Provided always, That in altering, widening, or making Roads, or digging or taking Materials as aforesaid, no House or Building shall be prejudiced, of which the Side Walls are above Twenty Feet high from the Surface of the adjoining Ground, nor any Garden, Orchard, or planted Walk, Lawn or Pleasure Grounds, of the Extent of Three Acres, appertaining to such House, without the express Consent of the Owner thereof; but that in making Accesses into or passing through Towns or Villages, it shall be lawful for the said Trustees to take down, or cause to be taken down, Houses of any Height whatsoever, and to make such Roads through any Garden or other Grounds, as to the said Trustees shall appear necessary: Provided also, That where inclosed Grounds shall be broken into for the Purposes aforesaid, the Value of the same shall be ascertained in Manner as herein-before directed.

No House or Orchard to be prejudiced.

LXXXIV. And be it further enacted, That where any Ditches have been or hereafter shall be made near the Sides of the said Roads, or through any Fields adjoining thereto, by the Proprietors or Occupiers of the said Fields, such Proprietors or Occupiers shall and they are hereby required to keep these Ditches properly scoured, and not to allow the Water to stagnate therein, so that the Roads may be thereby damaged; and if they fail to do so, after Ten Days Notice previously given, the said Trustees, or the Overseers of the Roads, by the Direction of any One of the Trustees, may and are hereby required to order the said Ditches to be opened, scoured, and cleansed, at the Cost of the said Proprietors or Occupiers, such Cost to be recovered by Distress and Sale of any moveable Effects, in the same Manner as herein-before directed, for the levying of the Assessment hereby granted; and if any Occupier of Land shall turn any Water across or upon the Side or Sides of any of the said Roads, he or she shall conduct such Water either in an open or covered Drain of such Form and Dimensions as the said Trustees, in a General or Committee Meeting assembled, shall order and direct; and if such Occupier of Land shall, after Twenty Days Notice, refuse or neglect to make such Drain, according to the Directions of the said Trustees as aforesaid, it shall be lawful for the said Trustees to order and cause such Drain to be made; and the Person or Persons refusing or neglecting to

Occupiers to cleanse Ditches, &c.

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

[Loc. & Per.]

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make

make the same agreeably to the Orders and Directions of the said Trustees as aforesaid, shall repay to the said Trustees all the Costs, Charges, and Expences attending the making of such Drain; and shall likewise pay a Penalty of Triple the Amount of such Costs, Charges, and Expences; the said Costs and Penalty to be levied by Distress and Sale in Manner herein-before directed, and to be applied for the Purposes of this Act.

Ditches or Drains to be scoured at the publick Expence.

Penalty on Persons filling up Ditches.

LXXXV. Provided always, That the Drains and Ditches to be made by Order of the said Trustees, shall be scoured and kept in Repair out of the Money arising by virtue of this Act; and if any Occupier of Land through which such Drains or Ditches are or shall be made, shall obstruct or fill up any of them, the Person or Persons so offending, shall forfeit and pay Triple the Expence of repairing and scouring the same, to be recovered in Manner herein-after mentioned; and the said Occupier shall be deemed the Transgressor, unless it shall appear to the Trustees that he was not in Fault; and where any Passage for Cattle or Carriages across any Road for the Convenience of the Occupiers of the Ground through which it passes shall be made, the Occupier of such Ground shall always cover the Drains, crossing the Sides of such Roads, with sufficient Stones, so as the Course of the Water may not be interrupted, or the Road thereby prejudiced; and no Occupier of Land shall turn any Water upon the Side of any of the said Roads, or conduct it across any Part thereof, until he shall have obtained the Consent of the said Trustees, in a General or Committee Meeting assembled; and every such Occupier shall be obliged to carry the Water across the Road in a covered Drain of such Depth and Construction as that the Water may not prejudice the Road.

Breadth of Wheels of Carriages limited.

LXXXVI. And whereas the Highways to be made under the Authority of this Act, may be much prejudiced by the Narrowness of the Wheels of the several Carriages travelling thereon, and by the excessive Burdens loaded on such Carriages, be it enacted, That no Waggon, having the Sole or Bottom of the Fellies of the Wheels of the Breadth of Nine Inches, shall go or be drawn with more than Eight Horses; and that no Cart, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Nine Inches, shall go or be drawn with more than Five Horses; and that no Waggon, having the Sole or Bottom of the Fellies of the Wheels of the Breadth of Six Inches, and rolling on each Side a Surface of Nine Inches, shall go or be drawn with more than Seven Horses; and that no such Waggon, rolling a Surface of Six Inches only, shall go or be drawn with more than Six Horses; and that no Cart, having the Sole or Bottom of the Fellies of the Wheels of the Breadth of Six Inches, shall go or be drawn with more than Four Horses; and that no Waggon, having the Sole or Bottom of the Fellies of the Wheels of Six Inches, shall go or be drawn with more than Five Horses; and that no Cart, having the Sole or Bottom of the Fellies of the Wheels of the Breadth of Five Inches, shall go or be drawn with more than Three Horses; and that no Waggon, having the Sole or Bottom of the Fellies of the Wheels of the Breadth of Four Inches, shall go or be drawn with more than Four Horses; and that no Waggon, having the Sole or Bottom of the Fellies of the Wheels of less Breadth than Four Inches, shall be drawn by more than Three Horses upon the said

said Highways under the Penalties after-mentioned; that is to say, That the Owner of such Waggon or Cart respectively shall forfeit any Sum not exceeding Forty Shillings Sterling, and the Driver, not being the Owner, the Sum of Five Shillings Sterling, for every Horse or Beast by which the same shall be drawn, above the Number hereby so limited respectively as aforesaid; One Half whereof shall be paid to the Informer, and the other Half applied to the Repair of the Roads within the District where the Offence is committed; and where the said Trustees may find it necessary to place Stones or other Obstructions, to prevent any new Road from being cut or rutted by the Wheels of Carriages running in the same Tract, the Owner or Driver of such Carriages on being convicted before any Justice of the Peace, by the Oath of One or more credible Witness or Witnesses, of having removed or destroyed such Stones or Obstructions placed for the Purpose aforesaid, shall respectively be liable in the same Penalties to be incurred by such Owner or Driver in Manner as before enacted.

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

LXXXVII. And be it further enacted, That where the Lands adjacent to any of the said Roads, or any Part or Parts thereof, are not inclosed; the Proprietor or Occupier of such Lands shall not make Inclosures along the Sides of the Roads, without giving at least Two Months previous Notice to the said Trustees, which Notice may be given by a Letter either to the Clerk of the General Meeting, or of the Committees who have the Charge of that Part of the Road, adjacent to which the Inclosure is proposed to be made, and the said General Meeting or Committee are hereby required to insert a Copy of the said Letter in their Minutes; and in case such Proprietor or Occupier shall fail to give such Notice as aforesaid, he shall not be entitled to any Compensation for the Expence of the Inclosures in case the said Trustees shall at any future Time think it necessary to demolish the same for the Purpose of widening the Road.

Notice of new Inclosures to be given to the Trustees.

LXXXVIII. And be it further enacted, That the said Trustees may cause Foot Paths to be made along the Sides of the said Roads, in such Places as can conveniently admit of the same; and if any Person shall ride or drive a Carriage or Cattle upon any Paths made or to be made, or shall in anyway wantonly injure the same, every such Person shall for every such Offence forfeit a Sum not exceeding Five Shillings Sterling, to be levied in Manner herein-after directed.

Trustees may make Foot Paths.

Penalty for riding on them.

LXXXIX. And be it further enacted, That where the Ground on the Side of any of the said Roads is inclosed or planted, the Proprietors or Occupiers of such Ground shall be obliged to lop the Trees or Hedges in a proper Manner, so as to give sufficient Breadth and Air to the Road; and in case they neglect or refuse to do so for Six Months after being required by an Order of any Three or more of the Trustees, the Trustees shall have Power to appoint the same to be done at a proper Season of the Year at the Defaulter's Expence; and no Proprietor or Occupier of Lands on the Sides of any of the said Roads shall have Power to plant Trees within Six Feet therefrom, under a Penalty not exceeding Five Pounds Sterling.

Possessors to lop Trees or Hedges.

Trees not to be planted within Six Feet of the Road.

XC. And

Trustees may
erect Mile
Stones, &c.

Penalty for
defacing Mile
Stones, &c.

Xc. And be it further enacted, That the said Trustees, or any Three or more of them, may cause any of the said Roads to be measured, and Stones and Posts to be erected on the Sides thereof, denoting the Distance at each Mile, or at such other Distances as they may judge convenient; and also to order or cause to be erected Guide Posts upon such Parts of the said Roads where the Roads are crossed or joined by other Roads, as they shall judge proper; and if any Person or Persons shall break down, destroy, or deface any such Mile Stones or Guide Posts, or shall break down any Cape Stones on the Ledges or Parapet Walls on the Sides of any of the Bridges on the said Roads, or turn any Stream of Water upon any Part of the said Roads, unless a sufficient covered or arched Drain or Passage shall have been previously made as before directed, or shall be aiding or assisting therein, or shall rescue, or attempt to rescue, any Person apprehended for such Offence; every Person offending in any of the Cases aforesaid, and being thereof lawfully convicted by the Oath of One or more credible Witness or Witnesses before the Sheriff Depute of the County of *Aberdeen*, or his Substitute, or before Two or more Justices of the Peace of the said County, shall for the First Offence be not only adjudged to pay the Whole of the Damages and Expences sustained, but also a Penalty not exceeding Five Pounds Sterling, nor less than Twenty Shillings Sterling; and for a Second and every subsequent Offence shall, besides paying the Damages and Expences, pay a Penalty not exceeding Ten Pounds Sterling, nor less than Two Pounds Sterling; and in case the said Penalty, Damages, and Expences so adjudged shall not be instantly paid, or sufficient Security given for the same, the said Sheriff or Justices are hereby empowered and required to commit such Person or Persons so convicted to Prison for any Term not exceeding Three Calendar Months, nor less than One Calendar Month.

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

No Annoy-
ances to be
laid on the
Road.

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

Xci. And for preventing Annoyances in or upon the said Roads, be it further enacted, That, from and after Two Months from the Commencement of this Act, every Person in ploughing any Field contiguous to any of the said Roads, shall always make Head Ridges along the Sides of the said Roads of the Breadth of Six Feet at least; and all Gates upon Inclosures next to any of the said Roads shall open inwards to the Field; and no Person or Persons whatsoever shall lay any dead Horses or other Carrion upon any of the said Roads, or within Twenty Yards of the Sides of any of the said Roads; or any Dung, Lime, Soil, or Compost, or Matter whatsoever, either for manuring Land or for any other Purpose, upon any of the said Roads, or within Five Yards of the Side thereof, unless within a Fence; and that in making any covered or arched Passage or Drain for Water, across any of the said Roads, a safe and easy Passage along One Half of such Road shall be left, without any Obstruction, either by breaking the Road, or laying down the Materials, and such covered Drain or Passage shall be made across and completely finished on the one Half of the said Road before the other Half shall be opened; and the Whole or the open Part thereof shall, if practicable, be completed in One Day, or otherwise the Materials for executing the same shall be so well fenced off, that Passengers may suffer no Injury thereby; which Precautions and Manner of executing covered Drains as aforesaid, shall be strictly observed by all Contractors or others employed in making or repairing the said Roads; and every Person offending herein shall not only forfeit the Materials laid down, but also a Sum not exceeding
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Twenty

Twenty Shillings Sterling for every Offence, to be levied and recovered in Manner herein-after directed; One Half thereof to be paid to the Informer, and the other Half to be applied for making or repairing the said Roads; and every Contractor or other Person employed by the said Trustees for making, amending, widening, or repairing any of the said Roads, shall be expressly prohibited from digging Pits or breaking up any Ground within Twelve Feet from the Sides of the said Roads; and when that cannot conveniently be done, such Contractor or other Person employed as aforesaid shall be obliged to erect a sufficient Fence between the Side of the Road and any Pit which it may be found necessary to dig for the Purposes above-mentioned, and that under a Penalty not exceeding Five Pounds Sterling.

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

XCII. And be it enacted, That if after the passing of this Act, any Person or Persons shall haul or draw, or cause to be hauled or drawn, upon any Part of the said Roads, any Tree, Log, or Piece of Timber, or any Stone, Iron, Plough, Harrow, or other Thing whatsoever, otherwise than upon a Wheel Carriage, or shall suffer any Tree or other Matter whatsoever, which can be conveyed upon a Wheel Carriage, to drag upon any Part of the said Roads, every such Person shall for every such Offence forfeit a Sum not exceeding Ten Shillings Sterling, to be recovered and levied in Manner after directed.

Every Thing
drawn on the
Road must be
on a Wheel
Carriage.

XCIII. And be it further enacted, That after the passing of this Act, no Houses or Buildings of any Kind, which shall be erected at or along the Sides of any of the said Roads, or in Villages at or near the Outlets of any Town within the said County, where Houses have not formerly stood, shall be built within the Distance of Twenty-four Feet from the Middle of any of the said Roads, without the Consent of the Trustees first obtained, or within the Distance of Twenty-eight Feet from the Middle of the Road, within Two Miles of the Town of *Aberdeen*, under a Penalty not exceeding Forty Shillings Sterling for each Offence, over and above the Expence of demolishing such House or Building; and it shall be lawful for any One or more of the said Trustees to stop the building or erecting of any such House or Building, as he or they shall apprehend to be within the said Distance from the Middle of any of the said Roads, by an Order in Writing, under his or their Hand or Hands, until such Time as sufficient Evidence shall be brought before him or them, or before any Justice of the Peace, or Judge Ordinary of the Bounds, that such Buildings are or shall be erected beyond the Distance aforesaid; and if such Proof shall not be adduced within One Calendar Month after Notice given to stop the said Building, it shall and may be lawful for any One or more of the said Trustees to order such Building to be taken down and removed at the Expence of the Erector or of the Occupier of the Ground, and to grant a Warrant for levying the same in Manner herein-after mentioned.

Houses not to
be built within
24 Feet of the
Middle of the
Road.

Trustees may
stop such
Buildings.

XCIV. Provided always, That in case any Trustee or Trustees shall, by virtue of the Powers herein granted, wrongfully stop the building of any House or other Edifice, such Trustee or Trustees shall be personally liable to the Owner of such House or Building in the Damage and Expence thereby incurred.

Trustees stop-
ping Buildings
wrongfully,
liable in Da-
mages to the
Owner.

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

XCV. And be it further enacted, That all Forfeitures and Penalties by this Act imposed, the Manner of levying and recovering whereof is not particularly specified, shall, on Proof of the Offence before Two or more Justices of the Peace, or the Sheriff Depute of the County of *Aberdeen*, or his Substitute, either by the Confession of the Party, the Oath of One or more credible Witness or Witnesses, or other legal Evidence, be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand of such Justices or Sheriff, (which Warrant they or any of them are hereby authorized and required to grant, and to administer the Oaths *gratis*), such Sale being always made by publick Auction to the highest Offerer, at such Place as shall be directed in the said Warrant, within Six Days after such Distress shall have been made, and the Overplus Money arising from such Sale, after Deduction of the Penalties imposed and Charges in Recovery thereof, shall be returned on Demand to the Owner or Owners of such Goods and Chattels; and all Penalties and Forfeitures imposed by this Act, if not otherwise hereby appropriated, shall be paid to the said Trustees or their Collectors, to be laid out and applied for the Purposes of this Act; and in case sufficient Distress cannot be found, or such Penalties and Forfeitures shall not be forthwith paid, or sufficient Security given for Payment, it shall be lawful for any Two of the said Justices of the Peace, or the said Sheriff Depute or his Substitute, together with any One Justice of the Peace, and they are hereby authorized and required by Warrant under their Hands, to cause such Offender or Offenders to be committed to Gaol, or to a House of Correction, for any Time not exceeding Three Calendar Months, unless such Penalties and Forfeitures, and all reasonable Charges shall be sooner paid.

Recovery, and Application of Penalties.

If Penalties are not paid, Offenders may be committed to Prison.

Persons aggrieved may apply to the Quarter Sessions for Relief.

XCVI. Provided always, and be it further enacted, That any Person who shall think himself or herself aggrieved by any Proceedings to be had in the Execution of this Act, for which no particular Relief has been hereby provided, may, within Six Months after the Matter complained of shall be done, but not afterwards, appeal to the Justices of the Peace at the Quarter Sessions for the County of *Aberdeen*, the Appellant giving Fifteen Days previous Notice of such Appeal to the Defender or Defenders, and to the Clerk of the said Trustees, and to the Clerk of the Justices of the Peace, which Justices shall have Authority to hear and determine the Matters in Dispute, and their Judgement therein shall be final.

Bonds for borrowed Money to be transferable.

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

In case of sudden Damage to a Bridge, Two Trustees may order Repairs not exceeding 20 l.

XCVIII. And be it further enacted, That in case of any sudden Damage to a Bridge, it shall be in the Power of any Two Trustees of the District in which it is situated, or if it be situated on the Confines of Two Districts, to any Two Trustees of either District, to give Orders for making such immediate Repairs as may be necessary, the Expence of the same not exceeding Twenty Pounds Sterling; and the Money so expended shall be provided

provided for and paid by Order of the next Meeting of Trustees within such District or Districts, or on their Failure or Neglect, by Order of the next stated General Meeting of the Trustees, out of the Funds of such Parishes as they shall think proper, on an Application for that Purpose, and on a Proof of the Necessity of the Order, and that the Money was expended; and in case any of the said Roads shall be shut up, and publick Communication obstructed by Means of Snow, it shall in like Manner be in the Power of any Two of the said Trustees to cause the said Roads to be cleared, the Expence of the same, not exceeding Ten Pounds Sterling, to be provided for and paid in Manner as herein-before allowed.

XCIX. And be it enacted, That it shall be no Objection to any Person acting as a Judge or Justice of the Peace under this Act, in any Thing relative hereto, that he is appointed a Trustee, except where he is personally interested. Trustees may act as Justices.

C. And be it further enacted, That all Actions and Complaints for all and every the Penalties and Forfeitures imposed by this Act, or for any Wrongs done or Injuries suffered in any Matter thereto relative, or in consequence of any of the Powers by this Act given and granted, shall be commenced within the Space of Six Calendar Months after the Penalty or Forfeiture is incurred, or Wrong done or Injury suffered, and not afterwards. Limitation of Actions.

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

CII. And be it enacted, That the Expence of procuring and passing this Act, to be ascertained at the First, Second, or Third General Meeting of the said Trustees, shall be paid as follows, *videlicet*; Two-Third Parts thereof from all Proprietors of Lands and Fishings, valued in the Cess Books of the County of *Aberdeen*, agreeable to the respective valued Rents at which the said Lands and Fishings stand rated in the Cess and Valuation Books of the said County; and the remaining One-Third Part thereof shall be defrayed by an Assessment in the following Proportions; *videlicet*, One-Eleventh Part of the said One-Third Part of the said Expence from all Heritors of Lands, Houses, and Fishings, situated within the Freedom and Liberties and Burgh of *Aberdeen*, according to the real Rent at which the said Lands, Houses, and Fishings stand rated in the Tax Roll of the Burgh, by which the Cess payable therefrom is levied and collected; One-Fourth Part of the Balance of the said Expence from all Proprietors of Lands valued in the Cess Books of the County of *Aberdeen*, and those Parts of the County of *Banff* comprehended in this Act, agreeable to the respective valued Rents at which the said Lands stand rated in the Cess and Valuation Books of the said Counties; and the remaining Three-Fourths of the Balance of the said Expence from the Produce of the First Year's Assessment; to be levied under the Authority of this Act from the Proprietors of Lands valued in the Cess Books of the County of *Aberdeen*, and those Parts of the County of *Banff* herein comprehended; Expences of this Act how to be paid.
and

and the said Expences shall be levied and collected by such Persons as the said respective Trustees shall appoint.

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

**Commence-
ment and En-
durance of
this Act, with
respect to the
Turnpike
Roads.** CIV. And be it also enacted, That this Act, in as far as respects the Roads upon which Power to erect Turnpikes and levy Tolls is given, shall commence and take place upon the First *Thursday* of *June* One thousand eight hundred, and shall remain in Force, and have Continuance for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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