



ANNO DECIMO

GEORGII IV. REGIS.

Cap. xliii.

An Act for erecting a Bridge over the River *Dee*, at the *Craiglug*, in the Parish of *Old Machar* in the County of *Aberdeen*, and of *Nigg* in the County of *Kincardine*; and for making a Road from *Cairnrobin*, by the said Bridge, toward the City of *Aberdeen*. [14th May 1829.]

WHEREAS the Communication between the Eastern or lower Part of the Parish of *Nigg* in the County of *Kincardine* and the City of *Aberdeen*, on the opposite Side of the River *Dee*, is at present difficult and precarious, inasmuch as there is no Bridge except at a considerable Distance up the River; and it would be not only highly beneficial to the Proprietors and Occupiers of Lands in the said Parish of *Nigg*, but also a great and general public Accommodation, to have a Bridge constructed across the said River at or near the Point therein called the *Craiglug*, and a Road formed from a Point in the Turnpike Road leading from *Stonehaven* to *Aberdeen*, near the Southern Boundary of the Lands of *Cairnrobin*, situate in the Parish of *Banchory Devenick* in the County of *Kincardine* aforesaid, to such Bridge, and from thence toward the City of *Aberdeen*: 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 the present Parliament assembled, and by Authority of the same, That every Person who now is or hereafter shall be, in his own Right or in the Right of his

Qualification of Trustees.

[Local.]

12 P

Wife,

Wife, in the actual Possession or Enjoyment, as Proprietor or Life Renter, of the *Dominium utile* of Lands in the said Parish of *Nigg* in the County of *Kincardine*, valued in the Cess Books of that County at or above One hundred Pounds *Scots*, and the eldest Son of such Persons being of Age at the Time, and the apparent Heirs of such Property, and also all and every Person or Persons who has or have already subscribed or may hereafter subscribe and pay Money toward the Erection of the Bridge over the River *Dee* and forming the Road hereby authorized, to the Extent of One hundred Pounds Sterling or upwards, and the Heirs, Assignees, or other Persons acquiring Right to not less than One hundred Pounds Sterling of the Money so subscribed and paid, or in the Absence of any of such Person or Persons respectively, the Factor or Factors appointed by them, or the Manager of their several Landed Estates at the Time, or any other Person empowered to act on his or their Behalf, and also One Manager, Factor, Box Master, or other Office Bearer for the Time being of each Corporation or Associated Body who have subscribed or may hereafter subscribe and pay Money for the Purposes aforesaid, to the Extent aforesaid, shall be and they are hereby declared to be Trustees for building and maintaining a Bridge across the River *Dee*, at the *Craiglug*, from the Parish of *Old Machar* in the County of *Aberdeen* to the Parish of *Nigg* in the County of *Kincardine*, and making and maintaining a Road from a Point in the Turnpike Road leading from *Stonehaven* to *Aberdeen*, near the Southern Boundary of the Lands of *Cairnrobin*, in the Parish of *Banchory Devenick* in the County of *Kincardine*, to such Bridge, and from thence toward the City of *Aberdeen*, and for otherwise putting this Act and all the Powers and Authorities hereby given and granted into execution.

First and
other Meet-
ings of Trus-
tees.

II. And be it further enacted, That the said Trustees shall meet within the Court House of the said City of *Aberdeen* on the Fourteenth Day after the passing of this Act, at Two o'Clock in the Afternoon, or as soon thereafter as conveniently may be, for the Purpose of carrying this Act into execution, and shall again meet at the same Place and Hour on the first *Thursday* of the Month immediately following, and thereafter they shall meet on the Nineteenth Day of *June* and on the Nineteenth Day of *December* in each Year, or in case of any of these Days being on a *Sunday*, then on the Day immediately following, within the Court House of the said City of *Aberdeen*, at Two o'Clock in the Afternoon on each of the said Days, or at such other Time and Place within the said City of *Aberdeen*, as the said Trustees shall from Time to Time appoint; and if the Number of Trustees present at such First or any subsequent Meeting shall not be sufficient to proceed in the Execution of this Act, the Trustees present shall have Power to adjourn to such Time and Place, within the said City of *Aberdeen*, as they shall think fit, and also to appoint intermediate Meetings, and at all such adjourned or intermediate Meetings again to adjourn so often as may appear necessary; and a Majority of the Trustees assembled at any of such Meetings, the Number present being not less than Three, shall have full Power and Authority to carry this Act, and all the Powers and Authority hereby given and granted, into execu-

execution, and to do, order, and perform all such Acts, Matters, and Things as the several Persons who are hereby declared to be Trustees are authorized to do, order, or perform; and all Acts, Matters, and Things done, ordered, and performed by a Majority of any Three or more of such Trustees at any Meeting shall be as good, valid, and effectual as if the same were done, ordered, and performed by the whole of the said Trustees; and at all such Meetings of the said Trustees they shall have Power to choose One of their Number to be Preses of such Meeting, who, in case of an Equality of Votes on any Question under Consideration, shall, besides his own deliberate Vote, have a decisive or casting Vote; and moreover, that the Clerk to be appointed by the said Trustees under the Authority of this Act shall, on the Requisition of any Two of the said Trustees, call a Special Meeting of the said Trustees on any Day or Days to be named by such Two Trustees, provided that at least Six Days previous thereto an Advertisement shall be inserted in One of the Newspapers published in *Aberdeen* at the Time, notifying that such Meeting is to be held at the Time and Place fixed for that Purpose; and such Special Meeting shall have Power of Adjournment, and also all the other Powers competent to the said Trustees: Provided always, that no Order, Contract, or Agreement made by the said Trustees at any of their Meetings shall be revoked or altered at any subsequent Meeting, unless Notice of an Intention to propose such Revocation or Alteration shall have been given at a previous Meeting, and entered in the Book or Books hereinafter directed to be kept for entering the Acts and Orders of the said Trustees, or at some Meeting to be holden for that special Purpose, and to be called by the Clerk of the said Trustees, by Advertisement to be published in Manner before directed, notifying that a Revocation of or Alteration in such Order, Contract, or Agreement is to be proposed, and specifying the Time and Place for holding such Meeting, nor unless a greater Number of Trustees shall be present at such Meeting, called for the Purpose of considering the Propriety of revoking or altering such Order, Contract, or Agreement, than were present when the same was made, any thing herein contained to the contrary notwithstanding; and at all their Meetings the Trustees shall pay their own Expences.

Quorum of Trustees.

Special Meetings may be called.

Orders not to be altered without Notice.

III. And be it enacted, That if any Person or Persons entitled to act as a Trustee under this Act shall have or accept of any Place of Profit, or shall be a Tacksman of the Tolls by this Act authorized to be taken, or shall be concerned or interested in any Contract or Contracts under this Act, or hold any Place of Profit or Emolument under the same, such Person or Persons shall be incapable of acting as a Trustee or Trustees from the Time of accepting and during the Time of holding such Place of Profit as aforesaid.

Trustees accepting Place of Profit disqualified.

IV. Provided always, and be it further enacted, That any Subscriber of Money for the Purposes of this Act, or the Assignee of any such Subscriber, or any Person receiving Interest out of the Tolls or Pontage hereby authorized, for or in respect of any Money subscribed, shall not on that Account alone be deemed disqualified to act as a Trustee in the Execution of this Act.

Subscribers not disqualified.

V. And

Unqualified
or disquali-
fied Persons
acting as
Trustees to
forfeit 10*l*.

V. And be it enacted, That no Person shall be capable of acting or voting as a Trustee in the Execution of this Act unless he shall be qualified in one or other of the Manners hereinbefore declared; and if any Person not entitled or qualified as aforesaid, or being disqualified by reason of any of the Causes aforesaid, shall nevertheless presume to act or vote as a Trustee under this Act, every such Person shall for every such Offence forfeit and pay the Sum of Ten Pounds, over and above the Expence of Prosecution, to be recovered by any Trustee duly qualified, before the Justices of the Peace at their Quarter Sessions, or before the Sheriff Depute or Substitute of the County in which the Offender may reside; and the Money recovered shall be paid to the said Trustees or their Clerk or Treasurer, and be applied towards the Purposes of this Act: Provided nevertheless, that no Act or Proceeding touching the Execution of this Act which shall be done or performed by such unqualified or disqualified Person previously to his being convicted of the Offence before mentioned, shall be thereby impeached or rendered nugatory; but all such Proceedings shall be as valid and effectual as if such Person had been duly qualified, save and except in so far as the same may be beneficial or advantageous to the Person so offending.

Power to ap-
point Clerks,
Treasurer,
and other
Officers.

VI. And be it enacted, That the said Trustees, assembled at any Meeting to be holden under the Authority of this Act, shall and may and they are hereby empowered to choose and appoint fit Persons to be their Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors of the Tolls and Duties granted and made payable by this Act, and such other Officer or Officers as they shall think fit, and from Time to Time to remove such Clerks, Treasurers, Receivers, or Collectors, or any of them, and to appoint others in case of the Death, Removal, or Resignation of any of them, and to fix the Salaries or Allowances to be paid to the several Clerks, Treasurers, Receivers, Collectors, or other Officers respectively; and the said Trustees shall also have Power to name Committees of their own Number, from Time to Time, for the Purpose of carrying any of the Purposes of this Act into execution; subject nevertheless to the Superintendence and Controul of the General Meetings.

Trustees to
take Secu-
rity from
Treasurer or
other Offi-
cers, or be
individually
responsible.

VII. And be it further enacted, That the said Trustees shall be and they are hereby required to take such Security from the Treasurer or Treasurers, Collector or Collectors to be appointed for the Purposes of this Act, for the due Execution of their Offices, and for their faithfully accounting for all the Monies received by them in virtue of their said Offices, as to the said Trustees shall seem meet; or, failing to take any Security, the Trustees making such Appointment shall be individually responsible for the Default of the Persons by them so appointed.

Treasurer
and Clerk
not to be the
same Person.

VIII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to appoint the Person who may be appointed to act as Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk of or other Person in the Service or Employ of any such Clerk, or the Clerk of or other Person in the

Service or Employ of his Partner, the Treasurer for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer, or the Clerk of or other Person in the Service or Employ of his Partner, the Clerk to the said Trustees; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk, or the Clerk of or other Person, in the Service or Employ of such Clerk, or the Clerk of or other Person in the Service or Employ of his Partner, shall act as Treasurer, or shall act as Deputy of such Treasurer, or shall in any Manner officiate for such Treasurer, or being the Partner of any such Treasurer, or the Clerk of or other Person in the Service or Employ of such Treasurer, or the Clerk of or other Person in the Service or Employ of the Partner of such Treasurer, shall act as Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or shall in any Manner officiate for such Clerk, or if any Treasurer shall hold any Place of Profit or Trust under the said Trustees other than that of Treasurer, every Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered, together with full Costs of Suit, in any Court of competent Jurisdiction in *Scotland*.

IX. And be it further enacted, That the said Trustees may sue and be sued, for any Matter or Thing done in the Execution of this Act, in the Name of their Clerk for the Time being; and no Action or Suit wherein the said Trustees shall be concerned as Pursuers or Defenders in the Name of their Clerk shall abate by the Death or Removal of any such Clerk, but the Clerk 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: Provided always, that such Clerk shall always be reimbursed and paid such Expences as he may bear, pay, or be put unto by so being made Pursuer or Defender as aforesaid.

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

X. And be it further enacted, That the said Clerk shall make in a proper Book or Books a fair and regular Entry of all the Acts and Orders of the said Trustees, and of their other Proceedings in the Execution of this Act, and of the Names of all such Trustees as shall be present at their several Meetings; and all Minutes or Entries thereof, being signed by the Preses of the respective Meetings, shall be deemed Originals, and shall be allowed to be given in Evidence in all Questions touching or concerning any thing done in pursuance of this Act; and such Book or Books shall be open at all Times to the Inspection of all and every the Trustees under this Act, or other Persons interested, who shall also be entitled to Copies of such Parts thereof as they may respectively require, paying for every Copy not exceeding One hundred Words the Sum of Sixpence, and for every following Hundred Words at the same Rate.

Clerk to enter Proceedings in a Book, which shall be open to Inspection.

XI. And be it further enacted, That it shall be lawful to and for the said Trustees, or any Committee of their Number to be appointed by
[Local.]

Trustees to erect the Bridge and the

make the
Road.

the Trustees at a General Meeting for that Purpose, and their Servants, Assistants, and Workmen, or Persons with whom they may Contract for Performance of the Work, and they are hereby authorized and empowered, to design, erect, and build, and cause to be designed, erected, and built, a Bridge of Iron, resting on Abutments of Stone Work, on the Principle of Suspension, over the said River *Dee*, at or near to the Point in the said River called the *Craiglug* aforesaid; and to dig and make proper Foundations and Embankments therein, and on the Lands and Ground adjoining, for said Abutments, and to cut and remove all Trees, Gravel, Sand, Stones, and Mud, or other Impediments in the Way thereof, and to build, or cause to be built, erected, and formed, such Abutments, with all Ramparts, Wings, Walls, Embankments, and other Works necessary for the said Bridge and Accesses thereto, and also Toll Houses and Gates for the Purposes after mentioned; and also to survey, order, make, or form, and from Time to Time to repair and widen (such widening being done with the Consent of the Owners and Occupiers of the Lands which shall be affected by such widening), a Road from a Point in the Turnpike Road leading from *Stonehaven* to *Aberdeen* at or near the Southern Boundary of the Lands of *Cairnrobin*, belonging to *John Menzies* Esquire, of *Pitfodels*, situate in the Parish of *Banchory Devenick* and County of *Kincardine*, through the said Parish of *Banchory Devenick* and of *Nigg*, to such Bridge, and from thence through the said Parish of *Old Machar* toward the Town or City of *Aberdeen*, with such Embankments, Ramparts, Arches, or other Works as may be necessary or proper, and to take and occupy for the above Purposes such Part of the adjacent Banks of the said River as may be necessary, and also all such Portions of the Lands through or along which the said Road shall pass as may be necessary therefore; and by themselves or their Treasurer or Clerk to make and enter into such Contracts as they shall think proper for carrying into execution all or any of the Purposes aforesaid; and all such Contracts and Agreements shall be binding upon the said Trustees, and upon all such Parties or Persons as shall sign and enter into the same, his, her, or their Heirs, Executors, or Administrators.

Plan, Map,
Section, and
Book of
Reference to
remain with
Clerks of the
Peace.

XII. And whereas a Plan and Section of the said intended Bridge, and a Map or Plan describing the Line of the said intended Road, together with a Book of Reference containing the Names of the Owners or reputed Owners and Occupiers of all the Lands, Tenements, and Heritages through or over which the said Bridge and Road are intended to be erected, and made, and carried, have been deposited with the respective Clerks of the Peace of the said Counties of *Aberdeen* and *Kincardine*; be it enacted, That the said several Documents so deposited shall remain in the Custody of the said respective Clerks of the Peace, to the end that all Persons, being Owners or reputed Owners or Occupiers of any such Lands, Tenements, or Heritages, may at all reasonable Times have Liberty to inspect and peruse the same, and take Copies or Extracts thereof at their Will and Pleasure, paying the Clerk of the Peace for the Time being of the County from whom the same shall be required the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts; and in

case such Clerk shall not permit such Person or Persons to inspect and peruse the same, or take Copies or Extracts thereof, in Manner and on the Terms aforesaid, such Clerk shall for every such Offence forfeit and pay any Sum of Money not exceeding Five Pounds, to be recovered, levied, and applied in the same Manner as other Penalties are hereby directed to be recovered, levied, and applied.

XIII. And be it enacted, That it shall not be lawful for the said Trustees, in the Execution of the Power and Authority hereby given, to deviate from the Site laid down on the said Map or Plan, or from the Line thereon delineated for the said Road, to any greater Extent than Twenty Yards; and that nothing herein contained shall authorize or empower the said Trustees, or those employed by them as aforesaid, to take down any Dwelling House or Buildings the Side Walls whereof are above Twenty Feet high from the Surface of the adjoining Ground, or to take in any Garden, Orchard, or planted Walk, Lawn, Park, Yard, Park adjoining to a Dwelling House of that Height, or Avenue leading thereto, or any Ground planted and set apart as a Nursery for Trees previous to the public Notices given of the Intention of applying for this Act, beyond the Line of said Road as laid down on said Plan, without the Consent in Writing of the Owner thereof.

Trustees not to deviate more than Twenty Yards, from Plan; nor take down Dwelling Houses, or take Garden, &c. without Consent.

XIV. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Trustees to erect the said Bridge, and make the said Road, and execute the other Works hereby authorized, upon, through, across, or over the several Lands, Tenements, or Heritages, or any of them, set out and described in the said Map or Plan, although the Name or Names of such Person or Persons who is or are or may be the Owner or Owners, or reputed Owner or Owners or Occupiers thereof, may happen to be omitted in the said Book of Reference, in case it shall appear to the Sheriff Depute, or the Substitutes of such Sheriff Depute, or any Two or more Justices of the Peace of the County in which such Lands, Tenements, and Heritages are situated, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

Trustees may make the Road through any Lands described in the Plan, though the Names of the Owners be omitted in the Book of Reference.

XV. Provided always, and be it enacted, That the Powers and Authorities hereby given shall not be put in force until such Time as the Sum of Six thousand one hundred Pounds, being the whole of the probable Expence of the Works hereby authorized, shall have been subscribed by Persons, under Contract, binding themselves, their Heirs, Executors, and Administrators respectively, for Payment of the Money so by them respectively subscribed.

Power not to be put in force till the Sum of 6100^l. is subscribed.

XVI. And be it enacted, That all and every Person or Persons who have already subscribed or who shall hereafter subscribe any Sum or Sums of Money towards carrying any of the Works hereby authorized into execution, shall and they are hereby required to pay the Sums so by them respectively subscribed to the Person or Persons authorized by the said Trustees to receive the same; and if any Person who has subscribed or shall hereafter subscribe any Sum of Money towards carrying any of the Works hereby authorized into execution,

Subscribers to pay Subscriptions.

execution, shall, after Ten Days Notice given by any Person authorized by the said Trustees to receive and recover the Subscription Money or any Part thereof, neglect or refuse to pay the Sum by him or her subscribed, or such Part thereof as shall be called for at the Time, it shall be lawful for the Person so authorized, and he is hereby required, to sue for and recover the said Subscription Money, or such Part thereof as may have been called for and not made Payment of, in any Court competent in *Scotland*; and such Court shall be entitled to pronounce Judgment or Decree, and compel Payment, not only of the Amount so left unpaid, but also of the legal Interest thereof from the Day appointed for the Payment thereof, with full Costs of Suit.

Trustees
may purchase or take
in feu
Ground adjoining, not
exceeding
One Eighth
of an Acre.

XVII. And be it enacted, That it shall and may be lawful for the said Trustees to purchase or take in Feu or Lease such Pieces of Ground at each End and adjacent to the said Bridge, and not exceeding One Eighth Part of an Acre each in Extent, as a Site for a Toll House or Toll Houses and Weighing Engine, and for Depositories whereon the Mud or Rubbish that may be raked off the Bridge, and the Stones or other Materials for building or repairing the same, may be deposited; and in case the said Trustees or their Surveyor cannot agree with the Owners or Occupiers as to the Price, Feu Duty, Rent, or Damages to be paid for the same, such Price, Feu Duty, Rent, or Damages shall be settled and determined by the Sheriff Depute of the County wherein such Pieces of Ground are situate.

Trustees
may purchase Lands.

XVIII. And be it further enacted, That the said Trustees shall be and they are hereby authorized and empowered to purchase, and all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Heirs of Entail, Husbands, Trustees, Tutors and Curators, and all and every Person or Persons whatsoever under any legal Disability or Incapacity, are hereby empowered, authorized, and required to sell, all such Lands, Tenements, and Heritages as may be wanted or required for the Purposes of this Act, as the several Proprietors thereof shall not yield or give up without Payment or Compensation; and upon Payment, Consignation, or Satisfaction of the Sums agreed upon for such Sale or Sales, or awarded in Manner herein provided, shall convey the same to the said Trustees, for the Purposes of this Act: Provided always, that it shall be in the Power of all Proprietors of such Lands, Tenements, and Heritages, Husbands, Trustees, Tutors and Curators, and all and every other Person or Persons under any Disability or Incapacity as aforesaid, to give up and renounce all or every Claim or Claims of Damage or Compensation competent to them, when the same shall not Amount in Value to the Sum of Twenty-five Pounds Sterling; and such Renunciation shall be binding on the Heirs and Successors of such Proprietors and others.

In case of
Disagreement as to
Price,
or Absence,
or Refusal

XIX. And be it further enacted, That in case the said Trustees, and the Proprietor or Proprietors, Occupier or Occupiers, cannot agree as to the Amount of the Price to be paid for the Lands, Grounds, Houses, Buildings, and Fences, to be taken for the Purposes of this Act, or for the Damage done to the same respectively, or in case the
Claim

Claim of Damages shall not have been renounced or passed from, or in case such Proprietor or Proprietors or Occupier or Occupiers shall be absent, or shall refuse or delay, after Twenty Days previous Notice, to enter into an Agreement with the said Trustees for the Sale of such Ground, or Compensation for such Damage, it shall and may be lawful for the said Trustees to apply by summary Petition to the Sheriff Depute of the County in which the same is situate, or his Substitute, who shall direct the said Petition to be served upon the said Proprietor or Proprietors, Occupier or Occupiers, or his or their Agent or Commissioner, in case of his or their Absence; and thereafter the said Sheriff Depute or his Substitute shall order and direct a Jury of Seven Persons to be summoned and chosen in the Manner in which Juries are summoned and chosen by Sheriffs in *Scotland*, and to cite and require the Attendance of all such Persons as either Party shall require to give Evidence; which Jury upon their Oaths (which Oaths, as well as the Oaths to such Person or Persons as shall be called upon to give Evidence, the said Sheriff Depute or his Substitute is hereby required and authorized to administer,) shall enquire into and ascertain the Sum or Sums of Money to be paid by the said Trustees for the Lands, Grounds, Houses, Buildings, or Fences which may be so taken, or for the Damage done thereto; and after a Verdict is pronounced by the said Jury, the said Sheriff Depute or his Substitute shall decern and adjudge the Sum or Sums of Money thereby awarded to be paid by the said Trustees to the Person or Persons having Right thereto; which Verdict, and Judgment following thereupon, shall be binding and conclusive to all Intents and Purposes, and shall not be subject or liable to Review by Advocation, Suspension, Reduction, or otherwise, any Law or Statute to the contrary notwithstanding; and in estimating the Sum or Sums so to be paid the said Jury shall have Power to take into consideration all the Circumstances, particularly the Advantages and Disadvantages which in their Judgment may arise to such Proprietor or Proprietors, Occupier or Occupiers, and other Persons, by the Operation of this Act.

of Owners to agree, a Jury to be summoned.

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

Penalty on Jurymen and Witnesses not attending.

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

Expences of taking Inquisition.

[Local.]

12 R

within

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

Application
of Com-
pensation
Money if the
same shall
amount to
200^l.

XXII. And be it further enacted, That if any Money which shall be agreed or awarded to be paid for any Lands, Tenements, or Heritages purchased, taken, or used by virtue of the Powers of this Act for the Purposes thereof, which are held under Entail, or are subject to Life Rents, Annuities, or other Incumbrances, or shall belong to any Corporation, Married Woman, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, such Money shall, in case the same shall amount to Two hundred Pounds Sterling, under the Direction and by the Authority of the Court of Session, be with all convenient Speed paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of the *British Linen Company*; to the Intent that such Monies shall be applied, under the Direction, and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Heritages, in the Redemption or Purchase of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrance or Part thereof as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Heritages, standing settled therewith, to the same or the like Intents, Uses, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Te-
nements,

nements, or Heritages, 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 Lands, Tenements, and Heritages which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing or undetermined and capable of taking effect; and in the meantime and until such Purchase shall be made the Interest or annual Produce of such Money shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Heritages so hereby directed to be purchased, in case such Purchase or Settlement were made.

XXIII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Heritages purchased, taken, or used for the Purposes aforesaid, belonging to any Incorporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds Sterling, and not less than the Sum of Twenty Pounds Sterling, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or other Heritages so purchased, taken, or used, or of his, her, or their Tutors or Curators, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, under the like Direction and Authority, be paid into either of the said Banks, and be placed to his, her, or their Account as aforesaid, in order to be applied in Manner hereinbefore directed, or otherwise the same shall be paid, at the like Option, to Three Trustees, to be nominated by the Person or Persons making such Option, and approved of by Two or more of the said Trustees, such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties, in order that such Principal Money, and the Interest arising therefrom, may be applied in any Manner hereinbefore directed, so far as the Case may be applicable.

If the same shall be under 200*l.* and not under 20*l.*

XXIV. Provided also, and be it further enacted, That when such Money so agreed or awarded to be paid as last before mentioned shall be less than Twenty Pounds Sterling, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Heritages so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Trustees or any Two or more of them shall think fit, or in Case of Infancy or Lunacy, then to his, her, or their Tutors or Curators, if any, to and for the Use and Benefit of such Person or Persons so entitled respectively.

If the same shall be less than 20*l.*

XXV. And be it further enacted, That in case any Person or Persons to whom any Sum or Sums of Money shall have been agreed to be paid for the Purchase of any Lands, Tenements, or Heritages to be purchased by virtue of this Act, or awarded in Manner aforesaid, shall refuse to accept the same, or shall not be able

Purchase Money may be paid into a Bank in certain Cases.

to

to make a good Title to the Premises to the Satisfaction of the said Trustees, or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Heritages be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Trustees, or any Two or more of them, to order the said Sum or Sums of Money so agreed to be paid, or awarded as aforesaid, to be paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of the *British* Linen Company, in the Name or Names and to the Credit of the Person or Persons to whom the same shall have been agreed to be paid or awarded, if the Name or Names of such Person or Persons shall be known, or if the Name or Names of such Person or Persons shall not be known, then to the Credit of the Person or Persons interested in the Lands, Tenements, or Heritages, (describing them,) there to remain, at the Peril of the Person or Persons entitled to the same, at such Rate of Interest as the Bank into which the same shall have been paid may allow, subject nevertheless to the Order, Controul, and Disposition of the Court of Session; and the Cashier or Cashiers of the Bank into which the same shall be paid is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money to the Person or Persons paying the same, mentioning and specifying for what Purpose and for whose Use the same is or are received; and the said Court of Session shall be and is hereby empowered, on the Application by Petition of any Person or Persons who shall make and establish claim to such Sum or Sums of Money, or any Part thereof, in a summary Way of proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title, or Interests of the Person or Persons making claim thereto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and after such Payment it shall and may be lawful for the said Trustees to enter into or upon such Lands and Grounds, and to take down such Houses, Buildings, or Fences, for the Purposes of this Act, as fully and effectually ever after, to all Intents and Purposes, as if the Owner or Owners, Occupier or Occupiers thereof, had executed regular Dispositions of the same, and Infeftments had followed thereupon, and no Stop shall in the meantime be put to the Operations of the said Trustees, on Pretence of settling the said Damages, or that the same have not been satisfied and paid; and in case any Warrant shall have been obtained from any Judge competent for stopping the Execution of any of the Operations hereby authorized, the said Judge, upon a Representation from the said Trustees, is hereby directed immediately to recall such Warrant, and remove any Sist that may have been obtained as aforesaid.

After Payment, Trustees may enter upon the Lands, &c.

In case of questionable Titles, to Money.

XXVI. And be it further enacted, That where any Question shall arise touching the Title of any Person or Persons to any Money hereby directed to be paid into the said Banks as the Consideration Money for the Purchase of any Lands, Tenements, or Heritages required for the Purposes of this Act, or of any Estate, Right, or Interest in the

same, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Heritages at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, and Heritages, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Session; and such Money and the Interest thereof shall be paid, applied, and disposed of for the Benefit of such Person or Persons, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Heritages, or to some Estate or Interest therein.

XXVII. Provided always, and be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Heritages to be purchased under the Authority of this Act, the Purchase Money for which shall be required to be paid into the said Banks, and to be applied in the Purchase of other Lands, Tenements, or Heritages, to be settled to the like Uses, it shall be lawful for the said Court to order the Expences of the Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees, who shall from Time to Time pay for such Purposes such Sums of Money as the said Court shall direct.

Court may order reasonable Expences of Purchases.

XXVIII. And whereas by reason of the Exercise of the Powers granted by this Act, there may be Deficiencies in the Assessments for Land Tax in the several and respective Parishes in which the said Bridge shall be situate; be it therefore enacted, That the said Trustees shall, from and after that they shall have become seised and possessed, by virtue of the Powers of this Act, for the Purposes of the said Bridge, of any Premises charged with the Land Tax, and until the Works hereby authorized to be made shall be completed and assessed to such Land Tax (unless the said Trustees shall think fit to redeem the same under the Powers of the several Acts for the Redemption of the Land Tax), be subject and liable from Time to Time to pay and make good to or in aid of the said several Parishes, out of the Monies to arise by virtue of this Act, all such Sum and Sums of Money as shall be deficient in the said several Assessments for Land Tax within the said several Parishes respectively, by reason or means of taking down or using, or cutting through, over, or upon, for the Purposes of the said Bridge, any Premises liable to such Assessments, according to the Rental at which the same were valued or rated at the Time of the passing of this Act; and the Treasurer, Collector, or Receiver of the said Trustees shall be and is hereby authorized and required to pay all such Assessments, on Demand thereof, to the Collectors of the said Assessment respectively.

Deficiencies in Land Tax to be made good by the Company.

XXIX. And be it enacted, That it shall be lawful for the said Trustees to erect a Toll Bar or Toll Bars, with Toll Houses and Accommodation for a Toll Keeper or Collector of Tolls, on or near

Toll Bars and Toll Houses to be erected.

[*Local.*]

12 S

the

the said Bridge to be built by virtue of this Act, and as soon as the said Bridge shall be opened for the Accommodation of Passengers, to demand and take or cause to be demanded and taken, as or for Tolls or Pontage, before any Passage over the said Bridge shall be permitted, the following Sums; (that is to say,)

Tolls.

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

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

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

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

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

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

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

For every Passenger passing the said Bridge on Foot, and for each Person passing in any Waggon or Cart, except the Driver, the Sum of One Halfpenny Sterling.

Weighing Engines may be erected, and additional Tolls taken.

XXX. And be it enacted, That the said Trustees, at a General Stated Meeting assembled, shall, if they think fit, cause Weighing Engines to be erected upon such Parts of the said Road or Bridge as they shall think fit, for weighing all Carriages that shall pass along the said Road or across the said Bridge, and cause all such Carriages to be stopped and weighed, and receive and take, over and above the Tolls hereinbefore authorized, the several Sums of Money hereafter mentioned, before such Carriages, being Overweight, shall be allowed to pass any Gate or Turnpike erected on the said Road or Bridge :

For every Hundred Weight (of One hundred and twelve Pounds 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 every such Waggon, Cart, or Carriage is hereafter expressed to be allowed to weigh, without being liable to additional Toll; (that is to say,)

Additional Tolls for Overweight.

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

For every Hundred of such Overweight above Two and not exceeding Five, the Sum of Sixpence Sterling :

For

For every Hundred of such Overweight above Five and not exceeding Ten Hundred, the Sum of Two Shillings Sterling:

And for every Hundred of such Overweight above One Thousand 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:

Provided always, that every Carriage having the Fellies of the Wheels of the Breadth of Sixteen Inches shall be allowed to weigh Seven Tons; and every such Carriage having the Fellies of the Wheels of the Breadth of Nine Inches, Five Tons; and every such Carriage having the Fellies of the Wheels of the Breadth of Six Inches, Two Tons Five Hundred Weight; and every such Carriage having the Fellies of the Wheels of the Breadth of less than Six Inches, One Ton Five Hundred Weight, shall be allowed to pass without paying the additional Tolls hereby authorized: Provided always, that the Wheels of such Carriages shall be so formed that the whole Breadth of the Fellies shall bear on the Road: Which respective Duties or Tolls aforesaid in Name of Pontage, or such other Duties not exceeding the aforesaid Rates as the said Trustees shall direct, shall be payable each and every Time the said Bridge shall be passed: Provided always, that Horses and other Beasts drawing Carts or other Carriages in respect of which Tolls shall have been paid in passing shall be allowed to return Once with the same Carts or other Carriages before Twelve o'Clock at Night for each such Payment.

XXXI. Provided always, and be it enacted and declared, That no Toll shall be demanded or taken for or in respect of any Horses or Carriages attending His Majesty or any of the Royal Family, or returning therefrom; or for or in respect of any Horses or other Cattle drawing any Waggon, Wain, Cart, or other Carriages which shall be employed in conveying any Ordnance, Barrack, or Commissariat or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, or for the Waggon, Wain, Cart, or other Carriages conveying the same; or for or in respect of any Horses belonging to Officers or Soldiers upon their March or upon Duty, or for any Horses, Cattle, or Carriages employed in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or conveying any wounded or disabled Officers or Soldiers; or for any Horses or Carriages of whatever Description employed or to be employed in carrying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in carrying, fetching, or guarding such Mails or Expresses, or in returning from conveying the same, except in so far as such Horses or Carriages are specially made liable to the Payment of Tolls by virtue of an Act made in the Fifty-third Year of His late Majesty, intituled *An Act to repeal the Exemption from Toll granted for or in respect of Carriages with more than Two Wheels carrying the Mail in Scotland, and for granting a Rate of Postage as an Indemnity for the Loss which may arise to the Revenue of the Post Office from the Payment of such Tolls*; or for any Horses furnished by or for any Person belonging

Exemption
from Tolls.

53G.3. c.68.

ing to any Corps of Yeomanry or Volunteer Cavalry, and rode by them in going to or returning from the Place appointed for and on the Days of Exercise, provided that such Persons be dressed in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements according to the Regulations provided for such Corps respectively, at the Time of claiming such Exemption; or for Carts, Carriages, or Waggons travelling with Vagrants or Criminals under legal Passes; or from any Attendants upon a Funeral, or Persons going to attend or returning from having attended a Funeral, of any Person dying in one of the said Counties, and buried or to be buried in the other thereof, with this Limitation, that Persons going on such Occasions in wheeled Carriages shall pay the customary Tolls; and if any Person shall claim or take the Benefit of any of the Exemptions aforesaid, or any other Exemptions granted by this Act, not being legally entitled to the same, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds Sterling, besides the Money of which the said Trustees or their Tacksman have been defrauded, and full Costs of Suit; and in all Cases the Proof of Exemption shall be upon the Person claiming the same.

Table of
Tolls to be
put up.

XXXII. And be it further enacted, That before any Tolls or Pontage shall be demanded for passing over the said Bridge, the said Trustees shall cause to be put and afterwards to be continued at the Toll Gate, or every Toll Gate on or near to the said Bridge, a Table, painted in distinct and legible Black Letters on a Board with a White Ground, containing a List of all the Tolls or Pontage payable at the said Bridge, distinguishing the several Tolls or Pontage, and the different Sorts of Carriages for which they are to be paid, where there is any Variation therein, and shall provide or cause to be provided Tickets denoting the Payment of Toll or Pontage, one of which Tickets shall be delivered *gratis* to the Person or Persons paying the Toll or Pontage, (except to Passengers on Foot or on Horseback,) if required, to entitle him or them to return as aforesaid without Payment of an additional Toll.

Collectors
Names to be
put up.

XXXIII. And be it further enacted, That every Collector of the said Tolls or Pontage shall place or cause to be placed on some conspicuous Part of the Front of the Toll House at which he or she shall be stationed, and so that the same shall appear to public View, his or her Christian and Surname, painted in Black Letters on a Board with a White Ground, each of such Letters of each Name or Names to be at least One Inch in Length, and of a Breadth in proportion, and that such Board shall be and remain at such Toll House during the whole Time that the Person whose Name shall be expressed thereon shall be on Duty thereat; and every such Collector shall place or cause to be placed on the Front of the Toll House at which such Collector shall be stationed, the Board hereinbefore directed to be provided by the said Trustees, containing the List of the Tolls or Pontage; and if any Collector of the said Tolls shall not place such Boards respectively as aforesaid, and keep the same there during the Time he or she shall be such Collector as aforesaid; or shall demand and take a greater or less Toll or Pontage from any Person than he or she shall

be authorized to do; or shall refuse to permit or suffer any Person or Persons to read, or shall in anywise hinder any Person or Persons from reading, the Inscriptions on such Boards respectively; or shall refuse to tell his or her Christian and Surname to any Person or Persons who shall demand the same, on being paid the said Tolls or Pontage or any of them, or shall in answer to such Demand give a false Name or Names; or shall refuse or omit, if required, to give to the Person paying the Toll or Pontage a Ticket denoting the Payment of the same (except to Passengers on Foot or Horseback); or upon the legal Toll or Pontage being paid or tendered shall unnecessarily detain, or wilfully obstruct, hinder, or prevent any Passenger or Passengers from passing over the said Bridge, or shall make use of any scurrilous or abusive Language to any Traveller or Passenger; then and in every such Case every such Toll Collector shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds Sterling, at the Discretion of the Justice or Justices before whom complaint of any such Offence shall be made.

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

Penalty on evading Tolls.

XXXV. And be it further enacted, That it shall and may be lawful to and for the Person or Persons appointed to collect the said Tolls or Pontage, or any of them, to stop and prevent the Passage of any Person or Persons neglecting or refusing to pay the said Tolls or Pontage, or any of them, or the Horse, Beast, Cattle, Carriage, or other Thing for or in respect whereof the said Tolls or Pontage ought to be paid; and if any Person subject or liable to the Payment of any of the said Tolls or Pontage shall, after Demand thereof made, neglect or refuse to pay the same or any Part or Parts thereof, it shall be lawful for the Person or Persons so appointed to collect such Tolls or Pontage, by himself or themselves, or taking such Assistance as he or they shall think necessary, to seize and poind any Horse, Beast, Cattle, Carriage, or other Thing, upon or in respect of which any such Tolls or Pontage is imposed, together with their respective Bridles, Saddles, Gears, Harness, or Accoutrements (except the Bridle or Reins of any Horse or other Beast separate from the Horse or Beast so taken), or any Carriage in respect of the Horses or Cattle drawing the Carriage, on which such Tolls or Pontage is imposed, or the Goods or Chattels of any Person or Persons liable and neglecting or refusing to pay; and if the Tolls or Pontage for which such Seizure and Poinding shall have been made, together with the reasonable Charges of such Seizure and Poinding, shall not be fully paid and satisfied within the Space of Ten Days next after such Seizure and Poinding, the Person

Collectors may prevent Passage of Persons refusing to pay;

and seize and poind Cattle;

and if Tolls not paid within Ten Days, the Things may be sold.

[Local.]

12 T

or

or Persons so seizing and pointing may, upon obtaining a Warrant for that Purpose from One of the Justices of the Peace of the County in which the Toll House is situated at which the Seizure was made (which Warrant any of such Justices is hereby authorized and empowered to grant), sell the Horse, Beast, Cattle, Carriage, or Thing so seized and pointed, or a sufficient Part thereof; and after retaining such Tolls or Pontage, and the reasonable Charges occasioned by such Seizure, Pointing, and Sale, shall return, upon Demand, to the Owner or Owners what, if any, shall remain unsold, and shall pay to such Owner or Owners the Surplus (if any) of the Money produced by such Sale.

Disputes
concerning
Tolls how to
be settled.

XXXVI. And be it further enacted, That if any Dispute shall happen about the Amount of the Tolls due, or the Charges of making, keeping, and selling any Articles so taken, seized, and pointed, it shall be lawful for the Person or Persons making such Seizure and Pointing to retain the same, or the Money arising from the Sale thereof (as the Case may happen) until the Amount of the Tolls due, and the Charges of seizing, pointing, keeping, and selling the same, shall be ascertained by some Justice of the Peace for the County in which such Seizure and Pointing shall have been made, who, on Application made to him for that Purpose, shall examine the Matter on the Oath of the Parties or other Witness or Witnesses, and shall determine the Amount of the Tolls due, and shall award such Costs, Charges, and Damages to either Party as to such Justice shall appear right and proper; which Costs, Charges, and Damages shall and may be raised, levied, and recovered, in case of Nonpayment thereof, forthwith, by Warrant under the Hand of such Justice, rendering the Overplus (if any), on Demand, to the Person or Persons on whose Goods the same shall have been raised, levied, and recovered, after deducting the Costs and Charges of raising, levying, and recovering the Sum so awarded as aforesaid.

Trustees
may com-
pound with
certain Per-
sons for
Tolls;

XXXVII. And be it further enacted, That the said Trustees, or their Lessee or Collector, shall be and they are hereby empowered, as they shall see convenient or think fit, to compound or agree, by the Year or otherwise, with any Person or Persons using to travel through the Turnpike to be erected on the said Bridge, and living within Three Miles of such Turnpike, for him, her, or them, and his, her, or their respective Families, passing either on Foot or on Horseback, or with any Coach, Berlin, Landau, Chariot, Calash, Chaise, Chair, Waggon, Wain, Cart, or other Carriage, Horse, Mule, or any other Beast of Draught or Burden, and for any Stage Coaches travelling along the said Bridge, for any Sum or Sums of Money, to be paid One Quarter in advance from Time to Time after such Agreement is made; and that Copies of all such Compositions or Agreements so to be made by the said Trustees, or their Lessee or Collector as aforesaid, shall be entered at length in a Book or Books to be kept for that Purpose; which said Book or Books shall and may be seen and perused by any Person or Persons whatever, at all seasonable Times, without paying any Fee or Reward.

and may let
the Tolls for
any Term

XXXVIII. And be it further enacted, That it shall be lawful for the said Trustees, at a Meeting appointed for the Purpose, to let by Public Roup

Roup the said Tolls: Provided always, in case no Bidder shall offer, or in case the said Tolls shall not be let by Public Roup, it shall then be lawful for the said Trustees to let the same by Private Tender: Provided also, that the said Tolls shall not be let for a longer Time than Three Years, and that at all such Lettings the Trustees shall be entitled to bid for the Tolls so to be let, either by themselves or any other Person by them respectively authorized.

not exceed-
ing Three
Years.

XXXIX. And be it enacted, That the several Toll Houses, Gates, and Weighing Engines to be erected in pursuance of this Act, and all Monies which shall have been or may be subscribed for the Purposes thereof, or which shall be raised, collected, or received under the Authority of the same, shall be vested in the said Trustees, and be applied, in the first place, in defraying the Costs, Charges, and Expences attending the applying for and obtaining this Act, with lawful Interest for the same; secondly, in making Satisfaction and Payment to such Person or Persons as may be found entitled to Compensation for any Injury or Damage occasioned by the Operations authorized by the same; thirdly, in constructing and upholding the said Bridge, Toll Houses, Weighing Engines, and the making and repairing the said Road, and in paying the Interest due upon the Money subscribed for the Purposes of this Act, and afterwards in Payment of the Principal or Capital Sums so subscribed: Provided always, that no Sum or Sums of Money shall be paid, laid out, or expended without the Order of the said Trustees at a General Meeting assembled, or of such Person or Persons as the Trustees, being so assembled, shall authorize or appoint.

Toll Houses,
&c. to vest
in Trustees.

XL. And be it enacted, That it shall be in the Power of the said Trustees assembled at a General Stated Meeting to lower and diminish any of the Tolls or Duties hereby made payable, and afterwards from Time to Time to raise the same again, so as that the same shall not at any Time exceed the Tolls hereby authorized to be demanded and taken.

Trustees
may dimi-
nish Tolls,
and again
raise same.

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

Penalty on
doing wilful
Damage.

be applied to the Purposes of this Act, after defraying the necessary Expences attending the Suit.

Collectors may detain unknown Persons offending against this Act.

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

Collectors not disqualified to give Evidence.

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

If Bridge not passable in Seven Years Power to cease.

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

In case of Nonpayment of Money ordered.

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

Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned, on Demand, to the said Trustees: Provided always, that it shall and may be lawful for such Treasurer to retain, out of any Monies which he shall have received or shall receive in pursuance of this Act, all such Damages, Costs, Charges, and Expences as he shall have sustained or be put unto by virtue of any such Warrant as aforesaid.

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

Application
of Penalties
not other-
wise pro-
vided for.

[Local.]

12 U

Penalties

Penalties and Forfeitures, and all reasonable Charges, shall be sooner paid and satisfied; and all Penalties and Forfeitures not otherwise directed by this Act to be paid and applied shall be paid to the said Trustees, and shall be applied for the Purposes of this Act.

Form of Conviction

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

to wit. } BE it remembered, That on the Day
of in the Year of the Reign of His present
Majesty, *A. B.* is convicted before of His Majesty's Jus-
tices of the Peace for the said County of by virtue of an
Act of Parliament made in the Tenth Year of the Reign of His
Majesty King *George* the Fourth [*here set forth the Title of the*
Act, and specify the Offence, and the Time and Place when and where
the same was committed, as the Case may be.] Given under
the Day and Year aforesaid.

Trustees, being Justices, not disqualified from acting as Justice, except when personally interested.

XLVIII. And be it further enacted, That every Person duly qualified in Manner aforesaid to be a Trustee for putting this Act into execution, who may happen to be in the Commission of the Peace, may, notwithstanding his being such Trustee, act as a Justice of the Peace in any Matter or Thing arising out of the Execution of this Act, and no Objection shall be taken to any Act, Matter, or Thing done by any such Justice of the Peace by reason of his being such Trustee, except where it shall appear that such Trustee is personally or individually interested.

Appeal.

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

Expences of the Act how to be paid.

L. And be it further enacted, That the Costs, Charges, and Expences incident to and attending the applying for, soliciting, and obtaining this Act, with lawful Interest for the same, shall be defrayed out of the first Money that shall come to the Hands of the said Trustees under the Authority of the same.

Road to be a Turnpike Road.

LI. And be it further enacted, That the Road hereby authorized to be made shall be deemed and held to be a Turnpike Road, and as such, that all the Enactments contained in the Statute passed in the

Fourth Year of His present Majesty's Reign, intituled *An Act for regulating Turnpike Roads in that Part of Great Britain called Scotland*, shall be applicable to making and maintaining the said Road, notwithstanding no Authority is hereby given for erecting Turnpikes, except at and for the said Bridge, save and except so far as any such Enactments are varied, altered, or repealed. 4 G. 4. c. 49.

LII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others, without being specially pleaded. Public Act.

LIII. And be it further enacted, That this Act shall commence on the passing thereof, and shall continue in force for Thirty-one Years, and from thence to the End of the then next Session of Parliament. Term of Act.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1829.

CHAPTER I. THE DISCOVERY OF AMERICA. In 1492, Christopher Columbus, an Italian navigator, sailed across the Atlantic Ocean in search of a westward route to the Indies. He discovered the Americas on October 12, 1492, and named the islands "San Salvador."

CHAPTER II. THE EARLY SETTLEMENTS. The first permanent European settlement in North America was founded by Sir Walter Raleigh in 1585 at Roanoke, Virginia. Other early settlements included Jamestown and Plymouth.

CHAPTER III. THE REVOLUTIONARY WAR. The American Revolutionary War began in 1775 and ended in 1781 with the British surrender at Yorktown. The war resulted in the United States gaining independence from Great Britain.

CHAPTER IV. THE WESTERN EXPANSION. The United States expanded its territory westward through a series of purchases and acquisitions, including the Louisiana Purchase in 1803 and the Texas Annexation in 1845.

CHAPTER V. THE CIVIL WAR. The American Civil War, fought from 1861 to 1865, was a conflict between the Union and the Confederate States of America. It resulted in the preservation of the Union and the abolition of slavery.

CHAPTER VI. THE RECONSTRUCTION ERA. The Reconstruction Era followed the Civil War, from 1865 to 1877. It was a period of rebuilding the South and integrating African Americans into the political and social structure.

CHAPTER VII. THE Gilded Age. The Gilded Age, from the 1870s to the 1900s, was a period of rapid industrialization and economic growth, but also of corruption and social inequality.

CHAPTER VIII. THE PROGRESSIVE ERA. The Progressive Era, from the 1890s to the 1920s, was a period of social and political reform aimed at addressing the problems of the Gilded Age.

CHAPTER IX. THE INTERWAR PERIOD. The Interwar Period, from 1918 to 1945, was a time of relative peace and economic recovery, but also of global tensions and the rise of totalitarianism.

CHAPTER X. THE SECOND WORLD WAR. The Second World War, from 1939 to 1945, was a global conflict between the Axis powers and the Allies. It resulted in the defeat of the Axis and the establishment of the United Nations.

CHAPTER XI. THE COLD WAR. The Cold War, from 1945 to 1991, was a period of geopolitical tension between the United States and the Soviet Union, characterized by proxy wars and arms races.

CHAPTER XII. THE POST-COLD WAR ERA. The Post-Cold War Era, from 1991 to the present, is a period of global change, including the end of the Cold War, the rise of the World Wide Web, and the 9/11 attacks.