



ANNO DECIMO

GEORGIIV. REGIS.

Cap. liv.

An Act for making and repairing the Road from the Bridge over the River *Cowie*, near *Stone Haven*, to the Road along the South Bank of the River *Dee*, at or near to *Park Head* or *Millbank* of *Maryculter*, in the County of *Kincardine*.

[14th May 1829.]

WHEREAS the Road from the Bridge over the River *Cowie*, near *Stonehaven*, by *Netherley*, to the Road leading along the South Bank of the River *Dee*, at or near to *Park Head* or *Millbank* of *Maryculter*, is much out of Repair, and cannot be put and kept in a State of Repair by the Means afforded by the present Laws, and it would be of great Benefit and Advantage to the Public if the said Road were effectually repaired: And whereas an Act was passed in the Fourth Year of the Reign of His present Majesty, intituled *An Act for regulating Turnpike Roads in that Part of Great Britain called Scotland*: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Representative in Parliament for the County of *Kincardine* for the Time being, Trustees.

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the Sheriff of the County of *Kincardine* for the Time being, and all and every other Person and Persons who are and shall be in the actual Possession and Enjoyment as Proprietor or Life Renter of the *Dominium utile* of Lands within the Parishes of *Fetteresso* and *Maryculter*, whose Property extends to Four hundred Pounds Scots of valued Rent, according to the Cess Books of the said County of *Kincardine*, and all and every the eldest Sons and Heirs Apparent of such Heritors being of Age at the Time, and One Guardian or Trustee of any Minor possessing Lands of the Extent and situated as aforesaid, and also any One Person holding Authority from any unmarried Woman in the actual Possession and Enjoyment of such Property, shall be and they are hereby nominated and appointed Trustees for the surveying, ordering, altering, repairing, and widening and keeping in Repair the said Road from the Bridge over the River *Cowie*, near *Stonehaven*, by *Netherley*, to the Road leading along the South Bank of the River *Dee*, at or near to *Parkhead* or *Millbank* of *Maryculter*, and for building and maintaining Bridges on the said Road where the same shall be necessary, and for otherwise putting the said recited Act and this Act into execution.

Road to be a Turnpike Road, and Powers of recited Act to be applicable thereto.

II. And be it further enacted, That from and immediately after the passing of this Act, the said Road shall be deemed and taken and the same is hereby declared to be a Public Turnpike Road; and all the Enactments, Powers, Provisions, Penalties and Forfeitures, Matters and Things, contained in the said recited Act, shall be held, deemed, and taken, and are hereby declared to be applicable to the said Road, save and except in so far as any of such Enactments, Powers, Provisoes, Penalties and Forfeitures, Matters and Things, are varied, altered, or repealed.

First and other Meetings of the Trustees.

III. And be it further enacted, That the said Trustees shall meet at *Stonehaven* on the Third *Monday* after the passing of this Act, at Twelve of the Clock at Noon, or as soon thereafter as conveniently may be, for the Purpose of carrying this Act into execution, and shall thereafter meet at the same Place and Hour on the Day that is appointed for the meeting of the Commissioners of Supply for assessing the Land Tax, and on the Day on which the Freeholders of the said County of *Kincardine* shall hold their *Michaelmas* Head Court, in each Year during the Continuance of this Act, or at such other Time and Place, within the Parishes of *Fetteresso*, *Maryculter*, or *Dunnottar*, 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 Parishes of *Fetteresso* or *Maryculter* as they shall think fit, and also to appoint intermediate Meetings, and at all such adjourned or intermediate Meetings again to adjourn from Time to Time 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

Three to be a Quorum.

and Authority to carry this Act into execution, and to 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 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 deliberative Vote, have a decisive or casting Vote; and in case it shall happen that no Trustee shall be present at any such Meeting, the Clerk to be appointed by the said Trustees under the Authority of the said recited Act shall, by Advertisement to be published in some One Newspaper usually circulated in the County of *Kincardine*, call a Meeting of the said Trustees to take place on that Day Three Weeks after such last appointed Meeting of the Trustees, and to be held at the same Place, and which Advertisement shall be published at least Ten Days before the Day of Meeting; and, moreover, that it shall be lawful for any Two Trustees or their Clerk, on the Requisition of any Two of the Trustees, to call a special Meeting of the Trustees according to the Provisions of the said recited Act: 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 by the said recited Act 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.

No Order to be revoked unless Notice given.

IV. 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

Treasurer and Clerk not to be the same Person.

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*.

Trustees to take Security from Treasurer or Receiver.

V. And be it enacted, That the said Trustees shall take sufficient Security from the Person to be appointed by them, in pursuance of the Power and Authority contained in the said recited Act, to be Treasurer or Receiver for the Purposes of this Act, before such Person shall be allowed to enter upon his said Office of Treasurer or Receiver.

Trustees to repair the Road; to erect Bars; and to build Bridges.

VI. And be it enacted, That it shall and may be lawful to and for the said Trustees, at their First or any other Meeting to be held in pursuance of this Act, to survey, alter, widen, and repair the said Road, or cause the same to be surveyed, altered, widened, and repaired, in such Manner and with such Materials as they shall think fit, and, at any General Stated Meeting, to erect or cause to be erected a Gate or Gates, Turnpike or Turnpikes, on or across any Part or Parts of the said Road, and to erect and build, or cause to be erected and built, a Toll House or Toll Houses at the said Gate or Gates, with such other Accommodation to the Toll Keeper as they shall think fit, and also build any Bridge or Bridges across the said Road, where the same shall appear necessary, for rendering the Communication by the said Road safe and commodious, and from Time to Time to repair and maintain the said Road and Bridges, and all other the Works hereby authorized.

Map to remain in the Custody of the Clerk of the Peace.

VII. And whereas a Map or Plan describing the Line of the said Road now in use from the Bridge over the River *Cowie*, near *Stonehaven*, by *Netherley*, through the Parishes of *Fetteresso* and *Maryculter*, and the Lands, Hereditaments, and Premises through or over which the same passes, together with a Book of Reference containing the Names of the Owners or reputed Owners and Occupiers of such Lands, Hereditaments, and Premises, has been deposited at the Office of the Clerk of the Peace for the said County of *Kincardine*; be it enacted, That the said Map or Plan and Book of Reference shall remain

remain in the Custody of the Clerk of the Peace of the said County, to the end that all Persons, being Owners or reputed Owners and Occupiers of any such Lands, Hereditaments, and Premises, may at all seasonable Times have Liberty to inspect and peruse the same, and to take Copies or Extracts therefrom at their Will and Pleasure, paying the Clerk of the Peace 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 as aforesaid to inspect or peruse the same, or take Copies or Extracts therefrom, in Manner or on the Terms aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Ten Pounds, to be recovered, levied, and applied in the same Manner as other Penalties are by the said recited Act directed to be recovered, levied, and applied.

VIII. And be it enacted, That it shall be lawful for the said Trustees to make the said Road into, through, across, or over the several Lands, Hereditaments, and Premises which are set out in the said Map or Plan as aforesaid, although the Name or Names of the Owner or Owners or Occupier or Occupiers thereof may happen to be omitted or mis-stated in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the said County, and be certified by a Writing under their Hands, that such Error or Omission proceeded from Mistake: Provided always, that the said Trustees in making and repairing the said Road shall not deviate from or alter or vary the Line of the said Road for any Space exceeding One hundred Standard Yards from the Middle of the said Road, without the Consent in Writing of the several Owners or reputed Owners and Occupiers of the several Lands, Hereditaments, and Premises described in the said Map or Plan so deposited as aforesaid.

Trustees to make Road, though Name of Owners are omitted.

IX. And be it enacted, That the Right, Interest, and Property of all and every the Turnpikes, Toll Houses, and Premises to be erected by virtue of this Act shall be vested in the said Trustees hereinbefore appointed, and the said Trustees are hereby authorized and empowered to dispose thereof as they shall think proper, and to purchase or take on Lease such Pieces of Ground as they shall judge most convenient for the Site and Erection of Toll Houses and other necessary Accommodation, not exceeding One Eighth Part of an Acre for each Toll House, also any Piece or Pieces of Land or Ground on the Sides of the said Road as Repositories for Stone, Gravel, and other Materials for making or repairing the same, or the Arches and Bridges thereof, not exceeding One Pole for each Repository; and in case the Trustees cannot agree with the Proprietors or Occupiers for the annual Rent of such Ground, they shall apply to the Sheriff of the County, who shall have Power to oblige the Proprietors and Occupiers to give a Lease of the said Ground for any Term not exceeding Twenty-one Years, and to fix the Rent for the same.

Property of Turnpikes vested in Trustees.

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X. And be it enacted, That the several Persons who have already subscribed or who shall hereafter subscribe any Sum or Sums of Money towards the Purposes of this Act shall and they are hereby required to make Payment of the Sum or Sums of Money severally and respectively subscribed by them, or such Parts or Proportions thereof as shall from Time to Time be called for by the said Trustees, at such Times and Places as they shall direct; and in case any Person or Persons shall refuse or neglect to pay the same at the Time and in the Manner required for that Purpose, it shall and may be lawful to and for the said Trustees to sue for and recover the same in any Court competent within *Scotland*.

Tolls.

XI. And be it enacted, That it shall and may be lawful for the said Trustees to demand, levy, and take, or cause to be demanded, levied, and taken, at each Turnpike Gate to be erected on the said Road, the Tolls and Duties hereinafter mentioned, before any Coach or other Carriage, Horse or other Cattle, be permitted to pass through the same; (that is to say,)

For every Horse or other Beast of Draught drawing any Coach, Berlin, Landau, Chariot, Chaise, or Calash with Four Wheels, the Sum of Nine-pence Sterling:

For every Horse or other Beast of Draught drawing any Chaise with Two Wheels, the Sum of Sixpence Sterling:

For every Horse or other Beast of Draught drawing any Waggon, Wain, Cart, or other such Wheel Carriage, the Sum of Sixpence Sterling:

For every Carriage drawn or driven by any other than Animal Power, the Sum of Three Shillings Sterling:

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

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

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

Provided always, that all and every Carriage having the Sole or Bottom of the Fellies of the Wheels of the Breadth or Gauge of Five Inches or more, and drawn by not more than Three Horses or other Beasts of Draught, and all and every Carriage having the Sole or Bottom of the Fellies of the Wheels of the Breadth of Six Inches or more, and drawn by not more than Four Horses or Beasts of Draught, and all and every Carriage having the Sole or Bottom of the Fellies of the Wheels of the Breadth of Nine Inches or more, shall pass upon the said Road, and through any Gate or Turnpike thereon, upon paying only so much of the Tolls and Duties as aforesaid as shall be equal to One Half of the Toll or Duty payable or intended to be paid by this Act for each Horse and other Beast drawing the same, as hereinbefore set forth: Provided always, that the

Wheels of such Carriages shall be so formed that the whole Breadth of the Fellies shall bear on the Road.

XII. And be it enacted, That the said Trustees, at a General Stated Meeting assembled, shall, if they find necessary, cause Weighing Engines to be erected upon such Parts of the said Road as they shall think fit, for weighing all Carriages that shall pass along the said Road, and to cause such Carriages to be stopped and weighed, and to receive and take, over and above the Tolls hereby granted, the following Sums of Money :

Trustees may erect Weighing Machines.

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, as hereinafter expressed, allowed to weigh without paying additional Toll ; (that is to say,)

Tolls for Overweight.

For the First and Second Hundred of such Overweight, 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 One Thousand, the Sum of Two Shillings and Sixpence Sterling :

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.

XIII. And be it further enacted, That every Waggon, Cart, or Carriage shall be allowed to pass without paying additional Toll, provided such Waggon, Cart, or Carriage, with its Loading, does not weigh more than the Weights following ; (*videlicet,*)

Weights allowed without Payment of additional Tolls.

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 Wheels of the Breadth of Nine Inches, Six Tons in Summer, and Five Tons in Winter :

Every Cart having the Fellies of the Wheels of the Breadth of Nine Inches, Three Tons in Summer and Two and One Half Tons in Winter :

Every Waggon having the Fellies of the Wheels of the Breadth of Six Inches, Four and One Half Tons in Summer and Three and Three Fourth Tons in Winter :

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

Every Waggon having the Fellies of the Wheels of a less Breadth than

than Six Inches, Three and a Half Tons in Summer and Three Tons in Winter :

Every Cart having the Fellies of the Wheels of a Breadth less than Six Inches, and drawn by Two or more Horses, One and a Half Ton in Summer and One Ton Seven Hundred Weight in Winter :

And for the aforesaid Purpose 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 : Provided always, that the Wheels of such Carriages shall be so formed that the whole Breadth of the Fellies shall bear on the Road.

Power to reduce Tolls in certain Cases.

XIV. Provided always, and be it enacted, That the said Trustees shall have Power, if they see Cause, to lower and diminish the Tolls and Duties to be levied upon Horses and other Beasts drawing Carts employed in carrying Coals, Lime, Dung, or other Manure, without the Necessity of making any corresponding or other Reduction in the Rate of Tolls for other Carts, Carriages, or Animals.

Application of Money and Tolls.

XV. And be it further enacted, That all the Monies which shall or may be raised, collected, or received under the Powers or Authorities of this Act 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 paying and discharging the Interest of all Sums of Money due and owing on the Credit of the Tolls hereby granted ; thirdly, in defraying the Expence of making, repairing, supporting, widening, and altering the said Road, and in providing, erecting, and keeping in Repair the Turnpikes, Toll Houses, and other Buildings thereon ; and the Residue of the Monies so to be collected and received shall be applied in paying all Principal Monies due and owing on the Credit of the Tolls hereby granted or borrowed for the Purposes of this Act, and in defraying all other Costs, Charges, and Expences attending the same, in such Manner as the said Trustees shall from Time to Time direct : Provided always, that no Sum or Sums of Money shall be laid out or expended without the Order of the said Trustees at a General Meeting assembled, or of such Persons as they, being so assembled, shall authorize and appoint.

Second Toll not payable within Six Miles.

XVI. And be it enacted, That it shall and may be lawful to and for the said Trustees to erect or cause to be erected One or more Gate or Gates, Turnpike or Turnpikes, on the Side or Sides of the said Road, and across any Lane or Way leading out of the same, and also a Toll House or Toll Houses at each such Gate or Turnpike, and there to take and receive such Tolls and Duties as are by this Act 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 on or belonging to the said Road, if within Six Miles, on the same Day, to be computed from
Twelve

Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night: Provided always, that if the said Trustees shall erect Turnpikes within a less Distance of one another than Six Statute Miles, then any Person or Persons producing a Ticket to shew that they have paid Toll at one Gate shall not pay further Tolls or Duties on the said Road upon the same Day till the Distance shall exceed Six Statute Miles from the Gate at which they shall have already paid.

XVII. And be it enacted, That no Person or Persons having paid the Tolls or Duties imposed by virtue of this Act at any of the said Gates or Turnpikes, and producing a Ticket or Tickets denoting such Payment, shall on the same Day be subject or liable to pay the said Tolls or Duties for again passing at the same Gates or Turnpikes, for the same Horses or Beasts of Draught drawing the same Coach, Cart, or other Wheeled Carriage, for which such Tolls or Duties shall have been paid; excepting always Horses or Beasts of Draught drawing any Stage Coach, Diligence, Van, Caravan, or Stage Waggon, or other Stage Carriage conveying Passengers or Goods for Pay or Reward, for which Toll shall be paid every Time of passing or repassing along the said Road.

Tolls not payable twice on same Day;

excepting Horses, &c. drawing Stage Coaches, &c.

XVIII. And be it further enacted, That in case any Dispute, Suit, Litigation, or Appeal shall arise touching or in anywise relating to the said Tolls or any of them, the Lessee, or the Person or Persons appointed to collect the same, or any other Person or Persons acting by or under the Authority of the said Trustees, shall not be disqualified from giving Evidence in any such Dispute, Suit, Litigation, or Appeal, by reason of his, her, or their being appointed to collect such Tolls or acting under such Authority as aforesaid.

Collector or Lessee of Tolls not disqualified to give Evidence.

XIX. And be it enacted, That it shall be lawful for the said Trustees to borrow and take up at Interest, on the Credit of the Tolls arising on the said Road, such Sum or Sums of Money as they shall from Time to Time think proper, and to assign the Tolls on the said Road, or any Part or Parts thereof, as a Security to any Person or Persons, or his Trustee or Trustees, who shall advance any Sum or Sums of Money; which Assignations shall be in the Words or to the Effect and on and subject to all the Terms and Provisions of the said recited Act.

Power to borrow Money, subject to the Provisions of 4 G. 4.

XX. And be it enacted, That no Money shall be borrowed by the said Trustees unless Notice for that Purpose shall be published in some One Newspaper usually circulated in the County of *Kincardine* at least Three Weeks before borrowing such Money.

No Money to be borrowed without Notice.

XXI. And be it enacted, That the Expences of applying for and obtaining this Act shall be paid out of the first Monies that shall come to the Hands of the said Trustees under the Authority of this Act, and be a Lien on the Tolls and Duties to be levied by
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Expences of the Act.

virtue of this Act, and upon any Monies that shall be borrowed on the Security of the said Tolls and Duties.

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

Term of Act. XXIII. 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.

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