



ANNO SEPTIMO

# GULIELMI IV. REGIS.

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## *Cap. xiv.*

An Act for making and maintaining certain Roads  
in the County of *Aberdeen*. [21st April 1837.]

**W**HEREAS it would be of great Benefit and Advantage to the Inhabitants of the several Parishes and adjacent Country through which the same will pass, and also to the Public at large, if the following Roads were made, maintained, and rendered Turnpike; namely, a Road to commence from a Point at or near the Mill of *Udny* in the Parish of *Udny* and County of *Aberdeen*, and to pass through the said Parish of *Udny*, and through the Parishes of *Tarves*, *Methlic*, *Fyvie*, *New Deer*, *Monquhitter*, and *King Edward* (by the Village of *Cuminestown*), terminating at a Point near the Ninth Mile Stone on the Turnpike Road from *Peterhead* to *Banff* in the said Parish of *King Edward*, all in the County of *Aberdeen*; also a Road from the Royal Burgh of *Inverury* to the Village of *Turriff* in the Parish of *Turriff*, with a Branch therefrom at or near *Badenscoth* in the Parish of *Auchterless*, to a Point upon the Turnpike Road from *Huntly* to *Banff* at or near *Bogniebrae* in the Parish of *Forgue*, the said Road and Branch passing through the said Parishes of *Inverury*, *Turriff*, *Auchterless*, and *Forgue*, and the Parishes of *Chapel of Garioch*, *Daviot*, *Rayne*, and *Fyvie*, all in the County of *Aberdeen*; also a Road from the Village of *Strichen* to *Fraserburgh*, passing through the Lands of *Strichen* and *Tarwathie*, the Lands of *Technuiry*, and the Lands of *Memsie*, *Philorth*, and others, in the Parishes of *Strichen*, *Rathen*, and *Fraserburgh*, all in the County of *Aberdeen*; and also a Road from

[Local.]

the

1 & 2 W. 4.  
c. 43.

Powers of  
recited Act,  
except as  
herein alter-  
ed, applied  
to this Act.

Trustees  
appointed.

the Village of *Old Meldrum* in the Parish of *Meldrum* to the Royal Burgh of *Inverury* by *Suterford*, passing through the said Parish of *Meldrum*, and the Parishes of *Bourtie*, *Keithhall*, *Kinkell*, and *Inverury*, all in the County of *Aberdeen*: And whereas the aforesaid Purposes cannot be effected without the Aid and Authority of Parliament: And whereas an Act was passed in the First and Second Years of the Reign of His present Majesty, intituled *An Act for amending and making more effectual the Laws concerning Turnpike Roads in 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 said recited Act of the First and Second Years of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, and Forfeitures, Payments, Remedies, Matters, and Things therein contained, save and except such Parts thereof as are hereby expressly varied, altered, or repealed, shall be as good, valid, and effectual for carrying this Act into execution as if the same had been repeated and re-enacted in the Body of this Act.

II. And be it further enacted, That every Person who in his own Right or in the Right of his Wife now is or hereafter shall be in the actual Possession or Enjoyment as Proprietor or Life-renter of the *Dominium utile* of Lands in the said County of *Aberdeen* valued in the Cess Books or Valuation Roll thereof at or above One hundred Pounds *Scots*, or of Lands, exclusive of Houses, within the City of *Aberdeen*, situated in the Freedom and Liberties of the Burgh, and valued in the Tax Roll thereof at Four hundred Pounds *Scots* of annual Value; and all and every the eldest Sons of such Persons being of Age at the Time, being the Heirs Apparent of such Property; One Guardian of each Minor, fatuous or furious Person, possessing Lands of the Valuation aforesaid; One Trustee of every Estate vested in Trustees, and being of the Valuation aforesaid; One Manager, Factor, or Box Master for each Corporation or associated Body holding Lands of the said Valuation; the Persons who have subscribed or may subscribe and pay Money towards making and repairing the said Roads or any of them to the Extent of One hundred Pounds Sterling or upwards; the Provost and eldest Baillie, Treasurer and Dean of Guild, and Convener of the Trades of the Burgh of *Aberdeen*; the Provost of *Old Aberdeen*; the Provost or Chief Magistrate of each of the Burghs of *Inverury*, *Kintore*, and *Peterhead*; the Baron Baillies or Chief Magistrates of *Fraserburgh*, *Huntly*, and *Old Meldrum*; the Sheriff Depute of the County of *Aberdeen* and his Substitute, all for the Time being, shall be and they hereby are nominated and appointed Trustees for surveying, ordering, making, mending, widening, repairing, and keeping in repair the Roads herein-before described, for erecting Arches and Bridges thereon when and where they shall see the same to be necessary, and for exercising and carrying into effect the Powers and Purposes of this Act: Provided always, that no Trustee whatever under this Act shall be entitled to vote and act until he shall have attained the Age of Twenty-one Years complete.

No Trustee  
to have more  
than One  
Vote.

III. Provided also, and be it enacted, That although a Person being a Trustee in his own Right shall claim as Trustee, Commissioner, Factor, Steward,

Steward, or accredited Agent, or as Guardian, Tutor, or Curator for any absent Proprietor, or for any Minor, or for any fatuous or furious Person, or appear in Two Capacities, he shall have but One Vote; and that no Person of any Description whatever claiming as a Trustee under this Act shall have more than One Vote on any Pretence whatever.

IV. And be it enacted, That no Person other than a Proprietor or Life-  
 Qualification.  
 renter of Lands of the Valuation and situated as aforesaid, or the eldest Son of such Proprietor, or one who is a Trustee *ex officio*, or a Trustee, Guardian, or Factor as aforesaid, shall be capable of acting as a Trustee unless he is in his own Right in Possession of Real or Personal Estate to the Amount or Value of Five hundred Pounds Sterling.

V. And be it further enacted, That it shall be lawful for the said  
 Power to  
 Trustees, and they are hereby authorized and empowered, to order and make Roads  
 direct the said several Roads herein-before described to be made, repaired, and Bridges.  
 and maintained, and to cut and make such Drains and other Outlets for Water through any Grounds adjoining or lying contiguous thereto, to make such Embankments, Foundations, Footpaths, and Fences, to erect, repair, and maintain Abutments, Piers, Bridges, Arches, Culverts, Toll Houses, Weighing Machines, Repositories for storing Materials for making and repairing the said Roads and Bridges or other Uses, and other Works on the Lines of the said Roads, as they shall think expedient, and for these Purposes to take and use any Lands, Tenements, or Hereditaments, making or tendering Compensation to the Owners thereof and Persons interested therein for the same, or for the Damage they may sustain by the Execution of this Act, in the Manner provided for by the herein-before recited Act of the First and Second Year of the Reign of His present Majesty.

VI. And be it further enacted, That the said Trustees in making the  
 Trustees not  
 said Roads hereby authorized to be made shall not deviate more than One to deviate  
 hundred Yards from the Lines described in the Maps or Plans of the from Line  
 said Roads lodged with the Clerk of the Peace for the said County laid down,  
 of *Aberdeen*, without the Consent or Approbation in Writing of the not to re-  
 Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, move any  
 through whose Lands or Grounds such Deviation shall be made, Dwelling  
 neither shall they take down or remove any Dwelling House or Building, or  
 other Building the Side Walls of which exceed Twenty Feet in Height, enter any  
 Orchard, &c.  
 or take or make use of any Policy, Orchard, or Garden the Contents not specified  
 of which exceed Half an Acre of any Lawn, planted Walk, or Avenue, in the  
 to a House, or any inclosed Ground planted as an Ornament or Shelter to Schedule.  
 a House, other than the Dwelling Houses or Buildings, Policies, Orchards, Gardens, Lawns, planted Walks, and Avenues, or inclosed Grounds planted as aforesaid, or any of them, or other Premises, described in the Schedule annexed to this Act, without the Consent in Writing of the Owners thereof.

VII. And be it further enacted, That the said Trustees, or any Five or  
 First and  
 more of them, shall hold their First Meeting in virtue hereof at *Aberdeen* subsequent  
 upon the Third *Monday* after the passing of this Act, or as soon after as Meetings of  
 conveniently may be, and the said Trustees may then and there proceed to Trustees.  
 put

put this Act in execution, and their Second stated General Meeting on the Day on which the *Michaelmas* Meeting of Commissioners of Supply for the said County for the said Year is held, and shall thereafter hold Two stated General Meetings in each Year during the Continuance of this Act, one upon the Day on which the Commissioners of Supply shall meet for assessing the said County to the Land Tax, or other County Rates or Assessments, and the other upon the Day of the *Michaelmas* Meeting of the Commissioners of Supply of the said County yearly.

Quorum of Trustees.

VIII. And be it further enacted, That the Quorum or Number of Trustees necessary to do Business in General Meetings shall be Five (excepting at General Meetings for the sole Purpose of letting the Tolls, where the Quorum shall be Three); but if only One, or any Number less than Five or Three, under the Exception aforesaid, shall be present at any of the stated or other General Meetings, such Trustee or Trustees shall have Power to adjourn the Meeting, and in that Case Notice shall be given of the Day, Place, and Purpose of such adjourned Meeting by Two several Advertisements in some one or other of the *Aberdeen* Newspapers, the first of such Advertisements being at least Fourteen Days before the Day of such adjourned Meeting.

Trustees being Subscribers only to vote respecting Line of Road for which they subscribe.

IX. Provided always, and be it further enacted, That Subscribers to the Extent of One hundred Pounds Sterling, having Right under that Qualification only to act as Trustees at General Meetings, shall only be entitled to vote in any Question, Matter, or Thing touching the Line of Road for which they are Subscribers, and that in Questions appealed from the Committees to General Meetings neither the Appellant, Respondent, or any Trustee of whatever Description, having any direct Interest in such Appeal, shall be entitled to vote or decide thereon; and any Person acting otherwise in any of the said Particulars shall forfeit and pay a Sum not exceeding Twenty Pounds Sterling.

Tolls to be levied.

X. And be it enacted, That the said Trustees, or any Person or Persons duly authorized by them, shall be and they are hereby authorized and empowered to demand and take, or cause to be demanded and taken, at the several Gates, Bars, and Turnpikes which shall be erected by virtue of this Act, a Sum not exceeding the Rates and Duties herein-after specified, before any Horse, Mule, Ass, Cattle, great or small, Coach, Landau, Chariot, Berlin, Chaise, Curricle, Omnibus, or any Carriage propelled by Steam, Hearse, Chair, Calash, Litter, Waggon, Wain, Cart, Sledge, Hurley, Wheelbarrow, or other Carriage whatever, shall be permitted to pass through any Gate or Turnpike to be erected on the said Roads; (*videlicet,*)

Tolls.

For every Horse or other Beast drawing any Coach, Landau, Chariot, Berlin, Chaise, Curricle, Omnibus, Hearse, Chair, Calash, Litter, or other such like Carriage, with either Three or Four Wheels, the Sum of One Shilling and Four-pence Sterling:

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

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

For

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

And for every Hundred Weight which any or either of the said last-mentioned Carriages, with the Loading thereof, shall weigh above Twenty Hundred Weight and not exceeding Twenty-five Hundred Weight, the additional Sum of One Halfpenny Sterling :

And for every Hundred Weight which such Carriage, with the Loading thereof, shall weigh above Twenty-five Hundred Weight and not exceeding Thirty Hundred Weight, the additional Sum of One Penny Sterling :

And for every Hundred Weight which such Carriage, with the Loading thereof, shall weigh above Thirty Hundred Weight and not exceeding Thirty-five Hundred Weight, the additional Sum of Two-pence Sterling :

And for every Hundred Weight which such Carriage, with the Loading thereof, shall weigh above Thirty-five Hundred Weight and not exceeding Forty Hundred Weight, the additional Sum of Three-pence Sterling :

And for every Hundred Weight which such Carriage, with the Loading thereof, shall weigh above Forty Hundred Weight and not exceeding Forty-five Hundred Weight, the additional Sum of Four-pence Sterling :

And for every additional Hundred Weight which such Carriage, with the Loading thereof, shall weigh above Forty-five Hundred Weight, the Sum of Sixpence Sterling :

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

For every Coach, Barouche, Berlin, Chariot, Landau, Chaise, or other such Carriage, or any Stage Coach, Long Coach, Diligence, Omnibus, or other Carriage of the like Kind, drawn or propelled by Steam, or otherwise than by Animal Power, when such Carriage and the Loading thereof taken together shall not exceed Twenty Hundred Weight, Two Shillings Sterling :

And with such additional Charges for Overweights to be made on the same Scale and in the same Manner in all respects as the Charges for Overweights herein-before provided with respect to any Van, Caravan, Waggon, Wain, Cart, or other such like Carriage :

For every Van, Caravan, Waggon, Wain, Cart, or other such like Carriage, drawn or propelled by Steam, or otherwise than by Animal Power, when such Carriage and the Loading thereof taken together shall not exceed Twenty Hundred Weight, One Shilling Sterling :

And with such additional Charges for Overweights to be made on the same Scale and in the same Manner in all respects as the Charges for Overweights herein-before provided with respect to any Van, Caravan, Waggon, Wain, Cart, or other such like Carriage :

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

[*Local.*]

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For

For every Drove of Oxen, Neat Cattle, Asses, Horses, or Fillies 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.

Power to diminish the Tolls on Carriages drawn by Oxen.

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

Tolls may be diminished on Waggon and Carts having broad Wheels.

XII. And be it further enacted, That it shall be in the Power of the said Trustees and they are hereby authorized to diminish the Tolls to such Extent as they may think fit on all Waggon, Wains, Carts, and such like Carriages with Two or more Wheels, provided the Fellies or Rollers of the Wheels are of such Breadth and Construction as the said Trustees may deem least calculated to injure the Roads, with Powers to the said Trustees, before granting such Diminution, to establish such Regulations as they may think proper touching the Weight of the Loading which such Waggon or other Carriage may be permitted to carry.

Tolls to be paid but once a Day.

XIII. And be it enacted, That no Person or Persons having paid the Tolls hereby authorized to be taken at any of the said Gates or Turnpikes shall on the same Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock of the succeeding Night, be liable again to pay the same Tolls at any Gate or Turnpike or Side Gate through which they may pass for the same Horse or Horses or other Cattle, or for the same Coach, Cart, or other Carriage drawn by the same Horses or other Cattle, for which such Toll shall have been previously paid on the same Day.

Tolls may be levied at Side Bars.

XIV. And be it further enacted, That it shall and may be lawful to and for the said Trustees to take and receive the said Tolls, Rates, and Duties hereby granted at any Toll Bar or Toll Bars to be erected on the Side or Sides of the said Roads, but so as that the Payment thereof at such Toll Bar or Toll Bars on any such Roads shall entitle the Horses, Cattle, or Beast, with or without any Cart or Carriage in respect whereof the same shall have been paid, to pass and return through all the Toll Bars on the same Road which shall be at a less Distance than Six Miles from such Side Bar Toll-free during the same Day : Provided always, that such Horses, Cattle, or Beasts shall not be permitted so to pass and return Toll-free through more than One principal Gate or Turnpike at which Tolls are levied and taken on the regular or main Line of Road upon which such Side Bar shall enter.

Payment of Tolls on one Road not to be an Exemption on other Roads.

XV. Provided always, and be it further enacted, That no Person or Persons paying the said Tolls, Rates, and Duties, at any Gate or Turnpike on one of the said Roads shall be entitled, in respect of such Payment, to any Exemption from the Payment of the Tolls, Rates, and Duties appointed to be levied on the others of the said Roads or any of them.

XVI. And

XVI. And be it further enacted, That all the Monies which shall arise and be produced by and from the Tolls by this Act granted and made payable, together with the Monies that shall be subscribed or borrowed upon the Credit thereof, and all other Monies which shall arise and be produced by virtue of this Act, shall be vested in the said Trustees, and shall be applied to and for the several Uses, Intents, and Purposes, and in the Order and Manner following; (that is to say,) in the first place, in the Payment of all the Costs, Charges, and Expences which shall have been incurred in applying for, preparing, obtaining, and passing this Act, and otherwise relating thereto respectively, and that in such Shares and Proportions as shall be fixed and determined upon at the First or any subsequent General Meeting of Trustees under this Act; secondly, in defraying the Expences of making the said Roads, and of erecting Turnpikes, Toll Gates, Side Gates, and Toll Houses, with suitable Outbuildings, upon, across, and by the Side of the said Roads; thirdly, in making, amending, altering, raising, widening, repairing, and keeping in repair the said Roads, and of building Bridges, Tunnels, Arches, and other Erections where the said Roads may be injured by Water, and for keeping the same, and also the said Turnpikes, Toll Gates, Side Gates, Toll Houses, and Outbuildings, in repair, and in executing the other Purposes of this Act; fourthly, in paying and discharging all the Interest which shall from Time to Time be owing to any Mortgagee or Mortgagees of the Tolls and Duties payable on the said Roads; and, lastly, in reducing, paying off, and discharging the several Principal Sums of Money which shall have been borrowed or subscribed, or which may be hereafter borrowed, subscribed, and secured, by virtue of this Act, and Interest accruing thereon.

Application  
of Tolls.

XVII. Provided always, and be it further enacted, That the said Trustees shall keep or cause to be kept separate Accounts of the Monies already subscribed, raised, or borrowed and due, and of the Monies to be subscribed, raised, or borrowed, and expended under and by virtue of this Act, and of the Tolls, Rates, and Duties to be levied or recovered and expended by virtue of this Act for or on each of the said Roads; and that such Monies, Tolls, Rates, and Duties so subscribed, borrowed, and due, or to be subscribed, raised, borrowed, levied, or recovered, for or on each of the said Roads, shall be expended and applied only for the Purposes of the Road for or on account of which the same shall be subscribed, raised, borrowed, levied, or recovered, and to or for no other Use or Purpose.

Separate Ac-  
counts to be  
kept for each  
Road.

XVIII. 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.

Public Act.

XIX. And be it also enacted, That this Act shall commence upon the Third *Monday* after the passing thereof, and shall remain in full Force and have Continuance for and during the Term of Thirty-one Years, and from thence to the End of the then next Session of Parliament.

Commence-  
ment and  
Continuance  
of this Act.

## SCHEDULE to which this Act refers.

Nos. on Plan No. II.	Owners.	Occupiers.	Description of Property.	Parish.	County.
25, 25, 25, 25.	Roderick M'Kenzie, Esq.	Proprietor -	Approach to House of Glack, and Orna- mental Planting.	Daviot	Aberdeen.
47 - -	George Leslie, Esq.	Proprietor -	Ornamental Planting	Fyvie -	Ditto.
51, 51, 51, 51, 51, 51.	Ditto - - -	Ditto - -	Approach to House of Kinbroon, and Or- namental Planting.	Ditto -	Ditto.
71, 71, 71.	James Wilson, Esq.	Proprietor -	Ornamental Planting	Forgue	Ditto.
78, 78, 78.	John Thain, Esq. -	Proprietor -	Ornamental Planting	Ditto -	Ditto.
90 - -	Alexander Morison, Esq.	Robert Stuart	Ornamental Planting	Ditto -	Ditto.
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Nos. on Plan No. IV.					
23 - -	Earl of Kintore -	Proprietor -	Ornamental Planting	Keithhall	Ditto.
24 - -	John Leith Ross, Esq.	Proprietor -	Ornamental Planting	Bourtie	Ditto.
25, 25 {-	Peter Duguid, Esq. -	Proprietor -	Ornamental Planting	Ditto -	Ditto.

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