



ANNO VICESIMO SEPTIMO & VICESIMO OCTAVO

# VICTORIÆ REGINÆ.

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## Cap. cxxxiii.

An Act for maintaining the public Roads and  
Bridges in the Stewartry of *Kirkcudbright*.

[30th June 1864.]

**W**HEREAS an Act was passed in the Third and Fourth Year of the Reign of Her present Majesty, intituled *An Act for making and maintaining certain Turnpike Roads in the Stewartry of Kirkcudbright, and the other Highways, Bridges, and Ferries therein, and for more effectually converting into Money the Statute Labour in the said Stewartry*, which Act is herein-after called the first-recited Act: And whereas an Act was passed in the First and Second Year of the Reign of His late Majesty King *William the Fourth*, intituled *An Act for amending and making more effectual the Laws concerning Turnpike Roads in Scotland*, which Act is herein-after called the secondly-recited Act: And whereas the Revenue arising from the Tolls and Assessments authorized by the first-recited Act is insufficient to provide for Payment of the Debts due and owing in respect of the Turnpike Roads, Highways, and Bridges in the Stewartry of *Kirkcudbright* placed under the Charge of the Trustees appointed by that Act, and for the Expense of the Maintenance and Management of the same: And whereas it is expedient that the public Roads within the Royal Burgh of *Kirkcudbright* should be placed under the Management and Control of

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*Stewartry of Kirkcudbright Roads Act, 1864.*

the Town Council of that Burgh, that the other public Roads and Bridges within the Stewartry of *Kirkcudbright* should be placed under uniform Management and Control, and that Provision should be made for the Maintenance and Improvement of the said public Roads and Bridges by means of Assessments on Lands and Heritages, and for Payment or Extinction of the said Debts, and for other Purposes; but the said Objects cannot be obtained without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen'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 Authority of the same, as follows; (that is to say,)

Short Title.

1. This Act may be cited for all Purposes as the "Stewartry of *Kirkcudbright* Roads Act, 1864."

Interpre-  
tation of  
Terms.

2. In this Act the following Words and Expressions shall have the Meanings hereby assigned to them respectively, unless there be something in the Subject or Context repugnant to such Construction:

The Expression "the Stewartry" shall mean the Stewartry of *Kirkcudbright*:

The Expression "the Sheriff" shall mean the Sheriff or Steward of the Stewartry, and shall include his Substitute for the Stewartry:

The Expression "the Trustees" or "the Trustees under this Act" shall mean the Road Trustees for the Stewartry of *Kirkcudbright* appointed and acting under this Act:

The Expression "the public Roads" shall mean and include all Turnpike Roads and Statute Labour Roads, Highways and public Bridges, within the Stewartry, which are not herein specially excepted:

The Word "Clerk" shall mean the Person appointed and acting for the Time being as Clerk to the Trustees under this Act:

The Expression "local Newspaper" shall mean any Newspaper published in the Stewartry, or, if there be no Newspaper published therein, any Newspaper published in the County of *Dumfries*:

The Expression "Burgh of *Kirkcudbright*" shall apply to the Royal Burgh of *Kirkcudbright*, and the Boundaries of such Burgh for the Purposes of this Act shall be held to be those prescribed for the said Burgh of *Kirkcudbright* by the Act passed in the Second and Third Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to amend the Representation of the People in Scotland*:

The Expression "Lands and Heritages," "Proprietor," "Tenant," and "Occupier" shall have the same Meanings as are attached thereto respectively in and by the Act Seventeen and Eighteen

*Victoria,*

*Stewartry of Kirkcudbright Roads Act, 1864.*

*Victoria*, Chapter Ninety-one, intituled *An Act for the Valuation of Lands and Heritages in Scotland*; and the Expression "Valuation Roll" shall mean and include the Valuation Rolls in force for the Time being for the Stewartry and for the Burghs therein respectively, made up under the Authority of that Act or of any other Act relating to the Valuation of Lands and Heritages in *Scotland* in force for the Time being.

3. This Act shall commence and come into operation upon the Twenty-sixth Day of *May* One thousand eight hundred and sixty-five, at Noon; and from the Time of the passing hereof until that Date its whole Powers and Provisions are hereby suspended, save in so far as otherwise expressly enacted. Commencement of Act.

4. From and after the Commencement of this Act the first-recited Act shall, subject to the Provisions of this Act, be and the same is hereby repealed: Provided always, that, notwithstanding the said Repeal, the Trustees under this Act may continue to impose and levy for the Period herein-after provided the Tolls and Duties authorized to be taken at the Gates, Turnpikes, and Side Bars erected upon the several Roads in the Stewartry by virtue of the first-recited Act, and may also continue to impose and levy the Assessment in lieu of Bridge Money authorized by the first-recited Act, in so far as necessary to pay off outstanding Grants from the Bridge Money of the Stewartry made before the Commencement of this Act, and for those Purposes shall have all the Powers conferred by the first and secondly recited Acts on the Trustees acting under the first-recited Act, as fully and effectually as if that Act had not been repealed. First-recited Act repealed.

5. From and after the Commencement of this Act the Enactments and Provisions of the secondly-recited Act, excepting the Proviso to Section One thereof, and excepting also the Sections thereof Number Two, Numbers Seven to Ten, both inclusive, Numbers Twenty-one to Fifty-nine, both inclusive, and Numbers Eighty-two and Ninety-five, shall be and the same are hereby, so far as not varied or altered by this Act, incorporated with this Act, and shall be applicable to all the public Roads and Bridges within the Stewartry; and in the Construction of the said Act with reference to this Act the Expression "Trustees under any Turnpike Act," or Words having the like Import, and the Expression "Turnpike Roads," shall mean and apply to the Trustees under this Act and the public Roads and Bridges placed under their Management, as the Case may require, in so far as such Application shall not be excluded by the Context or by any of the Provisions of this Act. Provisions of 1 & 2 W. 4. c. 43. incorporated.

6. The

*Stewartry of Kirkcudbright Roads Act, 1864.*

Act 8 & 9  
Vict. c. 41.  
not apply to  
this Act.

6. The Act passed in the Eighth and Ninth Year of Her present Majesty, intituled *An Act for amending the Laws concerning Highways, Bridges, and Ferries in Scotland, and the making and maintaining thereof by Statute Service and by the Conversion of Statute Service into Money*, shall not apply to any of the Roads to be maintained under this Act.

Appoint-  
ment and  
Qualifica-  
tion of  
Trustees.

7. This Act shall be carried into effect by a Body of Trustees, to be styled "the Road Trustees for the Stewartry of *Kirkcudbright*;" and the following Persons shall be and the same are hereby appointed such Trustees; (that is to say,)

1. Every Male Person of full Age who is rated in the Valuation Roll as Proprietor or Liferenter of Lands and Heritages in the Stewartry (excepting Lands and Heritages in the Burgh of *Kirkcudbright*) of the yearly Rent or Value of not less than One hundred Pounds Sterling; the Husband of every Female rated as aforesaid; the Chairman, Deputy Chairman, Secretary, or Manager of every incorporated Company rated as aforesaid who shall be appointed by such Company to act as a Trustee under this Act for the Time being on their Behalf; the Provost (or in his Absence the next senior Magistrate) of the Burgh of *Kirkcudbright*, so long as the Corporation of that Burgh shall be rated as aforesaid; the Guardian, Tutor, Curator, or Trustee for every Minor, fatuous or furious Person, or Person who may have conveyed his Property in trust, rated as aforesaid, or if there be more than One Guardian, Tutor, Curator, or Trustee for any such Person, then One of such Guardians, Tutors, Curators, or Trustees appointed by them to act as a Trustee under this Act for the Time being on their Behalf; the Factor of every Person rated as aforesaid in the Absence of his Constituent, such Factor being appointed under a Probative Faculty and Commission or other formal Deed of Appointment, or, if not so appointed, having acted *de facto* as Factor for a Period of not less than Six Months; the eldest Son or Heir Apparent or Presumptive (being of full Age), and the Husband of the eldest Daughter, being an Heiress Apparent or Presumptive, of every Person who is rated in the Valuation Roll as Proprietor or Liferenter of Lands and Heritages in the Stewartry (excepting Lands and Heritages in the Burgh of *Kirkcudbright*) of the yearly Rent or Value of not less than Two hundred Pounds Sterling:
2. The following Persons, *ex officiis*, (that is to say,) every Person who for the Time being shall hold any of the following Offices; *videlicet*, Sheriff or Steward of the Stewartry, Steward Substitute of the Stewartry, Provost (or in his Absence the next senior Magistrate) of the Royal Burgh of *New Galloway*,  
Chief

*Stewartry of Kirkcudbright Roads Act, 1864.*

Chief Magistrate of any of the following Burghs of Barony or Places, *videlicet*, *Creetown*, *Gatehouse*, *Dalbeattie*, *Castle-Douglas*, and *Maxwelltown*, or Chief Magistrate of any Burgh or Place within the Stewartry which may adopt in whole or in part "The General Police and Improvement (*Scotland*) Act, 1862," or any Act amending or continuing that Act:

3. Such Male Persons of full Age, One for each Parish in the Stewartry, as shall be elected annually as after mentioned, such Persons not being otherwise qualified as Trustees under this Act, and being rated in the Valuation Roll either as Tenants and Occupiers of Lands and Heritages within the Parish for which they are respectively elected (excluding the Burgh of *Kirkcudbright*) of the yearly Rent or Value of not less than One hundred and fifty Pounds Sterling, or as Proprietors of Lands and Heritages in such Parish (excluding the said Burgh) of the yearly Rent or Value of less than One hundred Pounds, but not under Fifty Pounds.

8. For the Purpose of carrying into effect the said Election of Trustees, the general Clerk to the Trustees under the first-recited Act shall convene Meetings of the Persons in each Parish in the Stewartry who are qualified under the last Sub-division of the immediately preceding Section of this Act to be elected Trustees, to be held not later than the Date prescribed for this Act coming into Operation, which Meetings shall be held in the Schoolroom of the principal Parochial School, or at such other Place within each such Parish as shall be specified in the Notice convening the Meeting, which Notice shall be published in a local Newspaper and affixed to the Door of the Parish Church not less than Ten Days previous to the Meeting; and at each of such Meetings the Persons present, Three being a Quorum, shall proceed to elect One Male Person of full Age to be a Trustee under this Act; and the Persons present at each such Meeting shall appoint a Chairman, who shall, in case of an Equality of Votes, have a casting as well as a deliberative Vote, and who shall record the Result of the Election, and report the same to the Clerk, who shall thereafter report the same to the First General Meeting of the Trustees; provided that, in the Case of an Equality of Votes with respect to the Appointment of a Chairman, the Person proposed as Chairman who is rated in the Valuation Roll at the highest Amount shall be appointed Chairman.

First Election of Trustees being Occupiers or Proprietors not otherwise qualified.

9. The Persons elected Trustees shall continue in Office only until the Date appointed for the next Election, which shall take place between the Fifteenth Day of *May* and the Fifteenth Day of *June* in each Year, commencing in the Year One thousand eight hundred

Subsequent Elections.

*Stewartry of Kirkcudbright Roads Act, 1864.*

and sixty-six; and Meetings shall be held annually in each Parish to carry into effect the said Elections, which Meetings shall be called by the Clerk in manner aforesaid; and in other respects the Procedure shall be as above prescribed for the First Election, the Result of each Election being reported to the Clerk, and by him to the next General Meeting of Trustees.

Failure to elect Trustees, &c. not to affect Proceedings of remaining Trustees.

**10.** If the Persons in any Parish qualified to elect Trustees fail to make an Election, or if any Person elected to be a Trustee, or if any other Trustee, refuse to act, or shall resign, die, or become disqualified, the Acts and Proceedings of the remaining Trustees shall be as valid and effectual as they would have been if such Failure, Refusal, Resignation, Death, or Disqualification had not occurred.

Conveyances, &c. to remain in force.

**11.** All Purchases, Sales, Conveyances, Assignments, Leases, Mortgages, Deeds, Bonds, Contracts, Agreements, Securities, and other Acts and Things made, done, entered into, executed, or instituted under or by virtue or in consequence of or confirmed by the first-recited Act hereby repealed, or with reference to any of the Purposes thereof, shall, notwithstanding the Repeal of the said Act, be as good, valid, and effectual to all Intents and Purposes as they would have been if the said Act had not been repealed, and may be proceeded on and enforced accordingly, the Trustees under this Act coming in the Room and Place of the Trustees under the first-recited Act.

Continuance of Liabilities.

**12.** Notwithstanding the Repeal of the first-recited Act, and except only as it is by this Act otherwise expressly provided, everything before the Commencement of this Act done and suffered under or confirmed by the first-recited Act shall be as valid as if such Act were not repealed; and the Repeal thereof and this Act respectively shall accordingly be subject and without Prejudice to everything so done or suffered, and to all Rights, Liabilities, Claims, and Demands, both present and future, which, if the said Act were not repealed and this Act were not passed, would be incident to or consequent on any and every thing so done or suffered; and, except only as aforesaid, the Trustees under this Act shall be liable in respect of all such Rights, Liabilities, Claims, and Demands in the same Manner and to the same Extent as the Trustees under the first-recited Act would have been respectively liable in respect of such Rights, Liabilities, Claims, and Demands, in case this Act had not been passed.

Actions, &c. not to abate.

**13.** No Action, Suit, Prosecution, or other Proceeding commenced either by or against the Trustees under the first-recited Act hereby repealed, or their Clerk or other Officer on their Behalf, before the Commencement of this Act, shall abate or be discontinued or prejudicially affected by this Act, but, on the contrary, shall continue and take

*Stewartry of Kirkcudbright Roads Act, 1864.*

take effect, whether in favour of or against the Trustees under this Act, in like Manner in all respects as the same would have continued and taken effect if this Act had not been passed; and all Offences against the Provisions of the Act hereby repealed committed before the Commencement of this Act may be prosecuted, and all Penalties incurred by reason of such Offences may be sued for, in like Manner in all respects as if this Act had not been passed.

**14.** All Persons acting or who have acted under the first-recited Act hereby repealed as the Trustees of any of the Roads, or as any Clerks or other Officers or Servants of any such Trustees, who shall at the Time this Act comes into operation have in their Custody, Power, or Possession, or under their Control, any Monies collected by virtue of the said Act, or any Books, Deeds, Papers, Writings, or Effects belonging to any of the said Trustees, or relating to the Execution of the said Act, shall pay and deliver up the same to the Trustees under this Act, or to such Person as the Trustees under this Act shall appoint to receive the same; and in case of Neglect or Refusal the Person so neglecting or refusing shall for every such Offence be liable in a Penalty not exceeding Twenty Pounds, to be recovered at the Suit of the Clerk.

Persons who have acted under repealed Act to account for Monies and deliver Books, &c.

**15.** Every Person who at the Commencement of this Act shall be liable to the Payment of any Assessment to the Trustees acting in the Execution of the first-recited Act hereby repealed, or who shall be liable for any Tolls and Duties leviable under the same, shall, notwithstanding the Repeal thereof, be liable to the Payment of such Assessment or of such Tolls and Duties to the Trustees under this Act, in like Manner as every such Person would have been liable to the Payment thereof to the Trustees acting in the Execution of the first-recited Act if this Act had not been passed, and the same shall be paid, with all Interest due or to accrue due thereon, to the Trustees under this Act; and the Payment thereof may be enforced by them in the like Manner as the same might have been enforced by the Trustees acting in the Execution of the Act hereby repealed if this Act had not been passed, or in the same Manner as any Assessment leviable under this Act; and the said last-mentioned Trustees shall pay over to the Trustees under this Act all Sums of Money in their Hands, received by them either under the Powers of the Acts hereby repealed or any of them, or applicable to the Purposes thereof, and the Payment thereof may be enforced by the Trustees under this Act by Proceedings in any Court of competent Jurisdiction.

Persons owing Debts under repealed Act to be liable to Trustees.

**16.** From and after the Commencement of this Act all the Rights and Property of all and every the Toll Gates, Toll Bars, and Toll Houses

Property transferred to Trustees.

*Stewartry of Kirkcudbright Roads Act, 1864.*

Houses already erected or which shall be continued, erected, or built up to that Date, on or in connection with any of the public Roads, as well as all the Roads, Bridges, Lands, Landing Places, Buildings, Works, Rights, Interests, Monies, Property, and Effects, Rights of Action, Claims, and Demands whatsoever, of or in which the Trustees of any of the public Roads shall be vested, seised, and possessed, or in any manner of way entitled to, under or by virtue of any Public or Local Statute or otherwise, excepting the public Roads within the Burgh of *Kirkcudbright* and Rights in relation thereto, shall become and be from and after the said Date vested in the Trustees under this Act, who may hold, sue for, and recover the same: Provided always, that nothing contained in this Act, or in the second-recited Act incorporated herewith, shall be held to confer upon the Trustees under this Act any Right of Property in or Power of Sale of the Solum of any Road or Lands, unless such Solum shall have been purchased by or conveyed to the said Trustees or their Predecessors.

Contracts  
to be en-  
tered into  
by Clerk.

17. All Contracts, Agreements, Leases, or other Deeds or Writings into which the Trustees under this Act, or the District Trustees, or their respective Committees, may find it necessary to enter, or which they may require to grant or execute, and which they shall have ordered to be entered into, granted, or executed, shall be entered into, granted, or executed by the Clerk in their Name and on their Behalf, and the same shall remain good, valid, and effectual, notwithstanding the Death, Resignation, or Removal of any such Clerk.

Stewartry  
divided into  
Districts.

18. For the better Execution of this Act the Stewartry shall, subject to the Provisions herein-after contained, be divided into Seven Districts, as follows; (that is to say,)

1. The *Kirkcudbright* District, comprising the Parishes of *Kirkcudbright*, *Rerwick*, *Borgue*, *Twynholm*, and *Tongueland* :
2. The *Castle-Douglas* District, comprising the Parishes of *Kelton*, *Balmaghie*, *Crossmichael*, *Parton*, and *Kirkpatrick-Durham* :
3. The *Dalbeattie* District, comprising the Parishes of *Urr*, *Buittle*, *Colvend*, and *Kirkgunzeon* :
4. The *Kirkbean* and *New Abbey* District, comprising the Parishes of *Kirkbean* and *New Abbey* :
5. The *Maxwelltown* District, comprising the Parishes of *Troqueer*, *Terregles*, *Irongray*, and *Lochrutton* :
6. The *New Galloway* District, comprising the Parishes of *Kells*, *Carsphairn*, *Dalry*, and *Balmaclellan* :
7. The *Creetown* District, comprising the Parishes of *Minnigaff*, *Kirkmabreck*, *Anwoth*, and *Girthon* :

Provided



*Stewartry of Kirkcudbright Roads Act, 1864.*

Provided that after the Lapse of Five Years from the passing of this Act, and of each succeeding Period of Five Years, the said Districts, or any of them, may be altered or re-arranged in Number or Extent by the Trustees; but no Alteration or Re-arrangement shall be made unless resolved on by Two consecutive Stated General Meetings of the Trustees, nor unless Notice of the Intention to propose an Alteration or Re-arrangement of the Districts shall have been given in the Advertisements calling such Meetings.

19. From and after the Commencement of this Act that Portion of the Turnpike Road leading from *Dumfries* by *Thornhill* and *Sanquhar* to the March of the County of *Ayr* which is situate within the Stewartry shall cease to be under the Management of the Trustees appointed by the Act passed in the Tenth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for making and maintaining certain Turnpike Roads within the County of Dumfries, and the other Highways, Bridges, and Ferries therein, and for more effectually converting into Money the Statute Labour in the said County*; and the Trustees under that Act shall not henceforth have Power to levy any Tolls, Rates, or Duties upon the said Portion of Road, nor to erect or maintain any Turnpike Gate or Toll Bar thereon, but the said Portion of Road shall thenceforth, except as herein-after specially provided, be deemed to be Part of the public Roads to which this Act applies, and, subject to the Powers of Alteration or Re-arrangement herein-before contained, to be within the *Maxwelltown* District of Roads, and be managed and maintained by the Trustees under this Act and the Trustees for the said District in the same Manner as the other public Roads in such District: Provided always, that while and so long as the Trustees under the said Act of the Tenth Year of King *George* the Fourth continue to levy any Tolls, Rates, or Duties on any Part of that Portion of the said Turnpike Road which is situate between *Dumfries* and *Thornhill*, or on any Part of the Turnpike Road from *Thornhill* by *Penpont* and *Minyhive* to the March of the Stewartry, they shall pay the Sum of Twenty Pounds annually at the Term of *Martinmas* to the District Trustees under this Act for the said *Maxwelltown* District towards the Expense to be incurred by such last-mentioned District Trustees in maintaining and repairing the said Portion of Road; provided also, that neither the Trustees under this Act, nor the Trustees of any District of Roads under this Act, shall be liable for any Part of the Debt affecting the said Portion of Road, or the Tolls, Rates, or Duties leviable thereon.

Portion of Road within the Stewartry now under the Management of the Dumfriesshire Road Trustees to be included in this Act.

20. The general Clerk to the Trustees under the first-recited Act shall prepare separate Lists of the Trustees, arranged according to their Qualifications, Office, or Election, in the respective Districts

Appointment of District Trustees.

[Local.]

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*Stewartry of Kirkcudbright Roads Act, 1864.*

before defined, any Person having the Qualification of a Trustee in more than One District being entered as a Trustee in each of the several Districts in which he has such Qualification; provided that any Person whose Qualification as a Trustee embraces more than One District, but who has not the full Qualification in each such District, shall be entitled to elect in which District he shall be entered as a District Trustee; and the said Lists shall be submitted to the First General Meeting of the Trustees, and upon being adjusted and approved by them, the Trustees therein mentioned shall be District Trustees for the several Districts until the Stated General Meeting of the Trustees to be held in *October* One thousand eight hundred and sixty-six; and similar Lists shall be prepared by the Clerk, and submitted annually to the Trustees at their Stated Meeting in *October*, and upon being adjusted and approved by such Meeting the Trustees therein mentioned shall be District Trustees for the several Districts until the following Stated Meeting in *October*: Provided always, that the Sheriff of the Stewartry and his Substitute shall not be entered in any of the Lists of District Trustees: Provided also, that in case any District Trustee shall die or become disqualified, his Successor in Office or in the Property which gave him his Qualification shall be entitled to act in his Stead until the Stated General Meeting of Trustees to be held in the Month of *October* following.

Powers of  
the Trustees.

**21.** The Trustees shall exercise, in regard to the public Roads, the whole Powers, Rights, and Privileges conferred on Turnpike Road Trustees by the secondly-recited Act, except in so far as herein otherwise expressly provided; and they shall also exercise the Powers of Assessment and other Powers herein specially conferred upon them, and shall have complete Power to direct, review, and control the Proceedings of the District Trustees, and of all Committees, whether of the General or District Trustees.

First General Meeting of  
Trustees.

**22.** The First General Meeting of the Trustees shall be held within the Court House at *Kirkcudbright* on the Second *Tuesday* of *June* One thousand eight hundred and sixty-five, at Twelve o'Clock Noon.

Subsequent  
Annual  
Meetings.

**23.** The Trustees shall thereafter hold Two Stated General Meetings in each Year within the Court House at *Kirkcudbright*, One on the Second *Tuesday* of *October*, and the other on the Thirtieth Day of *April*, or if the latter Day should happen to be a *Sunday* then upon the Day previous, and the Clerk shall give Ten Days previous Notice of the Time and Place of each Meeting by Advertisement in a local Newspaper.

**24.** The

*Stewartry of Kirkcudbright Roads Act, 1864.*

**24.** The District Trustees shall have the Administration and Superintendence of the public Roads within their respective Districts, and shall exercise and perform the other Powers and Duties herein conferred and devolved on them.

Powers of District Trustees.

**25.** The Trustees at their First General Meeting, and in each Year thereafter at their Stated Meeting in *April*, shall name a Convener for each District of Trustees; and in case of his Death, Resignation, or Disqualification they shall at any other Meeting appoint another Convener in his Stead.

Conveners of District Trustees.

**26.** The District Trustees shall meet as soon as conveniently may be after the First General Meeting of the Trustees, and thereafter from Time to Time as may be appointed by the Trustees at the First or any subsequent General Meeting; and they shall also meet as often as shall be considered necessary by their respective Conveners, in order to the due Disposal of the Business committed to them.

Meetings of District Trustees.

**27.** Any Trustee who shall object to or think himself aggrieved by the Decision or Resolution of any Meeting of District Trustees at which he had a Right to vote may appeal from such Decision or Resolution to the Determination of any Stated General Meeting of the Trustees, whose Determination therein shall be final.

Appeal against Decision of District Trustees.

**28.** The following Provisions shall be applicable to the Meetings and Proceedings of the Trustees:

Regulations for Meetings and Proceedings of Trustees.

The Quorum of a General Meeting of the Trustees shall be Nine, and of Meetings of the District Trustees Three:

The Trustees shall, at each General Meeting thereof, appoint a Chairman to preside at such Meeting; provided that in the Case of an Equality of Votes with respect to the Appointment of a Chairman, the Person proposed as Chairman who is rated in the Valuation Roll at the highest Amount shall be appointed Chairman:

The Convener for each District of Trustees shall preside as Chairman at Meetings of the District Trustees; and in case of his Absence at any Meeting the Persons present shall appoint One of their own Number as Chairman of such Meeting:

In case of an Equality of Votes at any Meeting, the Chairman shall have a casting as well as a deliberative Vote:

Special General Meetings of the Trustees or Special Meetings of the District Trustees may be convened by the Clerk on a Requisition, stating the Object of the Meeting, signed by any Three Trustees in the Case of a Special General Meeting of the Trustees, and by any Two District Trustees for the particular

particular

*Stewartry of Kirkcudbright Roads Act, 1864.*

particular District, in the Case of a Meeting of District Trustees; and in the former Case Three Weeks and in the latter Ten Days previous Notice of the Meeting and of the Object and Business thereof shall be given by Advertisement in a local Newspaper:

No Business shall be discussed or transacted at any Special Meeting except the Business specified in the Advertisement calling the same:

No Order or Determination of any Stated or Special General Meeting of the Trustees, once made, agreed upon, or entered into, shall be revoked or altered, except at a Stated General Meeting, nor unless One Month's previous Notice of the Intention to propose such Revocation or Alteration shall have been given:

Any Meeting may be adjourned to a Time and Place to be specified in the Minutes of such Meeting, and such adjourned Meeting may transact all Business not overtaken at the original Meeting, and which could have been competently transacted thereat:

If within One Hour from the Time appointed for any Stated General Meeting of the Trustees, or any Adjournment thereof, a Quorum of the Trustees shall fail to attend, the Meeting shall be held adjourned to that Day Three Weeks in the same Place, and Ten Days Notice of the Adjournment shall be given by the Clerk by Advertisement in a local Newspaper:

The Trustees and the District Trustees may respectively at any Meeting appoint Committees of their own Number, and give to such Committees such Instructions and Powers for carrying out the Objects of their Appointment as to such Meeting may seem fit:

No Trustee shall at any Meeting of the Trustees or of the District Trustees have more than One Vote, notwithstanding that he may be entitled to act as a Trustee in more than One Capacity.

Appoint-  
ment of  
Clerk and  
Treasurer.

**29.** At the First General Meeting of the Trustees there shall be appointed a Clerk, who shall act as Clerk, not only to the Trustees, but to the District Trustees, and also, if required, to their respective Committees, and there shall also be appointed a General Treasurer, who shall act as Treasurer both for the Trustees and for the District Trustees; provided that if the Trustees see fit, the same Person may hold the Offices of Clerk and Treasurer.

Appoint-  
ment of  
Surveyors,

**30.** The Trustees shall appoint from Time to Time a Surveyor or Surveyors, a Collector or Collectors, an Auditor or Auditors, and other

*Stewartry of Kirkcudbright Roads Act, 1864.*

other Officers, for the efficient carrying out of the Purposes of this Act. Collectors, &c.

**31.** The Clerk and other Officers who may be from Time to Time appointed under this Act shall be liable to be removed from Office at any Time by the Trustees, who shall also have Power to prescribe their special Duties and the Terms of Appointment, and to fix and determine their Salaries and Allowances. Officers may be removed.

**32.** The Accounts of the Trustees shall be balanced in each Year as on the Fifteenth Day of *May*, and submitted to the Stated General Meeting of Trustees held in the Month of *October* thereafter, and an Abstract thereof shall forthwith be published once in a local Newspaper. Accounts to be balanced and Abstract published annually.

**33.** The Subscription Debts stated in the Schedule (A. No. 1) to this Act annexed, upon which no Interest has been paid for Twenty Years preceding the Fifteenth Day of *May* One thousand eight hundred and sixty-three, together with all Arrears of Interest thereon, shall as at the Fifteenth Day of *May* One thousand eight hundred and sixty-three be and the same are hereby extinguished as Debts due and owing by the Trustees under the first-recited Act or this Act. Certain Subscriptions extinguished as Debts.

**34.** The Debts due by the several Roads or Districts of Roads mentioned in Schedule (A. No. 2) to this Act annexed, to the Road described in the first-recited Act as the great Road from the new Bridge over the *Nith* at *Dumfries*, by *Castle-Douglas* and the Bridge of *Fleet* at *Gatehouse*, to the Bridge of *Cree* near *Newton Stewart*, and commonly known as the Mail Trust Road, being Advances made from Time to Time from the Funds of the latter Road to the said several Roads or Districts of Roads, together with all Arrears of Interest thereon, shall, as at the Fifteenth Day of *May* One thousand eight hundred and sixty-three, be and the same are hereby extinguished. Debts due by certain Roads to the Mail Trust Road extinguished.

**35.** Whereas the Debts due and owing at the Twenty-sixth Day of *May* One thousand eight hundred and sixty-three upon the Credit of the Tolls authorized by the first-recited Act, being Monies borrowed in respect of certain Roads or Districts of Roads, amount to One thousand one hundred and ten Pounds, as stated in Schedule (B. No. 1) to this Act annexed; and the unsecured Debts or floating Balances at the Thirty-first Day of *May* One thousand eight hundred and sixty-three due to and by the Treasurer of the Trustees under the first-recited Act in respect of the Turnpike Roads under their Management are stated in Schedule (B. No. 2) to this Act annexed; the net Balance then due to the Treasurer in respect of the

[Local.]

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whole

*Stewartry of Kirkcudbright Roads Act, 1864.*

whole of the said Roads being Four hundred and thirty Pounds Sixteen Shillings and Elevenpence : Therefore the Debts specified in the said Schedule (B. No. 1), so far as remaining due and owing at the Date of the Commencement of this Act, and also the said net Balance due to the said Treasurer, so far as not paid off in the ordinary Management of the said Roads at the last-mentioned Date, together with any further Balances or Sums which may become due to the said Treasurer in the ordinary Management of the said Roads to the said Date, and which several Debts and Balances are herein-after styled "Turnpike Road Debts," shall be paid off or provided for by the Trustees under the first-recited Act, or the Trustees under this Act, in manner herein-after mentioned.

Voluntary  
Assessment  
for paying  
off Turnpike  
Road Debts.

**36.** For the Purpose of paying off in whole or in part the Turnpike Road Debts, together with Interest thereon at a Rate not exceeding Five Pounds *per Centum per Annum*, the Trustees acting under the first-recited Act, at their Autumn General Annual Meeting to be held in the present Year, may arrange and agree that an Assessment be made upon the Proprietors of Lands and Heritages within the Stewartry, excluding Lands and Heritages within the Burgh of *Kirkcudbright*, or belonging to any Railway Company, but Payment of such Assessment shall be voluntary, and the same, if and when paid over to the Trustees under the first-recited Act or to the Trustees under this Act, shall be placed in a separate Account in a Bank in *Scotland* incorporated by Act of Parliament or Royal Charter, and afterwards applied towards Payment and Discharge of the Turnpike Road Debts.

If voluntary  
Assessment  
not agreed  
to, or in-  
sufficient,  
Power to  
levy Tolls  
continued  
till Debt be  
paid off.

**37.** In the event of the said Assessment not being agreed to, or of the Sum raised thereby and by the Sale of Toll Houses and other Property as herein-after provided being insufficient to meet the Payment of the Turnpike Road Debts, the Amount or Balance thereof shall be provided for and paid by means of the Tolls and Duties authorized to be levied under the first-recited Act, and which shall be levied by the Trustees under this Act; and in that event the Trustees acting under the first-recited Act and the Trustees under this Act shall have Power, and they are hereby required, to let by Public Roup or Private Tender, or to cause to be collected, the Tolls and Duties leviabie at the several Gates, Turnpikes, and Side Bars within the Stewartry, for such Period as may be necessary to provide for the Payment of the said Debts; and the Sums realized from the said Tolls and Duties shall be paid into Bank, and applied towards Payment and Discharge of the Turnpike Road Debts, in manner before mentioned; provided that any Surplus which may remain after paying the said Debts shall be applied towards the Expense of obtaining this Act, or towards the general Expenses of Management under this Act.

**38.** Whereas

*Stewartry of Kirkcudbright Roads Act, 1864.*

**38.** Whereas the Debts due and owing at the Fifteenth Day of *May* One thousand eight hundred and sixty-three in respect of the Highways or Statute Labour Roads within certain Parishes in the Stewartry, and which form Charges upon the Assessment or Conversion Money in lieu of Statute Labour authorized by the first-recited Act, are stated in Schedule (C. No. 1) to this Act annexed; and the floating Balances at the said Date due to the Collectors of certain Parishes are stated in Schedule (C. No. 2) to this Act annexed: Therefore the said Debts and floating Balances, so far as not paid off in the ordinary Management of the said Highways or Statute Labour Roads at the Date of the Commencement of this Act, together with any further Debts or floating Balances which may become due in the ordinary Management of the same to the said Date, all which Debts and floating Balances are herein-after called "Parish Road Debts," shall be paid off by the Trustees under this Act in manner herein-after mentioned.

As to Parish Road Debts.

**39.** For the Purpose of paying off the Parish Road Debts contracted or owing by the several Parishes in the Stewartry respectively, together with Interest thereon at a Rate not exceeding Five *per Centum per Annum*, it shall be lawful for the Trustees to impose and levy in each Year from and after the Commencement of this Act an Assessment not exceeding One Penny in the Pound on the Proprietors of all Lands and Heritages within the said Parishes respectively, according to the yearly Rent or Value of such Lands and Heritages as entered in the Valuation Roll, excluding Lands and Heritages within the Burgh of *Kirkcudbright*, or belonging to any Railway Company: Provided always, that the said Debts and Interest shall be paid off within such Periods as the Trustees may determine, not exceeding Fifteen Years from the Commencement of this Act.

Assessment for paying off Parish Road Debts.

**40.** The Trustees, at the Stated General Meeting to be held in *October* One thousand eight hundred and sixty-five, shall ascertain and determine the Amount, if any, then due and owing in respect of the Expenses of applying for and obtaining this Act and incidental thereto, together with the Costs and Charges incurred in putting this Act into execution up to that Time; and the Amount so ascertained and determined shall be paid by means of One or more annual Assessments at a uniform Rate *per Pound*, which the Trustees are hereby authorized to impose and levy upon the Proprietors of all Lands and Heritages within the Stewartry according to the yearly Rent or Value of such Lands and Heritages as entered in the Valuation Roll, excluding Lands and Heritages within the Burgh of *Kirkcudbright*.

Assessment for Expense of Act and putting it in execution.

41. So

*Stewartry of Kirkcudbright Roads Act, 1864.*

Provision  
for Abolition  
of Tolls.

41. So soon as the Turnpike Road Debts have been paid off or provided for in manner before mentioned, the Collection and levying of Tolls on the whole Roads within the Stewartry shall cease and determine, and the Toll Gates and Toll Bars erected for the Collection and levying of such Tolls shall be removed, and the said Roads shall thereafter be open to the Public free of Toll, and the same shall thereafter be maintained in manner herein-after provided.

Statute  
Labour and  
Bridge  
Money to be  
abolished.

42. From and after the Commencement of this Act all Assessments or Conversion Money in lieu of Statute Labour, and all Assessments in lieu of Bridge Money, theretofore leviabie within the Stewartry, shall cease and determine, and the same shall be and are hereby abolished, except always as to such of the said Assessments or Conversion Money theretofore duly made or imposed under the Authority of the first-recited Act as may not then have been recovered, and except also as to such Assessments in lieu of Bridge Money as the Trustees may, in virtue of the Powers herein-before granted, continue to impose for the Purpose of paying off outstanding Grants from the Bridge Money of the Stewartry.

Provision  
for Sale of  
Toll Houses.

43. It shall be lawful for the Trustees, if and when they see fit, to sell or otherwise dispose of and to convey all or any of the Toll Houses and Sites thereof, and Gardens, Lands, Gates, Weighing Machines, and other Property appertaining thereto, in so far as the same belong to or are vested in the Trustees under the Provisions of this Act, in such Manner as they may think fit, for the best Price that can be obtained for the same; and the Proceeds of such Sales, and the Rents and Proceeds of such Property, while the same remain unsold, shall be applied towards Payment of the Turnpike Road Debts, or, if such Debts be paid off at the Time, towards the other Purposes of this Act: Provided always, that before such Toll Houses and the Lands and Premises attached thereto are sold, they shall respectively be offered in the first instance to the Proprietors of the adjoining Lands, and if such Proprietors elect to purchase the same the Price shall be fixed by the Valuation of an Arbiter or Arbiters, to be mutually chosen by such Proprietor and the Trustees, and, in the Case of such Arbiters differing in Opinion, of an Oversman to be appointed by them; and the Expense of such Reference and Award shall be borne by the Parties equally, unless the Arbiters, or, in case of Difference between them, the Oversman, shall see Cause to order otherwise, which they and he shall respectively have Power to do.

Lists of  
public Roads  
to be made.

44. Within One Month after the First General Meeting of the Trustees under this Act there shall be prepared, under the Direction of the District Trustees, Lists of the public Roads within their respective Districts (exclusive of the Burgh of *Kirkcudbright*) which  
are



*Stewartry of Kirkcudbright Roads Act, 1864.*

are to be maintained out of the Assessments herein-after authorized, which Lists shall be reported to the next Stated General Meeting of Trustees to be held in *October* One thousand eight hundred and sixty-five, and after being examined, adjusted, and approved of by them shall be held to be the Roads to be maintained out of the Monies to be raised by the Assessments herein-after authorized: Provided that the Lists of Roads as prepared by the District Trustees shall remain in the Hands of the Clerk for public Inspection, and that a Copy of each List shall, within Six Weeks after the said First General Meeting, be deposited for public Inspection with a Schoolmaster in each District, and Notice of the Name and Residence of each Schoolmaster with whom such Deposit shall be made shall be given in a local Newspaper within the Time last mentioned, and Intimation shall be made in such Notice that all Persons interested may inspect the said Lists or Copies, and lodge Objections in the Hands of the Clerk on or before the First Day of *September* One thousand eight hundred and sixty-five; and any Objections which may be so lodged shall be submitted to and considered by the Trustees of the District to which the Objections relate, and if any Person feel himself aggrieved by their Resolution he may appeal against the same to the General Meeting of Trustees to be held in *October* One thousand eight hundred and sixty-five.

**45.** The Lists of public Roads may be altered and amended annually at the Stated General Meeting of Trustees held in *October* in each Year, but no Alteration or Amendment shall be made unless the same has been previously considered at a Meeting of District Trustees, and a Deliverance given by them thereon.

Lists of  
Roads may  
be altered.

**46.** The several Portions of Ground taken off and set apart by the Trustees under the first-recited Act at or near to various Ports or Places in the Stewartry for Landing Places and for the Purpose of laying down Lime, Shells, Coals, or other Goods for the Accommodation of the Public until the same can be conveniently taken away, and in virtue of this Act vested in the Trustees, shall be held by them for the Purpose aforesaid, and the District Trustees shall have full Power to regulate or cause to be regulated the Mode in which the said Portions of Ground in their respective Districts are to be occupied in every respect.

Ground for  
Landing  
Places.

**47.** Upon a written Report from the Surveyor that it is necessary to shut up for a limited Period any public Road or Bridge, for the Purpose of repairing the same or to prevent Risk of Accident, any Two Trustees acting for the District within which such Road or Bridge is situate may from Time to Time authorize the shutting up of such Road or Bridge for such Period as they may deem necessary

Roads or  
Highways  
may be  
shut up for  
Repairs.

*Stewartry of Kirkcudbright Roads Act, 1864.*

sary for the said Purpose; and any Person interested who may object to such shutting up may appeal against the same to the next General Meeting of the Trustees.

Town Council of Kirkcudbright to maintain the public Roads within that Burgh.

48. The Town Council of the Burgh of *Kirkcudbright* shall from and after the Commencement of this Act be bound and are hereby authorized and required to manage, maintain, and keep in repair the whole of the public Roads within the Boundaries of that Burgh, and they may apply for that Purpose any Funds or Assessments available for such Maintenance and Repair which may be under their Control or which they may have Power to impose and levy; and if there shall not be any such Funds or Assessments, or if the same be insufficient for such Maintenance and Repair, it shall be lawful for the said Town Council in virtue of this Act to impose and levy on and from the Proprietors and Tenants or Occupiers of all Lands and Heritages within the said Burgh, conform to the Valuation Roll in force therein for the Time being, such an Assessment as may be necessary to meet the Cost of the said Maintenance and Repair, or such Portion thereof as may not be provided for by means of the Funds or Assessments already available for that Purpose as aforesaid, One Half of such Assessment in virtue of this Act being payable by the said Proprietors, and the other Half by the said Tenants or Occupiers; and the said Town Council may impose and levy the said Assessment under this Act, and shall have all the Powers necessary for imposing and levying such Assessment accordingly; provided that any Assessment imposed in virtue of this Act shall be applied exclusively to the Purposes above specified.

Report and Estimates of Expense of Repairs of Roads to be made.

49. The Surveyor of the Trustees shall annually prepare, under the Direction of the Trustees in each District, detailed Reports of the State of the several public Roads within such District, so far as contained in the List made up with reference thereto as aforesaid, and make Estimates of the Expense of maintaining and repairing the same respectively; and on consideration of such respective Reports and Estimates the Trustees in each District shall report to the Stated General Meeting of Trustees to be held in *October* in each Year the Sums which they recommend to be raised by Assessment for the Maintenance and Repair of the Roads in their respective Districts.

Assessments to be imposed for each District.

50. At the Stated General Meeting to be held in *October* in each Year the Trustees, on consideration of the Reports of the District Trustees, and after allocating on each District a Proportion of the general Expenses of Management (including the Salaries of Officers and all other Costs and Charges) corresponding to the yearly Rent or Value of the Lands and Heritages therein, as compared with the yearly

*Stewartry of Kirkcudbright Roads Act, 1864.*

yearly Rent or Value of the Lands and Heritages in the Stewartry (exclusive in both Cases of the Burgh of *Kirkcudbright*), conform to the Valuation Roll then in force, shall impose and levy such an Assessment for each District respectively as may be required to meet the Expense of maintaining and repairing the public Roads therein, and defraying the Proportion effecting thereto of the general Expenses of Management as aforesaid for the then current financial Year, which shall be from the Fifteenth Day of *May* preceding to the Fifteenth Day of *May* following, except as regards the Period from the Commencement of this Act to the Fifteenth Day of *May* One thousand eight hundred and sixty-six, which shall be deemed the First Year.

51. The Assessments mentioned in the immediately preceding Section of this Act shall be payable One Half by the Proprietors and the other Half by the Tenants or Occupiers of all Lands and Heritages in the respective Districts (exclusive of the Burgh of *Kirkcudbright*), conform to the Valuation Roll in force for the Time being: Provided that in the event of Tolls being collected and levied after the Commencement of this Act, in virtue of the Provisions herein-before contained, the Assessment for the First Year shall be payable Three Fourths by the Proprietors and the remaining One Fourth by the Tenants or Occupiers aforesaid.

Mode of  
Assessment.

52. The Expense of rebuilding any existing Bridge shall be raised and paid by means of an Assessment to be imposed and levied in manner aforesaid on and from the Proprietors of Lands and Heritages within the District or Districts in which such Bridge is situate, but it shall be lawful for the Trustees to provide that such Expense shall be paid by Instalments distributed over a Series of Years not exceeding Ten.

Assessment  
for rebuild-  
ing Bridges.

53. The Trustees may authorize the District Trustees at any Time to make such Improvements on existing Roads and Bridges, or to make such new Roads and Bridges within their respective Districts, as may be thought proper, and upon such Terms and Conditions as may be agreed upon between the District Trustees and the Proprietors interested in or whose Land is required to be taken for such Improvements or new Roads and Bridges: Provided always, that no such Improvement or new Road or Bridge shall be made under the Authority of this Act, unless at least One Half of the estimated Cost thereof be provided by means of Subscriptions from Proprietors or others interested, which Subscriptions shall not rank as Debts, nor unless the Works shall also have been consented to by the Proprietors whose Land is required to be taken, Heirs of Entail being hereby authorized to give such Consent, nor unless the same shall also have been sanctioned by Two Thirds of the Trustees for the District

Power to  
make new  
Roads.

*Stewartry of Kirkcudbright Roads Act, 1864.*

District or for the respective Districts in which such Improvement or new Road or Bridge is proposed (exclusive of Trustees *ex officio*s or Trustees elected), who shall be present at a Meeting called by Advertisement in a local Newspaper with special Notice of the Object of the Meeting.

Assessment for Construction of new Roads and Bridges.

**54.** The Expense of such last-mentioned Improvements or of any new Road or Bridge, so far as not defrayed by the aforesaid Subscriptions, shall be paid by means of an Assessment to be imposed and levied by the Trustees under the Authority of this Act, and such Assessment shall not extend over a longer Period than Ten Years, and shall be levied from and paid by the Proprietors of Lands and Heritages within the District or Districts in which the Improvement or new Road or Bridge is made.

As to Expense of maintaining Bridges in Two Districts.

**55.** Where any Bridge is situated partly in one District and partly in another, the Expense of maintaining or rebuilding such Bridge shall be borne in equal Moieties by the Districts in which such Bridge is situated.

District Trustees to apply and expend District Assessments.

**56.** The Assessments raised in each District shall be applied and expended by the District Trustees respectively, and they shall report a Statement of their Accounts for the preceding financial Year to the stated General Meeting of Trustees to be held in *October* in each Year.

Mode of making Assessments.

**57.** All Assessments under the Authority of this Act shall be deemed and taken to be for the Year commencing on the Fifteenth Day of *May* preceding the Date of imposing the Assessment (except for the first financial Year, which shall commence on the Twenty-sixth Day of *May* One thousand eight hundred and sixty-five), and shall be imposed on Proprietors and Tenants or Occupiers, or on Proprietors alone, as the Case may be, according to the Valuation of the Lands and Heritages in the Valuation Roll in force at the Time such Assessment is imposed.

Assessment Roll to be made up.

**58.** The Clerk shall make up Assessment Rolls according to the Valuation Roll in force at the Time of imposing each Assessment, in which shall be set forth the Names of the Persons liable to such Assessment and the Sums payable by them respectively, and the gross Amount of such Assessment and such Assessment Roll shall be signed by the Clerk and by Two Trustees, and shall thereafter remain in the Office of the Collector open to the Inspection of all Persons interested at all reasonable Times, without Fee or Reward; and any Omissions in such Assessment Roll may be supplied by means of a Supplemental Roll.

**59.** In

*Stewartry of Kirkcudbright Roads Act, 1864.*

59. In making up such Assessment Rolls, the Assessment for Payment of Parish Road Debts and Interest, the Assessment for Maintenance, Repair, and Management of the public Roads, the Assessment for Improvement of existing Roads or Bridges, or for making new Roads or Bridges, and any other Assessment by this Act specially authorized, shall all be separately distinguished.

Mode of making up Assessment Roll.

60. To enable the Trustees to make up the Assessment Rolls for the Purposes of this Act, the Clerk of Supply for the Stewartry and the Town Clerk of every Burgh therein (excepting the Burgh of *Kirkcudbright*) shall, on Payment of such reasonable Fees as may in case of Difference be fixed by the Steward of the Stewartry, and within Three Weeks after being so required in Writing by the Clerk, deliver to him a Copy, certified under the Hand of such Clerk of Supply or Town Clerk, of the Valuation Roll in force for the Time within the Stewartry or such Burgh respectively, and such Copy may be either written or printed, or partly written and partly printed.

Certified Copies of Valuation Roll to be delivered to the Road Clerk.

61. Public Notice shall be given by an Advertisement, signed by the Clerk and published in a local Newspaper, of the Rates of Assessment to be levied under the Provisions of this Act on Proprietors and on Tenants or Occupiers respectively, distinguishing the Rates assessed for the several Purposes foresaid, and such Notice shall state the Time or Times and Place or Places of Payment of the Assessments, and require Payment to be made to the Collector accordingly.

Public Notice of Assessment to be given.

62. Where any Lands and Heritages shall be separately let at a Rent not amounting to Four Pounds *per Annum*, the Proprietor of such Lands and Heritages shall be charged with and shall pay the whole of the Assessments on such Lands and Heritages separately let as aforesaid, but every such Proprietor charged with and paying such Assessment shall have Relief against the Tenant or Occupier of such Lands and Heritages for Reimbursement of the Proportion of such Assessment which would under the other Provisions of this Act have been payable by such Tenant or Occupier; and every Tenant under a Lease ending at the Term of *Martinmas*, from whom the Assessment for the whole financial Year current at that Term may have been collected shall have Right to Repayment from the Proprietor or the incoming Tenant of One Half thereof.

Regulating Tenants Assessments.

63. No Assessments shall be imposed or levied under the Authority of this Act for or in respect of any House or Building, or Portion of a House or Building, exclusively used as a School-house, Reformatory, House of Refuge, Poors House, Public Lunatic

Exemption of Public Buildings from Assessment.

*Stewartry of Kirkcudbright Roads Act, 1864.*

Asylum, Town House, Sheriff, Burgh, or Justice of the Peace Court House, Town or County Prison, Police Station or Lock-up House, or House for Religious Worship or charitable Purposes.

Notice of Assessment to be given Defaulters before taking legal Proceedings for Recovery.

**64.** If any Person shall fail to pay the Assessment due by him at the Time when the same is payable, the Collector, before taking any legal Proceedings for Recovery thereof, shall give a Notice in manner herein-after provided to such Person requiring him to make Payment thereof within Seven Days thereafter.

Recovery of Assessment under summary Warrant by Poining and Sale of Defaulters Goods.

**65.** It shall be lawful for the Collector in his own Name, but on behalf and at the Expense of the Trustees, to recover any Arrears of Assessment due by any Person or by any Number of Persons, either according to the ordinary Procedure before any competent Court, or by obtaining from the Sheriff a summary Warrant to recover the same, with the Addition of Ten *per Centum* thereon in lieu of any Costs which have been or may require to be incurred from the Person or Persons respectively liable in Payment of the same, which Warrant the Sheriff shall grant on Production of an Extract from the Assessment Roll made up in pursuance of the Provisions herein-before contained of the Entries therein relating to such Person or Persons, showing the Amount or respective Amounts due by him or them, and a Certificate by the Collector that he had given to such Person or to each of such Persons a Notice, in manner herein-before directed, requiring him to make Payment of the Amount due by him within Seven Days thereafter, that the said Period had expired, and that the said Amount had not been paid, and was still truly due; and such Warrant shall authorize the Collector to cause any Officer of Court to enter into the Premises of the Person or Persons so in arrear, and to poind, seize, and remove or secure any Goods and Effects therein belonging to or in the lawful Possession of such Person or Persons, or so much thereof as will satisfy the Arrears due by him or them respectively, with the Addition of Ten *per Centum* thereon in lieu of costs, and shall also authorize the Collector, after the Lapse of Four Days, in the event of Nonpayment of the said Arrears and Costs, to cause any Officer of Court or licensed Auctioneer to sell and dispose of the said Goods and Effects, and shall further authorize the Collector, on receiving Payment of the Price of the said Goods and Effects, to apply the same in Payment of the said Arrears and Addition of Ten *per Centum* thereon respectively due by such Person or Persons.

Regulating Sales of Effects for Payment of Assessments.

**66.** Every Sale which takes place in pursuance of the Provisions herein-before contained shall be conducted by Public Auction, and on such Notice and at such Place as the Sheriff or his Substitute who

*Stewartry of Kirkcudbright Roads Act, 1864.*

who grants the Warrant may direct, or, failing such Directions, as the Collector may fix.

**67.** The Collector shall account to the Owner of any Goods and Effects which are sold in pursuance of the Provisions herein-before contained, for any Surplus which remains after applying the Proceeds of Sale in Payment of the said Arrears and Addition of Ten *per Centum* thereon due by such Owner, and shall, for a Period of Three Months after the Date of every Sale, preserve Evidence of the Amount of such Proceeds.

Collector to account for surplus Proceeds of such Sales.

**68.** The Owner of any Goods and Effects which have been poided or sold in pursuance of the Provisions herein-before contained, and who feels aggrieved by any unjust or oppressive Proceeding on the Part of the Collector, or to whom the Collector has not accounted for any Surplus remaining after applying the Proceeds of Sale in Payment of the Arrears of Assessment and Addition of Ten *per Centum* thereon due by such Owner, may present a Petition to the Sheriff, who shall thereupon summarily call before him the Collector and such Petitioner, and without written Pleadings shall inquire into and decide any Dispute, Question, or Claim of Damage raised by such Petition, and may award Expenses to either Party; but, except to the Effect and in the Manner herein-before provided, it shall not be competent for any Person to make, nor for any Court of Law to entertain, a Complaint with respect to any Warrant granted by the Sheriff in pursuance of the Provisions herein-before contained, either on account of any Mistake, Informality, or Misnomer, or on any Account or Pretence whatever, or with respect to any Proceedings of the Collector or of any Officer or licensed Auctioneer in the Execution of such Warrant, and the Decision of the Sheriff on any such Dispute, Question, or Claim shall be final, and not subject to Suspension, Reduction, Advocation, or Appeal, or to any Form of Review or Stay of Execution.

Providing Appeal against any oppressive Proceedings of Collector.

**69.** All Monies arising from Assessments levied by the Trustees under the Authority of this Act, or otherwise, shall, on Receipt thereof by the Collector, be paid to the Treasurer, and shall by him be lodged to the Credit of an Account to be kept in Name of the Trustees, or of the Trustees for the District to which any such Assessment relates, as the Case may require, in some incorporated or Joint Stock Bank or Branch thereof, to be for that Purpose appointed by such Trustees, and the Interest accruing on such Account shall be accounted for to such Trustees.

Monies to be lodged in Bank.

**70.** All Cheques or Drafts on any Bank Account kept in Name of the Trustees or of any District Trustees shall be signed by the Treasurer;

Drafts on Bank Ac-

*Stewartry of Kirkcudbright Roads Act, 1864.*

count kept  
by Trustees.

Treasurer ; and the Treasurer shall make no Drafts on such Account for other Purposes than the Payments which shall from Time to Time be authorized by such Trustees.

Trustees  
may borrow  
on Credit  
of Assess-  
ments.

71. The Trustees and the District Trustees respectively may and they are hereby authorized and empowered from Time to Time to borrow and take up at Interest from the Exchequer Loan Commissioners, or any Person or Company willing to lend the same, and if paid off again to borrow, on the Credit of the respective Assessments hereby authorized to be levied, or any of them, such Sum or Sums of Money as may be necessary for carrying into effect the respective Purposes of this Act, and to make and grant Mortgages or Assignations of the said Assessments, or any of them, in security of the Sums so borrowed : Provided always, that Monies so borrowed shall be paid off within the Periods herein-after prescribed.

Power to  
borrow on  
Cash Credit  
Account.

72. It shall be lawful for the Trustees and the District Trustees respectively, instead of borrowing on Mortgage or Assignation in Security as herein-before provided, to borrow from any Bank or Banking Company, on a Cash Credit Account to be opened and kept according to the Usage of Bankers in *Scotland* with such Bank or Banking Company, in Name of the said Trustees, any such Sum or Sums of Money as, together with any Sum or Sums which the said Trustees may have borrowed upon Mortgage or Assignation in Security, may be necessary for carrying into effect the respective Purposes of this Act, and to make and grant Mortgages and Assignations of the said Assessments in Security, and for Repayment of the Sums advanced from Time to Time upon such Cash Credit Account and the Interest thereof.

Form of  
Mortgages  
and Assigna-  
tions in Se-  
curity.

73. Every Mortgage, Assignation, or other Deed in Security authorized to be made under the Provisions of this Act may, if the Trustees or District Trustees, as the Case may be, shall think fit, provide for the Repayment of the Principal Sum and Interest by fixed Instalments ; and any such Mortgage, Assignation, or other Deed, and any Transfer thereof, may be according to the Forms prescribed by " The Commissioners Clauses Act, 1847," or to the like Effect, or according to such other Forms as may be most convenient, and in accordance with Law and Usage in respect of Securities of a like Nature in *Scotland*.

Portion of  
10 & 11 Vict.  
c. 16. in-  
corporated.

74. The Clauses of " The Commissioners Clauses Act, 1847," with respect to Mortgages to be executed by the Commissioners, with the Exception of Section Eighty-four, are hereby incorporated with this Act ; and in construing the said Clauses as incorporated herewith, the Word " Commissioners " shall mean the Trustees or the District Trustees



*Stewartry of Kirkcudbright Roads Act, 1864.*

Trustees under this Act, as the Case may be; and the Expression "the Special Act" shall mean this Act, and the Word "Mortgage" shall include any Deed of Security which may be granted by the said Trustees respectively under the Powers of this Act.

**75.** Mortgagees or Assignees in Security of the Trustees or of the District Trustees are hereby empowered to enforce the Payment of Arrears of Principal and Interest due on any Mortgage or Deed of Security granted under the Powers of this Act by the Appointment of a Receiver.

Arrears may be enforced by Appointment of a Receiver.

**76.** Monies borrowed for the Purposes of this Act shall be paid off within such Periods as the Trustees or District Trustees by whom the same are borrowed may determine: Provided always, that Monies borrowed to pay off Parish Road Debts shall be paid off within Fifteen Years from the Commencement of this Act, and Monies borrowed to pay the Expense of improving existing Roads or Bridges or making new Roads or Bridges shall be paid off within Ten Years after the Date of borrowing, and Monies borrowed from Time to Time on the Credit of the Assessments for maintaining and repairing the public Roads shall be paid off within Twelve Months after the respective Dates of borrowing.

Borrowed Monies to be paid off within prescribed Periods.

**77.** Subject to the Provisions of this Act, all Monies levied and received by the Trustees or the District Trustees under the Authority of this Act, which are not herein-before expressly appropriated to particular Purposes, shall be applied as follows, and to no other Purposes whatever:

Application of Monies received under this Act.

1. Monies received on account of Assessments for the Payment of Debts (other than the voluntary Assessment herein-before provided for), and Monies borrowed on the Security of such Assessments, shall, according to the Purpose of such Assessments, be applied exclusively in Payment of the said Debts specified in the said Schedules (C. No. 1) and (C. No. 2) as herein-before provided, and the Interest thereof, or in Repayment of the Sums so borrowed:
2. Monies received on account of Assessments for Improvement of existing Roads or Bridges or for making new Roads or Bridges, and Monies borrowed on the Security of such Assessments, shall be applied exclusively in Payment of the Expense incurred for such Improvements or new Roads or Bridges, or in Repayment of the Sums so borrowed:
3. All other Monies levied and received shall be applied—
  - (1.) In Payment of the Expense of applying for and obtaining this Act and incidental thereto, or any Part of such Expense remaining unpaid;

[Local.]

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(2.) In

*Stewartry of Kirkcudbright Roads Act, 1864.*

- (2.) In Payment of the Salaries and Allowances of Officers and Servants, and the general Expenses of Management of the Trust; and
- (3.) In Payment of the Expense of maintaining and repairing the public Roads.

Saving  
Right of  
Ayrshire  
Road Trus-  
tees to a  
certain Road.

78. Nothing in this Act contained shall be deemed or taken to extend to the Turnpike Road which is described in "The *Ayrshire Roads Act, 1847*," as a Road departing from the Road from *Daljarrock*, by *Pinwherry*, along the Valley of the *Duisk*, to the March of the County of *Ayr* towards *Newton Stewart*, at a Point upon the said Road near to the Village of *Barrhill*, and proceeding through the Lands of *Altercannoch*, *Blair*, *Kilsaintninian*, *Garizle*, *Corwar*, and *Arnimean* by a Bridge over the River *Cree*, and through the Lands of *Carnderry* and *Creebank* till it joins the Road from *Straiton* to *Newton Stewart* near to *Bargrennan* Church, all situated in the Parish of *Colmonell* in the County of *Ayr*, and in the Parish of *Minnigaff* in the Stewartry of *Kirkcudbright*, which Turnpike Road shall, as heretofore, be repaired by and remain under the Management and Control of the Trustees appointed by and acting under the last-mentioned Act; and the Right of the said Trustees under the said Act to levy Tolls on the Portion of the said Road within the Stewartry of *Kirkcudbright* shall not be prejudiced by anything in this Act contained, but shall and may be exercised as freely and effectually as if this Act had not been passed.

Expenses  
of Act.

79. The Expense of applying for and obtaining this Act, and incidental thereto, shall be paid by the Trustees under the first-recited Act out of any Monies received by them under the Powers of that Act, and in so far as not so paid it shall be paid by the Trustees under this Act.

This Act  
to be sub-  
ject to Pro-  
visions of  
General  
Acts.

80. Nothing herein contained shall be deemed or construed to exempt this Act, or the Roads by this Act authorized to be repaired and maintained, from the Provisions of any General Act relating to Roads and Highways or to the Valuation of Lands and Heritages in *Scotland*, which may pass during the present or any future Session of Parliament.

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*Stewartry of Kirkcudbright Roads Act, 1864.*

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## SCHEDULES referred to in the foregoing Act.

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SCHEDULE (A. No. 1.)

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## SUBSCRIPTION DEBTS EXTINGUISHED.

*New Galloway Trust or District.*

Subscriptions by the Parties following ; that is to say,

The Earl of Galloway	-	-	-	£200
David Anderson	-	-	-	100
Horatius Cannon	-	-	-	50
William Ireland	-	-	-	50
				<hr/>
				£400
				<hr/>

## PARISH ROADS SUBSCRIPTIONS.

*Parish of Balmaghie.*

Colonel Gordon of Balmaghie	-	-	-	£200
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*Parish of Kirkpatrick Durham.*

Robert Whigham	-	-	-	£71 2 6
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SCHEDULE (A. No. 2.)

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DEBTS due to the Great Road from the New Bridge over the Nith at Dumfries, by Castle Douglas, and the Bridge of Fleet at Gatehouse, to the Bridge of Cree near Newton-Stewart, by the Roads or Districts of Roads after mentioned, and which Debts are extinguished :

	£	s.	d.
1. New Galloway Trust or District, embracing the Road from Dumfries, by Crocketford and New Galloway, to Newton-Stewart	860	0	0
2. Parton Trust or District, embracing the Road from Polnackie, by Castle-Douglas and Parton, to Dalry	410	0	0
3. Kells and Carsphairn Trust or District, embracing the Roads from New Galloway, by Carsphairn, to the March of Ayrshire, and from Carsphairn, by Smeaton Bridge and Gairoch, to the March of Dumfriesshire	200	0	0
4. New Abbey Trust or District, embracing the Road from Caswaylands, by New Abbey, to Kirkbean	300	0	0
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	£1,770	0	0
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*Stewartry of Kirkcudbright Roads Act, 1864.*


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SCHEDULE (B. No. 1.)

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TURNPIKE ROAD DEBTS.

DEBTS due and owing at 26th May 1863 upon the Credit of the Tolls, being Money borrowed in respect of the Roads or District after-mentioned:—

	<i>£</i>	<i>s.</i>	<i>d.</i>
1. Parton Trust or District, embracing the Road from Polnackie, by Castle-Douglas and Parton, to Dalry—			
Debt due to Mary Cavan - -	£250	0	0
" " John Sanders Shand -	180	0	0
" " Reverend Samuel Cowan, for behoof of Kirk Session of Parish of Kelton - -	100	0	0
	530	0	0
2. Kirkchrist Trust or District, embracing the Road from Castlesod to Mail Road at Minto Cottage—			
Debt due to Robert Carter - - - -	520	0	0
3. New Abbey Trust or District, embracing the Road from Caswaylands, by New Abbey, to Kirkbean—			
Debt due to Alexander Haldane Oswald - -	60	0	0
	£1,110	0	0

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*Stewartry of Kirkcudbright Roads Act, 1864.*

## SCHEDULE (B. No. 2.)

## TURNPIKE ROAD DEBTS.

BALANCES due to or by the Treasurer at 31st May 1863, in respect of the several Roads or Districts of Roads in the Stewartry.

	Due to the Treasurer.	Due by the Treasurer.
	£ s. d.	£ s. d.
1. Mail Trust or District, embracing the Road from Dumfries, by Castle-Douglas, to Newton-Stewart -	521 16 11½	0 0 0
2. New Galloway Trust or District, embracing the Road from Dumfries, by Crocketford and New Galloway, to Newton-Stewart - - -	0 0 0	386 17 0
3. Hardhills Trust or District, embracing the Road from Polnackie, by Hardhills, to the Mail Road near Mollance - - - - -	0 0 0	11 1 8
4. Tongland Trust or District, embracing the Road from Kirkcudbright, by Tongland, to Glenlochar Bar, and by Tongland to New Galloway - -	0 0 0	471 6 5
5. Parton Trust or District, embracing the Road from Polnackie, by Castle-Douglas and Parton, to Dalry	126 10 3	0 0 0
6. Urr Trust or District, embracing the Road from Dubb of Hass, along the Urr, in the Vicinity of Walton Park - - - - -	141 1 11½	0 0 0
7. Balloch Trust or District, embracing the Road from Creebridge to Balloch - - - - -	28 12 10	0 0 0
8. Kells and Carsphairn Trust or District, embracing the Roads from New Galloway, by Carsphairn, to the March of Ayrshire, and from Carsphairn, by Smeaton Bridge and Gairoch, to the March of Dumfriesshire - - - - -	130 2 1	0 0 0
9. Dalbeattie Trust or District, embracing the Road from Dumfries, by Dalbeattie, to the March of Kirkcudbright Parish - - - - -	206 4 5½	0 0 0
10. Kirkchrist Trust or District, embracing the Road from Castlesod to Mail Road at Minto Cottage -	77 10 2	0 0 0
11. Lochenbreck Trust or District, embracing the Road from Gatehouse, by Lochenbreck and Lawriestown, to Mail Road near Gerranton - - - - -	184 19 7	0 0 0
12. Minnyhive Trust or District, embracing the Road from Knocklea to Castlefern near Minnyhive -	7 11 10½	0 0 0
13. New Abbey Trust or District, embracing the Road from Caswaylands, by New Abbey, to Kirkbean -	75 11 10	0 0 0
	£1,300 2 0	£869 5 1

## ABSTRACT.

Debts due to the Treasurer - - - - -	£ 1,300 2 0
Debts due by him - - - - -	869 5 1
Balance of Debts due to the Treasurer - - - - -	£430 16 11

SCHEDULE (C. No. 1.)

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PARISH ROAD DEBTS.

DEBTS due and owing at 15th May 1863 upon the Credit of the Assessments  
or Conversion Money of the Parishes after mentioned:—

	£	s.	d.
1.—Parish of Borgue :			
Debt due to the Earl of Selkirk - - -	250	1	2
2.—Parish of Kirkmabreck :			
Debt due to the Representatives of Henry McCulloch	150	0	0
3.—Parish of Urr :			
Debt due to David Hutchison Gordon - - -	85	13	1
4.—Parish of Troqueer :			
Debt due to David Hutchison Gordon - - -	28	2	5
Debt due to the Representatives of Robert Kirkpatrick Howat - - - - -	60	0	0
5.—Parish of Irongray :			
Debt due to David Hutchison Gordon - - -	13	7	8
6.—Parish of Lochrutton :			
Debt due to David Hutchison Gordon - - -	6	7	6
7.—Parish of Terregles :			
Debt due to David Hutchison Gordon - - -	3	10	10
			£597 2 8
			£597 2 8

*Stewartry of Kirkcudbright Roads Act, 1864.*

## SCHEDULE (C. No. 2.)

## PARISH ROAD DEBTS.

BALANCES due to the Collectors of the following Parishes at 15th May 1863.

Parish.	Amount of Debt.		
	£	s.	d.
1. Anwoth	54	3	10
2. Balmaghie	30	4	5
3. Borgue	120	13	6½
4. Buittle	27	13	9
5. Colvend	57	2	6
6. Crossmichael	111	4	0
7. Girthon	18	2	0
8. Irongray	15	10	6
9. Kelton	7	16	9
10. Kirkcudbright	23	16	9
11. Kirkgunzeon	52	0	7½
12. Kirkmabreck	19	14	0
13. Kirkpatrick-Durham	68	6	8
14. Lochrutton	39	4	6
15. Minnigaff	17	10	2
16. New Abbey	13	14	7½
17. Parton	72	0	3
18. Rerwick	56	18	7
19. Terregles	59	16	6½
20. Tongland	1	5	1
21. Troqueer	91	3	0½
22. Twynholm	21	4	3
23. Urr	117	18	5
	£1,097	4	9½

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