ANNO VICESIMO OCTAVO & VICESIMO NONO

VICTORIÆ REGINÆ.

Cap. clxxx.

An Act for maintaining, improving, and managing the public Roads and Bridges in the County of *Dumfries*. [29th *June* 1865.]

WHEREAS an Act (Local) was passed in the Tenth Year of the Reign of His 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 whereas the Trustees under the said Act have since put the same into execution, but the Period of Continuance of the said Act, in so far as regards Turnpike Roads, has elapsed, and the Provisions thereof have been and are kept in force from Year to Year by the Annual Turnpike Continuance Acts: And whereas it is expedient that certain Provisions of the said Act should be continued, and that new Provision should be made for the more effectual Maintenance, Improvement, and Management of the public Roads and Bridges in the said County, and that Powers should be conferred for Abolition of Tolls and for Maintenance of such Roads and Bridges wholly or in part by Assessment, and Provision be made in regard to the Debts contracted under the said recited Act, and in regard to other Matters thereto pertaining; but the said Objects cannot be attained without the Aid and Authority of

10 G. 4. c. cxi.

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. In citing this Act for any Purpose it shall be sufficient to use the Expression "The *Dumfriesshire* Roads Act, 1865."

Interpretation 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 Words "the County" shall mean the County of *Dumfries*:

The Words "Burgh of *Dumfries*" shall mean and include the Parliamentary Burgh of *Dumfries* as defined by the Act of the Second and Third Year of the Reign of His late Majesty King *William* the Fourth, Chapter 65, so far as the said Parliamentary Burgh is situated within the County of *Dumfries*, and within the Royal Burgh of *Dumfries*:

The Word "Sheriff" shall mean the Sheriff of the County of *Dumfries*, and shall include, unless otherwise expressed, his Substitutes:

The Words "Turnpike Roads" shall mean and include all Roads and Bridges within the County which shall be maintained as such under this Act:

The Words "Statute Labour Roads" shall mean and include all Roads and Bridges in the County maintained under the recited Act, or which may be maintained under this Act, not being Turnpike Roads:

The Words "public Roads" shall mean and include generally all Turnpike and Statute Labour Roads, and public Roads, Highways, and Bridges, within the County of *Dumfries*, maintained and which shall be maintained by Assessment under this Act:

The Words "the Trustees" shall mean the Body of Road Trustees appointed and acting under this Act for the County of *Dumfries*:

The Words "District Meeting" shall mean any Meeting or Meetings of the Trustees held under the Provisions of this Act in respect of any of the Four several Districts of Turnpike Roads in the County after specified, in reference to the Management of any District of Turnpike Roads under this Act:

The Words "Divisional Committee" shall mean the Committee of Trustees having the Management of any Division of Statute Labour Roads under this Act, and of all public Roads within such Division which shall have become such in the Meaning of this Act by the Abolition of Tolls and Maintenance of the same by Assessment under this Act:

The Expressions "Proprietor," "Owner," "Tenant," "Occupier," and "Lands and Heritages" shall have the same Meaning as is attached to them respectively in and by the Act 17th and 18th *Victoriæ*, Chapter 91, intituled *An Act for the Valuation of Lands and Heritages in* Scotland; and the Expression "the Valuation Act" shall mean the Act last mentioned; and "the Valuation Rolls" shall mean the Valuation Rolls in force for the Time for the County of *Dumfries*, and the several Royal Burghs within the same, made under the Authority of the said Act or any other Act relating to the Valuation of Lands and Heritages in *Scotland* which may be in force for the Time being.

Recited Act 10 G. 4. c. cxi. repealed.

3. From and after the passing of this Act the said recited Act of the Tenth Year of the Reign of His late Majesty King *George* the Fourth shall, subject to the Provisions of this Act, be and the same is hereby repealed: Provided always, that, notwithstanding such Repeal, the Trustees under the said recited Act shall continue to maintain and manage the Roads and Bridges now maintained and managed under the said Act until the First Meeting of the Trustees under this Act.

General Turnpike Road Act, 1 & 2 W. 4. c. 43. incorporated.

4. The Provisions of the Act of the First and Second Year of the Reign of His late Majesty King *William* the Fourth, Chapter 43, intituled *An Act for amending and making more effectual the Laws concerning Turnpike Roads in* Scotland, shall, in so far as the same are not inconsistent with or altered or varied by this Act, be and the same are hereby incorporated with this Act, and shall extend and apply to the Trust hereby created, and to the whole Roads and Bridges herein-after described and referred to maintained by the Trustees under Authority of this Act, whether by Tolls or Assessment; and in the Construction of the said Act with reference to the Provisions of this Act the Expression "Trustees under any Turnpike Act," or Words having the like Import, the Word "Committees," and the Expression "Turnpike Roads," shall respectively mean and apply to the Trustees and Committees under this Act, and to the whole of the Roads and Bridges placed by this Act 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; and the Word "Tolls" in Sections 6, 15, and 24 of the said Act shall be construed so as to include Assessments levied under Authority of this Act, and the Enactments and Provisions of Sections 11 and 12 of the said Act shall also apply to such Assessments.

General Statute Labour Act, 8 & 9 Vict. c. 41. not to apply.

5. The Act passed in the Eighth and Ninth Year of the Reign of Her present Majesty, Chapter 41, 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*

Conversion of Statute Service into Money, shall not apply to any of the Roads or Bridges to be maintained under this Act.

Qualification of Road Trustees.

6. From and after the passing of this Act the Persons possessing the Qualifications after mentioned shall form a Body of Trustees, to be called the "*Dumfriesshire* Road Trustees," for executing this Act, and for maintaining, surveying, ordering, widening, altering, mending, making, improving and keeping in repair the whole Roads after described and referred to in manner and to the Effect in this Act mentioned, and for executing all the Powers and Authorities to them by this Act given and granted, *viz.*:

(1.) Every Person in his own Right or in right of his Wife in the actual Possession or Enjoyment as Proprietor or Liferenter of the Dominium utile of Lands and Heritages situated in the County valued in the Valuation Rolls at One hundred and Fifty Pounds or upwards; and One Guardian or Tutor or Curator or Trustee of every Minor possessed of the aforesaid Qualification; and One Guardian or Tutor or Curator or Trustee of every Person possessed of the like Qualification who is or shall be legally cognosced fatuous or furious; and the eldest Son of every Proprietor or Liferenter who shall be possessed of such Lands and Heritages valued as aforesaid as of the yearly Value of at least Four hundred Pounds; and One Trustee, Commissioner, Factor, or Steward, duly appointed as such, of every Proprietor or Liferenter who shall be possessed of Lands and Heritages of the last-mentioned Value: Provided always, that Persons possessing the said Qualifications or any of them in respect of Property within the Burgh of *Dumfries* as defined by this Act shall not in respect of any of such Qualifications be Trustees for the Purposes of this Act:

(2.) The Chairman and Deputy Chairman of any Incorporated Company possessed of Lands and Heritages within the County of the yearly Value of Four hundred Pounds, or any Director of such Company or other Person duly authorized to act in place of such Chairman or Deputy Chairman respectively, and One of the Trustees, Directors, or Governors of any public Trust or Corporation within the County possessed of the like Qualification, and duly authorized by such public Trust or Corporation:

(3.) The Provost and senior Bailie of the Royal Burgh of *Dumfries*, and the Provosts of the Royal Burghs of *Annan*, *Lochmaben*, and *Sanquhar* for the Time being, or, in the Absence of the Provost of any of the said last-mentioned Burghs, the next senior Magistrate for the Time being of such Royal Burghs of *Annan*, *Lochmaben*, and *Sanquhar*:

(4.) One

(4.) One Person to be elected annually by the Parochial Board of each Parish or united Parish within the County, such Person being in his own Right or in right of his Wife in the actual Possession or Enjoyment as Proprietor or Liferenter of the Dominium utile of Lands and Heritages in such Parish or united Parish of the Value of Fifty Pounds or upwards, or as shall be Tenant or Occupier of Lands and Heritages within such Parish or united Parish of the yearly Rent of One hundred and fifty Pounds or upwards.

Election of Trustees by Parochial Boards.

7. For the Purpose of carrying into effect the Elections of Trustees by the Parochial Boards under this Act, the Parochial Board of every Parish or united Parish within the County shall, within Two Months after the passing of this Act, meet, and shall elect a Person possessing One or other of the Qualifications for Election before mentioned, and the Trustees so elected shall continue in Office until the First Statutory Meetings of the said Boards respectively held after the Fifteenth Day of *May* thereafter, when and at each such Meeting in each Year thereafter the said Parochial Boards shall respectively elect a Person possessing One or other of such Qualifications, who shall continue in Office until such Meeting in the next ensuing Year; and such Trustees, whether elected at such Meeting appointed by this Act or at any of such Statutory Meetings of the said Boards, shall be eligible for Re-election; and the said Parochial Boards respectively from Time to Time, so often as may be necessary for the Purpose of supplying any Vacancy which may arise from the Resignation or Death of any such Trustee or otherwise, shall meet and elect another Person to be a Trustee in the Place of the Trustee so resigning, dying, or otherwise ceasing to act: Provided always, subject to the Provision for Re-election herein-before contained, that any Trustee elected to fill the Place of a Trustee ceasing to act shall continue in Office only for so long as the Trustee so ceasing to act would have been entitled to remain in Office had he not so ceased to act.

Restriction as to certain Trustees.

8. No Person shall be entitled to vote or act as a Trustee until he shall have attained the Age of Twenty-one Years complete; and no Trustee, Commissioner, Factor, or Steward of any Proprietor or Liferenter shall be entitled as such to vote and act as a Trustee, except in the Absence of his Constituent; and no Person shall be capable of acting as a Trustee who sells Ale or Spirituous Liquors by Retail; and no Person shall have more than One Vote, excepting in the event of an Equality of Votes at any Meeting, in which Case the Convener or Preses of the Meeting shall have the Casting Vote.

Failure to elect, or of Trustees to act,

9. In case any Parochial Board shall fail to make an Election of a Trustee under this Act, or in case any Person elected shall refuse to

act, not to affect Proceedings of remaining Trustees.

act, or shall resign, die, or become disqualified, the Acts and Proceedings of the remaining Trustees shall nevertheless 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.

10. All Purchases, Sales, Conveyances, Assignments, Leases, Mortgages, Deeds, Bonds, Contracts, Agreements, Securities, and other Acts and Things made, done, entered into, or executed under or by virtue or in consequence of or confirmed by the 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.

A certain Agreement not to be affected.

11. Nothing in this Act contained shall be held as rendering valid or invalid or as in any manner affecting an Agreement, dated the Twenty-second and Twenty-third Days of *December* One thousand eight hundred and sixty-two, entered into between *William Johnstone*, Manager of the *Glasgow and South-western* Railway, for and on behalf of the *Glasgow and South-western* Railway Company, on the one Part, and *Christopher Harkness*, Clerk to the Parish Road Trustees of the Fifth District of the County of *Dumfries*, for and on behalf of the said Trustees, on the other Part, but the said Agreement shall, notwithstanding the Repeal of the recited Act, be as good, valid, and effectual for and against the Trustees, and for and against the Commissioners of Police of the Burgh of *Dumfries*, to all Intents and Purposes, as it would have been if the said Act had not been repealed, and may be proceeded on and enforced accordingly.

Continuance of Liabilities.

12. Notwithstanding the Repeal of the recited Act, and except only as it is by this Act otherwise expressly provided, everything before the passing of this Act done and suffered under or confirmed by the 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 recited Act would have been respectively liable in respect of such Rights, Liabilities, Claims, and Demands in case this Act had not been passed.

13. No

Actions, &c. not to abate.

13. No Action, Suit, Prosecution, or other Proceeding commenced either by or against the Trustees under the recited Act hereby repealed, or their Clerks or other Officers on their Behalf, before the passing of this Act, shall abate or be discontinued or prejudicially affected by this Act, but on the contrary shall continue and 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 passing 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.

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

14. All Persons acting or who have acted under the recited Act hereby repealed as the Trustees of any of the Turnpike Roads or Statute Labour Roads, or as 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 the said Trustees and relating to the Execution of the said Act, shall pay and deliver up the same to the Trustees or to such Person as the Trustees shall appoint to receive the same; and in case of Neglect or unreasonable 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.

Property of Road Trustees transferred to Trustees.

15. From and after the First Meeting of the Trustees all the Rights and Property of all and every the Turnpikes and Toll Houses already erected, or which shall be continued, erected, or built, as well as all the Roads, Lands, Buildings, Works, Rights, Interests, Monies, Property, and Effects, Rights of Action, Claims, and Demands whatsoever of or in which the Trustees under the recited Act, under or by virtue of any Public General or any Local Statute or otherwise, shall be vested, seised, and possessed, or in any manner of way entitled to, shall become and be, from and after such First Meeting, vested in the Trustees: Provided always, that this Provision shall not apply to the Roads to be maintained by the Commissioners of Police of the Burgh of *Dumfries* under this Act.

Books, &c. to be Evidence.

16. All Books containing the Accounts and Proceedings of the Trustees under the recited Act, or Extracts of the Proceedings, signed by the general Clerk to the Trustees for the Time being, shall and may be given in Evidence in all Prosecutions, Processes, and Actions whatsoever in the same Manner as if such recited Act had not been repealed.

17. The

Officers appointed under former Act to continue under this Act.

17. The Clerks, Treasurers, Surveyors, Collectors, and other Officers who have been appointed under and employed in the Execution of the said recited Act shall respectively continue to exercise their Offices under this Act until the First Meeting of the Trustees under this Act, or until they shall respectively be displaced or removed by the Trustees, and shall be subject to the like Rules and Regulations and Pains and Penalties in all respects whatsoever as if they had been appointed under or by virtue of the Act incorporated herewith and this Act.

Turnpike Roads to be maintained.

18. The Turnpike Roads of the County to be maintained, surveyed, ordered, widened, altered, mended, made, improved, and kept in repair by the Trustees under this Act are and shall be the following, divided into Four Districts as follows, *viz.*:

In the First or *Upper Annandale* District the Roads following:

1. The Road from *Dumfries*, by *Moffat*, to the March of the County with the County of *Lanark*, near *Tweed's Cross*, with a Branch thereof from *Hollow's Linn* to the *Glasgow and Carlisle* Road, near *Raecleuch Toll*, and the Branch Road from *Langshawbush* to *Craik's Craigs*:
2. That Part of the Road called the *Beattock Road* from *Marchbank Wood* in the Parish of *Kirkpatrick Juxta*, so far as it extends Southwards through the Parishes of *Kirkpatrick Juxta* and *Johnstone*, to the Boundary of the Parish of *Johnstone* with the Parish of *Lochmaben*:
3. That Part of the Road called the *Wamphray and Snab Road*, from *Wamphray Gate* in the Parish of *Wamphray*, by *Nether Boreland*, *Paddockhole*, and *Dalbate*, to the Point on *Dunnabie* where it is joined by the Turnpike Road from *Langholm* towards *Lockerbie*:
4. The Road from *Dumfries*, by *Lochmaben* and *Shillahill Bridge*, to *Lockerbie*.

In the Second or *Lower Annandale* District the Roads following:

1. The great Road from *Dumfries*, by *Annan*, to its Junction with the *Glasgow and Carlisle Road* near *Alison's Bank* in the Parish of *Gretna*, including the old Lines thereof from *Collin*, by *Clarencefield*, to *Annan*, and from *Steel*, by *Gretna Green*, to *Headlesscross*, and also including the Road branching off the said great Road at a Point near *Milldamhead* to *Saint Michael's Street* in the Burgh of *Dumfries*:
2. The Road from the East End of the Town of *Annan*, through *Annan Common*, by *Stapleton* and *Kirkpatrick-Fleming*, through the Lands of *Mossknowe* and *Springkell*, or *Logan*, to the Bridge over the River *Sark* near the Tower of *Sark*; and the Cross Road from a Point near *Chapelcross*, on the Lands of *Stapleton*, on

on the after-mentioned Road from *Annan*, by *Kirtlebridge* and *Solway Bank*, to the Road between *Longtown* and *Langholm*, by *Woodhall*, to the said great Road from *Dumfries*, by *Annan*, to *Gretna*, at a Point near *Dornock:*

3. That Part of the said Road called the *Beattock Road* from the Burgh of *Lochmaben* to *Charlesfield Yett*, and the Road from *Kelhead* Lime Quarry, by *Clayhouses*, to *Hoddam Bridge:*
4. The Road from *Burnfoot of Springkell*, by *Bridekirk*, to the said great Road from *Dumfries*, by *Annan*, near to *Charlesfield:*
5. The Road from *Howes*, by *Hoddam Bridge*, to the *Glasgow and Carlisle Road* at or near *Lockerbie:*
6. The Road from *Annan*, by *Kirtlebridge*, *Langshaw*, and *Solway Bank*, to the Road between *Longtown* and *Langholm*, at *Crannelpathfoot* and *Irvine:*
7. That Part of the said Road called the *Wamphray and Snab Road* from *Dunnabie* to *Headlesscross*, and the Branch thereof from *Stubbyknowe* to the River *Sark* at *Corriesmill.*

In the Third or *Eskdale* District the Roads following:

1. The Road from *Langholm*, up *Wauchope*, by *Callisterhall* and *Falford*, to *Dunnabie:*
2. The Road from *Tower of Sark*, by *Becklees*, *Glenzier*, *Gilnockie Bridge*, *Byreburn*, *Clayyett*, *Harelawhill*, to *Road-end* Toll Bar at its Junction with the Road from *Canobie Bridge* to *Liddesdale*, and the Road from a Point on the Road from *Tower of Sark*, by *Gilnockie Bridge*, at *Bochlin* Side Bar, by *Hughsrig* and *Whinbush*, to *Crosskeys*, *Canobie:*
3. The Road from *Barnglieshhead* to its Junction with the Road from *Tower of Sark*, by *Gilnockie Bridge*, near *Billmansknowe:*
4. The Road from *Hollows*, by *Eskbank*, to the Road from *Bochlin* to *Crosskeys:*

Also the Portion of Turnpike Road, so far as within the County, from *Scotsdyke* within the County, by or through the Towns of *Langholm* and *Hawick*, towards *Haremoss* in the County of *Roxburgh*, transferred to the said Third or *Eskdale* District of Roads under Authority of this Act.

And in the Fourth or *Upper Nithsdale* District the Roads following:

1. The great Road from *Dumfries*, by *Thornhill* and *Sanquhar*, to the March of the County of *Ayr*, including the Branch of Road from *Camplebridge* on said great Road, by *Holmhill*, to *Langmyre*, where it joins the said great Road, but exclusive of that Portion of the said great Road situate in the Stewartry of *Kirkcudbright* after referred to:
2. The Road from the said last-mentioned great Road at a Point between *Portrack* and *Auldgirth Bridge* at *Carsegate*, through

the Lands of *Burnhead*, *Grange Mill*, *Allanton*, *Moat*, *Halliday Hill*, *Glenmidge*, and *Blackwood*, and from thence by *Penpont* and *Marburn* to the said great Road at *Glenarlie Bridge*:

3. The Road from the said great Road at or near *Auldgirth Bridge*, by *Throughgate-Foot* and *Speddoch*, to the March of the Stewartry of *Kirkcudbright* at *Marglolly*:
4. The Road from the Station of the *Glasgow and South-western* Railway, near *Thornhill*, by *Thornhill*, *Penpont*, and *Moniaive*, to the March of the Stewartry of *Kirkcudbright*, near *Castlephairn*:
5. The Road from *Carron Bridge*, by *Dalveen*, to the March of the County of *Lanark*, towards *Elvanfoot*:
6. The Road from *Mennock* Toll Bar, by *Wanlockhead*, to the March of the County of *Lanark*, towards *Leadhills*.

Transfer of Scotsdyke Road to Trustees. 10 G. 4. c. lx.

19. And whereas an Act (Local) was passed in the Tenth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for more effectually making, amending, widening, repairing, and maintaining the Road from* Scotsdyke *in the County of* Dumfries, *by or through the Towns of* Langholm *and* Hawick, *to* Haremoss *in the County of* Roxburgh, under which Act the Portion of Road from *Scotsdyke* by the Town of *Langholm* to the Borders of the County is managed, maintained, and repaired, and it is expedient that the said Portion of Road should be transferred to and assumed by the Trustees, and included in the said Third or *Eskdale* District of Turnpike Roads of the County: Be it enacted, That from and after the passing of this Act the said Road from *Scotsdyke*, by *Langholm*, to the Borders of the County, shall cease to be managed, maintained, and repaired by the Trustees under the Act before mentioned, and shall be managed, maintained, and repaired by the Trustees and District Meetings of the said Third or *Eskdale* District, and be included within such District, and be held to all Intents and Purposes a Turnpike Road under this Act, and as such subject to all the Enactments as to Turnpike Roads in this Act contained.

Provision for Transfer of Portions of Glasgow and Carlisle Turnpike Road to Trust. 2 W. 4. c. c.

20. And whereas an Act (Local) was passed in the Second Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for amending and enlarging the Powers and renewing the Term granted by certain Acts passed for improving the Communication between the City of* Glasgow *and the City of* Carlisle, under which Act, and under the Acts therein recited, a certain main Line and other Lines of Turnpike Road within the County are managed, repaired, and maintained: And whereas it is expedient, for the Purpose of carrying out more effectually the Objects of this Act, that the several Roads within the County managed, maintained, and repaired under the said *Glasgow and Carlisle* Turnpike Road Act should, when the same may conveniently

veniently be done, be managed, maintained, and repaired under the Trust constituted by this Act: Be it enacted, That it shall be lawful for the Trustees under the said *Glasgow and Carlisle* Turnpike Road Act, and the Trustees under this Act, to enter into Arrangements, upon such Terms as may be mutually agreed on, for the Transfer to the Trustees of all or any Portion of the said Roads so managed, maintained, and repaired under the said Act in order to the said Roads so transferred being managed and repaired under this Act by the Trustees, and by the several District Meetings of the Turnpike Districts to which the Roads so transferred may be added; and upon such Roads being so transferred the same shall be managed, maintained, and repaired as Turnpike Roads under this Act, and as such shall be subject to all the Enactments as to Turnpike Roads in this Act contained: Provided always, that no such Transfer of such Roads, or any Portion thereof, shall take place so long as any Debts due on the Security of the Tolls on such Roads shall remain undischarged or unliquidated.

Provisions for Transfer of Liddesdale Roads to Trust. 4 & 5 Vict. c. xcvii.

21. And whereas by another Act (Local) passed in the Fourth and Fifth Year of the Reign of Her present Majesty, intituled *An Act for farther and more effectually repairing and maintaining certain Turnpike Roads in the Counties of* Roxburgh *and* Dumfries, another Turnpike Road within the County is managed, maintained, and repaired, *viz.*, the Road leading from the East End of *Canobie Bridge* to the *Mire Burn* in the Parish of *Canobie*, the Border of the County of *Roxburgh*: And whereas it is also expedient, for the Purpose of carrying out more effectually the Objects of this Act, that the said Road within the County should, when the same may conveniently be done, be managed, maintained, and repaired under the Trust constituted by this Act: Be it enacted, That it shall be lawful for the Trustees under the said Act of the Fourth and Fifth Year of the Reign of Her present Majesty, and the Trustees under this Act, to enter into Arrangements for the Transfer to the Trustees of the said Road so managed, maintained, and repaired under the said Act, or any Portion thereof, in order that the said Road so transferred may be managed and repaired under this Act by the Trustees, and, subject to the Provision as to the Alteration of Districts herein contained, by District Meetings of the said Third or *Eskdale* District of Turnpike Roads; and upon such Road being so transferred the same shall be managed, maintained, and repaired as a Turnpike Road under this Act, and as such shall be subject to all the Enactments as to Turnpike Roads in this Act contained: Provided always, that no such Transfer of such Road, or any Portion thereof, shall take place so long as any Debts due on the Security of the Tolls on such Road shall remain undischarged or unliquidated.

22. The

Statute Labour Roads to be maintained.

22. The Statute Labour Roads of the County to be maintained, surveyed, ordered, widened, altered, mended, made, improved, and kept in repair by the Trustees shall, subject to the Provisions of this Act, be the Statute Labour Roads situated in the several Parishes of the County, as the said Parishes are divided into the following Divisions, *viz.*:

The First Division comprehending such Roads in the Parishes of *Moffat*, *Kirkpatrick-Juxta*, *Wamphray*, and *Johnstone*;

The Second Division comprehending such Roads in the Parishes of *Lochmaben*, *Applegarth*, *Dryfesdale*, *Hutton* and *Corrie*, *Saint Mungo*, and *Tundergarth*;

The Third Division comprehending such Roads in the Parishes of *Annan*, *Hoddam*, *Dornock*, *Gretna*, *Kirkpatrick-Fleming*, *Middlebie*, and *Half Morton*;

The Fourth Division comprehending such Roads in the Parishes of *Cummertrees*, *Ruthwell*, *Dalton*, *Mouswald*, and *Torthorwald*;

The Fifth Division comprehending such Roads in the Parishes of *Dumfries*, *Kirkmahoe*, *Tinwald*, *Kirkmichael*, and *Caerlaverock*, but not including the Roads within the Burgh of *Dumfries*;

The Sixth Division comprehending such Roads in the Parishes of *Sanquhar*, *Kirkconnell*, *Durrisdeer*, *Morton*, *Closeburn*, *Keir*, and *Penpont*;

The Seventh Division comprehending such Roads in the Parishes of *Glencairn*, *Tynron*, *Dunscore*, and *Holywood*; and

The Eighth Division comprehending such Roads in the Parishes of *Westerkirk*, *Eskdalemuir*, *Langholm*, *Ewes*, and *Canobie*.

Power to alter Districts and Divisions.

23. It shall be lawful for the Trustees, if so resolved on at Two consecutive General Meetings held in the Months of *April* and *October* in any Year, or Adjournments thereof, to alter any of the Districts or Divisions established by this Act, and the Enactments and Provisions of this Act shall apply to the Districts and Divisions as so altered: Provided always, that Notice of any Intention to propose such Alteration shall be given by Advertisement inserted once in at least Two Newspapers usually published and circulated in the County Two Weeks before the Day of each Meeting.

First and General and District Meetings of Trustees.

24. The Trustees shall hold their First General Meeting under this Act within the County Court House of *Dumfries* on the First *Wednesday* of *September* One thousand eight hundred and sixty-five, or as soon thereafter as conveniently may be, which Meeting shall be convened by an Advertisement to be inserted in at least Two Newspapers usually published and circulated in the County by the Convener of the Commissioners of Supply for the County Fourteen Days at least previous to the said Day of Meeting; and the Trustees shall thereafter hold

hold Two General Meetings in each Year, that is to say, One of such Meetings on the Thirtieth Day of *April* in each Year, or if the same fall on a *Sunday*, then on the Day previous, within the said County Court House, or in such other Place as the said Trustees shall at any such General Meeting hereafter appoint for that Purpose, and the other of such Meetings on the First *Tuesday* of *October* in each Year within the said County Court House, or in such other Place aforesaid; and at such General Meetings the Trustees shall or may proceed to determine, order, and appoint all Matters and Things whatsoever with respect to the maintaining, surveying, ordering, widening, altering, mending, making, improving, and keeping in repair the whole Roads and Bridges committed to their Management, and to exercise and execute all and every the Powers and Authorities vested in them under and by virtue of this Act, and they shall have Power to review the Resolutions and Proceedings of the District Meetings and Divisional Committees; and the said Trustees, besides such General Meetings, shall also yearly hold such several District Meetings, and at such several Times and Places as shall at the said General Meetings be fixed for that Purpose; and at such District Meetings the said Trustees shall or may proceed to exercise and execute all and every the Powers vested in them under or by virtue of this Act, so far as relates to such respective Districts, and so far as the same shall not have been previously done or provided for at the aforesaid General Meetings; and any Five or more of the Trustees being present at any such General or District Meeting shall be a Quorum, and competent to act in all the Business of any such Meeting; and the Trustees at any of the General or District Meetings may from Time to Time adjourn to such Times and Places as they shall think proper or convenient; and if it shall happen that a Quorum of the Trustees shall not appear at the First or any other General or District Meeting, it shall be in the Power of any One or more of the Trustees who may attend, or the Clerk, to adjourn the Meeting to any lawful Day not earlier than Fourteen Days nor later than Three Weeks after such Meeting, Notice of any such Adjournment being to be inserted in at least Two Newspapers usually published and circulated in the County at least Ten Days before the Day of such adjourned Meeting.

Quorum.

Adjournment.

25. The Trustees at their First General Meeting, and at their stated General Meeting in *April* in each Year thereafter, shall elect a Convener, and shall also name a Convener of each District of Turnpike Roads, and in case of the Death, Resignation, or Disqualification of any such Convener they shall at their next or at a General Meeting specially called for that Purpose appoint another Convener in his Stead.

Conveners of District Meetings.

District Meetings of Trustees.

26. District Meetings of the Trustees shall be held 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 shall also be held as often as shall be considered necessary by their respective Conveners in order to the due Disposal of the Business committed to them; and at all such District Meetings, in the Absence of the Convener, a Preses shall be appointed, and the Convener or such Preses, in case of Equality of Votes, shall have a Casting Vote; and each District Meeting may appoint Sub-Committees of their Number for the better enabling them to execute the Business committed to them, and they shall so exercise the Powers hereby conferred that the Purposes of this Act may not be frustrated.

Preses.

Appeal from Decision of District Meetings.

27. Any Trustee who shall object to or think himself aggrieved by any Decision or Resolution of any District Meeting may appeal from such Decision or Resolution to the next stated General or to a Special Meeting of the Trustees, whose Decision therein shall be final.

Trustees may levy Tolls.

28. The Trustees shall be and they are hereby empowered to continue the Turnpike Gates already erected upon any of the Turnpike Roads, and to erect or cause to be erected Turnpike Gates upon or across or on the Sides of any of the said Turnpike Roads, together with Houses necessary for the Accommodation of the Collectors of the Tolls at each of the said Gates, and to collect, levy, and take at each of the Gates so erected and continued or to be erected, before any Carriage, Engine, or Cattle shall be permitted to pass the same respectively, Tolls and Duties not exceeding the Sums following; that is to say,

Rates of Toll.

For every Horse or Beast drawing any Coach, Barouche, Chariot, Landau, Chaise, Calash, Chair, Taxed Cart, Hearse, or such other Carriage, One Shilling:

For every Horse or Beast drawing any Waggon, Wain, Cart, or other such Carriage drawn by not more than Two Horses, Oxen, or Beasts of Burden, Tenpence each; and drawn by Three or more Horses, Oxen, or Beasts of Draught, One Shilling each:

For every Horse or Mule, saddled or unsaddled, laden or unladen, and not drawing, Threepence:

For every Ass, loaded or unloaded, Twopence:

For every Score of Oxen or Neat Cattle, One Shilling and Eightpence, and so in proportion for any greater or less Number:

For every Score of Calves, Hogs, Sheep, Lambs, or Goats, Tenpence, and so in proportion for any greater or less Number:

For every Drove of Horses or Fillies unshod, Two Shillings and Sixpence *per* Score, and so in proportion for any greater or less Number:

For all Carriages or Engines drawn or propelled by Steam, such Tolls as are leviable under the "Locomotive Act, 1861."

No Tolls to be exacted nearer Burgh of Dumfries than at present.

29. No Toll Bars shall be erected, nor shall any Tolls be levied, within the Parish of *Dumfries*, at any Point on any of the Turnpike Roads nearer to the Burgh of *Dumfries* than the Position of the Bars which are erected and existing at the Time of the passing of this Act.

Side Gates.

30. The Trustees may continue or cause to be erected One or more Gate or Gates on the Side or Sides of the Turnpike Roads, and across any public Lane or Highway leading out of the same, and also a Toll House, if necessary, at each such Side Gate, and there take and receive such Tolls as are hereby granted and made payable, and may apply such Sum or Sums of Money as they may think equitable from the Rents or Toll Duties levied at the said Side Gates towards keeping in repair the Roads, Ways, or Lanes on which such Side Gates are erected.

Tickets to clear Toll Bars within Six Miles.

31. Where Toll shall have been paid for any Horse, Beast, Cattle, Carriage, or Engine at any Toll Bar erected or maintained under this Act at the Bar or Side Bar through which such Horse, Beast, Cattle, Carriage, or Engine shall have passed, and a Ticket which the Toll-keeper is hereby required to give, on Demand, shall have been given in respect of such Payment, such Ticket shall clear any other Bar or Side Bar erected or maintained under this Act within Six Miles of such first-mentioned Bar.

Toll to be paid but once a Day.

32. No Person having paid the said Tolls or Duties at any of the said Gates or Turnpikes shall on the same Day, before Twelve o'Clock at Night, be subject or liable to pay the said Tolls or Duties again at the same Gate or Turnpike for the same Horse or Beast drawing the same Coach, Chariot, Chaise, Taxed Cart, Chair, Hearse, Waggon, Wain, Cart, or other Carriage, or for the same Horse, Mule, Ass, or any other Sort of Cattle for which such Tolls or Duties shall have been paid: Provided always, that nothing herein contained shall affect any Exemptions specified in the said Act of the First and Second Year of the Reign of His Majesty King *William* the Fourth, Chapter 43.

Appointment of Statute Labour Divisional Committees.

33. The Trustees qualified in respect of Lands and Heritages, and entitled to act as Trustees under this Act, or elected in respect of Lands and Heritages situated within the several Parishes forming each of the Eight several Divisions of Statute Labour Roads, shall form the Divisional Committee for each such Division.

34. Subject

Duties of Divisional Committees.

34. Subject to the Authority of the Trustees, and with such Powers and under such Instructions and Directions as the Trustees may confer and impose, the Trustees forming the several Divisional Committees shall have the immediate Direction and Management of the Statute Labour Roads within their respective Divisions.

Conveners of Divisional Committees.

35. The Trustees at their First General Meeting, and in each Year thereafter at their stated General Meeting in *April*, shall name a Convener of each Divisional Committee, and in case of his Death, Resignation, or Disqualification they shall at the next or at a General Meeting specially called for that Purpose appoint a Convener in his Stead.

Meetings of Divisional Committees.

36. The Divisional Committees 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, and of such Divisional Committees Five shall form a Quorum; and at all their Meetings in the Absence of the Convener a Preses shall be appointed, and the Convener or such Preses in case of Equality of Votes, besides a deliberative Vote, shall also have a Casting Vote; and each Divisional Committee may appoint Sub-Committees of their Number for the better enabling them to execute the Business committed to them, and they shall so exercise the Powers hereby conferred that the Purposes of this Act may not be frustrated.

Quorum.

Preses.

Appeal from Decision of Divisional Committees.

37. Any Trustee who shall object to or think himself aggrieved by the Decision or Resolution of any Divisional Committee at any Meeting may appeal from such Decision or Resolution to the next stated General Meeting of the Trustees, the Decision of which Meeting thereon shall be final.

Divisional Committees to report to General Meeting.

38. The several Divisional Committees shall, not later than Six Days before the General Meeting of the Trustees in the Month of *April* of each Year, make a Report to the Trustees containing a Statement of the Funds and Expenditure in respect of the Statute Labour Roads or Public Roads, as the Case may be, of each Parish in their several Divisions for the Year preceding the Date of the said Report, with an Estimate of the anticipated Expenditure for the Year next ensuing in the Improvement, Repair, and Maintenance of Roads, Liquidation of Debts, Payment of Interest on borrowed Monies, and whole other ordinary Disbursements connected with the Statute Labour Roads or public Roads of such Parish, and a Statement of the Rate of Assessment which, in the Opinion of such Divisional Committees, it

it will be necessary to assess and levy in each such Parish under the Powers of this Act.

Assessment in lieu of Statute Labour Conversion.

39. The Trustees shall at their General Meeting in *April* of each Year, or at any Meeting to which the same may be adjourned, on consideration of the Report of the several Divisional Committees, or, on failure of such Report being made, on consideration of such Information as may be submitted to them, in room and place of the Conversion of Statute Labour leviable under Authority of the recited Act, and also in room and place of the Tolls leviable under this Act on the Turnpike Roads within such Division becoming public Roads under this Act, assess and impose on all Lands and Heritages within each Parish or Division of Parishes of the County, including any Royal Burgh or other Burgh in any such Parish, but not including the Burgh of *Dumfries* as defined by this Act, such Assessment as shall be sufficient to meet the estimated Expenditure in respect of the Statute Labour Roads of such Parish or Division of Parishes for the next ensuing Year, but not exceeding in any Case the Rate of Sixpence in the Pound of the Valuation of such Lands and Heritages, which Assessment shall be due by and be leviable from the Proprietors and Occupiers of such Lands and Heritages in equal Proportions, and shall be for the Period from *Whitsunday* then next ensuing till *Whitsunday* of the following Year, and shall be payable at the intermediate Term of *Martinmas* in each Year: Provided always, that the Tenants or Occupiers of any Lands or Heritages the yearly Rent or Value of which within any Parish shall not exceed Four Pounds shall be exempt in respect of such Lands and Heritages from Payment of the said Assessment within such Parish; and the said Assessment shall not be levied in respect of any Building occupied exclusively for the Purposes of Public Worship or Education or Public Charity, including Poorhouses, or of any Barracks for Soldiers, or of any Buildings used as Government Offices, or of Courts of Justice and Offices connected therewith, so far as such Offices are occupied exclusively for public Purposes, or Police Buildings, County Buildings, Town Halls, or Prisons; and no Railway or other incorporated Company shall be assessed for or in respect of the Payment of any of the Statute Labour or Parish Road Debts specified in the Schedule (B.) to this Act annexed further or otherwise than they might have been assessed previously to the passing of this Act: Provided also, that on the said Assessment being imposed the Conversion of Statute Labour by the said recited Act authorized shall from the next Term of *Whitsunday* thereafter cease to be levied, excepting as regards any Arrears of the same remaining unpaid.

Assessments to be levied by

40. The Assessments so imposed shall, subject to any general Regulation which may be made by the Trustees, be levied and collected by

and under Direction of Divisional Committees.

by and under the Directions of the several Divisional Committees, and in such Way as the said Divisional Committees shall deem expedient and shall direct.

Summary Modes of enforcing Payment of Assessment.

41. The whole Power and Right of issuing summary Warrants and Proceedings and all Remedies and Provisions enacted for collecting, levying, and recovering the Land and Assessed Taxes, or either of them, and other public Taxes, shall be held to be applicable to the Assessment imposed in virtue hereof, and the Sheriff, Magistrates, Justices of the Peace, and other Judges shall grant the like Warrants for the Recovery of such Assessment in the same Form and under the same Penalties as is provided in regard to such Land and Assessed Taxes and other public Taxes: Provided always, that it shall nevertheless be competent to prosecute for and recover such Assessment by any other Form of Proceeding according to Law.

When no Assessment imposed, previous Year's Assessment to be held as continued.

42. When in any Year the Trustees shall have failed or omitted to impose any Assessment provided by this Act to be levied for the Purposes of the same within any Parish of any Division, then and in that Event the like Assessment as for the preceding Year shall be held as continued for the then current or ensuing Year, and the same shall be collected and recovered as if such Assessment had been actually made and imposed under the Authority of this Act.

Application of Toll Duties.

43. Subject to the Provisions of this Act, all Monies received for Toll in the several Turnpike Districts within the County under this Act shall be applied as follows:

First, in and towards Payment of a Proportion of the General Expenses of the Trust, and in and towards Payment of the Expenses of the District within which such Turnpike Roads are situate, as the same shall be settled by the Trustees, and in Payment of the Salaries of the Clerk and other Officers, and in Payment of One Half of the Expenses of applying for and obtaining this Act and incidental thereto:

Secondly, in Payment of the Expenses of maintaining, surveying, ordering, widening, altering, mending, making, improving, and keeping in repair the Turnpike Roads and Bridges within each Turnpike District:

Thirdly, in Payment of all Debts and Interest legally due by each District, including the Debts specified in Schedule (A.) hereunto annexed.

Payment to Road Trustees of Stewartry of Kirkcudbright.

44. And whereas by an Act passed in the Twenty-seventh and Twenty-eighth Year of the Reign of Her present Majesty, intituled *An Act for maintaining the public Roads and Bridges in the Stewartry of* Kirkcudbright, it was enacted that from and after the Commencement

ment of the said Act that Portion of the Turnpike Road leading from *Dumfries*, by *Thornhill* and *Sanquhar*, to the March of the County of *Ayr*, which is situated within the said Stewartry, should cease to be under the Management of the Trustees under the recited Act hereby repealed, and that the Trustees under that Act should not thenceforth 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 should thenceforth, except as therein-after specially provided, be deemed to be Part of the public Roads to which the said Stewartry Roads Act applied, and, subject to the Powers of Alteration and Re-arrangement therein-before contained, to be within the *Maxwelltown* District of Stewartry Roads, and be managed and maintained by the Trustees under the said Act for the said Roads and the Trustees for the said District in the same Manner as the other public Roads in such District; provided, that while and so long as the Trustees under the recited Act should 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 *Minnyhive*, to the March of the said Stewartry, they should pay the Sum of Twenty Pounds annually at the Term of *Martinmas* to the District Trustees under the said Stewartry Roads Act for the *Maxwelltown* District towards the Expense to be incurred by such last-mentioned District Trustees in maintaining and repairing the said Portion of Road: Be it enacted, That so long as the said Sum of Twenty Pounds shall be payable, the same shall and may be paid by the Trustees from and out of the Tolls and Duties leviable within the Fourth or *Upper Nithsdale* District of Turnpike Roads.

Application of Assessments.

45. Subject to the Provisions of this Act, the Assessment by this Act authorized to be levied within the several Parishes within the County in place of the Conversion of Statute Labour, and of Tolls, if the same shall in any Division cease to be levied under the Provisions of this Act, shall be applied as follows:

First, in and towards Payment of a Proportion of the general Expenses of the Trust, and in and towards Payment of the Expenses of the Divisional Committee of the Division within which any such Parish is situated, as the same shall be settled by the Trustees and by the Divisional Committee of each such Division, and in Payment of the Salaries of the Clerk and other Officers:

Secondly, in Payment of the Expenses of maintaining, surveying, ordering, widening, altering, mending, making, improving, and keeping in repair the Statute Labour Roads or public Roads, as the Case may be, and Bridges within the Parish within which such Assessment is levied:

Thirdly,

Thirdly, in Payment of all Debts and Interest legally due by the several Divisional Committees in respect of the Statute Labour Roads or public Roads, as the Case may be, of each such Parish, including the Debts specified in Schedule (B.) hereunto annexed.

Roads and Streets within Dumfries to be maintained by Police Commissioners.

46. Notwithstanding anything in this Act contained, from and after the passing of this Act the whole of the Roads and Streets, not being Turnpike Roads, lying within the Burgh of *Dumfries*, shall be made, maintained, and repaired by, and shall be under the Control and Management of, the Commissioners of Police for the said Burgh of *Dumfries*; and so soon as any Portion of any Turnpike Road within the said Burgh of *Dumfries* shall have ceased to be Turnpike under the Provisions of this Act, such Portion of Turnpike Road shall also be made, maintained, and repaired by, and be under the Control and Management of, the said Commissioners of Police; and the said Commissioners of Police shall have the same Powers in reference to the whole Roads and Streets within the said Burgh of *Dumfries*, not being Turnpike Roads, and to the Portion of any Turnpike Road within the said Burgh of *Dumfries* after such Portion shall have ceased to be Turnpike under the Provisions of this Act, as they have in reference to the Roads and Streets within the said Burgh of *Dumfries* at present under their Charge and Management.

Police Commissioners to contribute towards Maintenance of extra-burghal Roads.

47. The said Commissioners of Police of *Dumfries* shall, from and out of the Assessment to be levied by them as after mentioned, annually contribute and pay to the Trustees under this Act One Fourth Part of the annual Expense of the Maintenance and Repair of the whole Statute Labour Roads in the Parish of *Dumfries* so far as beyond the Burgh of *Dumfries*, and of any Portion of Turnpike Road in the said Parish so far as beyond the said Burgh of *Dumfries*, so soon as such Portion of Turnpike Road shall have ceased to be Turnpike under the Provisions of this Act.

Commissioners of Police to levy Assessments.

48. It shall be lawful for the said Commissioners of Police from Time to Time to levy such Assessments as may be necessary to meet the Cost of the Maintenance, Management, and Repair of the said Roads and Streets within the Burgh of *Dumfries*, and Contribution by this Act directed to be made towards the Maintenance and Repair of the Roads beyond the said Burgh of *Dumfries* and within the Parish thereof, from the Parties liable in Assessment for Police Purposes, imposed and levied or to be imposed and levied within the said Burgh of *Dumfries* by the said Commissioners of Police by virtue of "The General Police and Improvement (*Scotland*) Act, 1862," or any other Police Act in force for the Time being within the said Parliamentary Burgh; and the said Commissioners shall have all such Powers for the levying and Recovery of such Assessments as are or may be by the said Act or Acts conferred.

49. The

Application of Assessments in Maintenance of Statute Labour Roads within Royal Burghs.

49. The Divisional Committee of the Division within which any Royal Burgh, other than the Royal Burgh of *Dumfries*, is situated, shall lay out and apply Two Third Parts of the Assessments levied within the Parliamentary Area of any such Royal Burgh situated within such Division in the Maintenance and Repair of the Roads and Streets within such Parliamentary Area, and shall apply the remaining One Third Part of such Assessments towards the Maintenance and Repair of the Roads within the respective Parishes in which such Burgh is situated lying beyond such Parliamentary Area: Provided always, that it shall be lawful for the Trustees, and for the Magistrates and Town Council, or Commissioners of Police of such Royal Burgh, to enter into Arrangements for the Maintenance by such Magistrates and Town Council or Commissioners of such Roads and Streets, and for the Allotment of such Assessment for such Purpose.

Assessment for building and repairing Bridges.

50. And whereas under the recited Act it is enacted, that for the building and repairing of Bridges within the County the Commissioners of Supply of the County may impose and levy an Assessment on the whole Heritors of the County according to the valued Rent of their Lands, and also an additional Assessment on the Heritors within any Division within which such Bridges may be situate, and it is expedient to extend such Powers as to all Bridges that may be so repaired or built within the County, and that the Assessment should be levied in respect of Lands and Heritages as herein provided: Be it enacted, That the Commissioners of Supply may, for the Purpose of building and repairing Bridges within the County, yearly assess the Proprietors of all Lands and Heritages within the County, but not within the Burgh of *Dumfries*, liable to Assessment under this Act, in a Sum not exceeding One Halfpenny *per* Pound of their Rental within the County, but not within such Burgh; and the said Commissioners, in case the Trustees or any District Meeting or Divisional Committee shall, at the Meeting of the said Commissioners in the Month of *April* in any Year, represent to the said Commissioners that further Funds are required in any District or Division or Divisions for building or repairing any Bridge therein, may further yearly impose an additional Assessment on the Proprietors of all Lands and Heritages assessable under this Act within the Division or Divisions within which such Bridge is or shall be situated, but not including the Burgh of *Dumfries*, not exceeding the like Rate of One Halfpenny in the Pound of the Rental of Lands and Heritages within such Division or Divisions: Provided always, that if such Bridge be or be intended to be situated in part in Two or more Divisions, or, though situated in one Division only, may be calculated to benefit any other Division, the said last-mentioned Assessment shall be leviable on the Lands and Heritages assessed under this Act within all of such Divisions: Provided also, that if it shall be repre-

sented and shall appear to the Commissioners of Supply that any Parish or Parishes within any of such Divisions are not likely to be benefited by the Repair or building of such Bridge, the said Commissioners of Supply may exempt such Parish or Parishes from such additional Assessment.

Notice of Application to be given.

51. Before making Application to the said Commissioners of Supply for a Grant for the Repair or building of Bridges, the Trustees or Divisional Committee making the Application shall publish a Notice of their Intention so to do in at least Two Newspapers usually published and circulated in the County as aforesaid Two Weeks before the Day of Meeting.

Bridge Assessments, how to be levied.

52. The said Assessments for building and repairing Bridges shall be due as from *Whitsunday* to *Whitsunday*, and shall be levied by the Collector of the Commissioners of Supply along with and in the same Way and Manner as the County Assessments are levied and collected.

Assessment for Half of Expenses of Act.

53. For the Purpose of providing for One Half of the Expenses of applying for and obtaining this Act, and incidental thereto, by Assessment on the Proprietors of Lands and Heritages within the County as herein-after provided, the Trustees shall, at their First General Meeting to be held under this Act, ascertain and fix the Amount of such Expenses, and shall certify the said Amount to the Commissioners of Supply of the County, and the said Commissioners of Supply shall thereupon impose and levy, for Payment of such Half of such Expenses, an Assessment on the Proprietors of all Lands and Heritages within the County liable to Assessment under this Act; and the said Assessment shall be levied by the Collector of the said Commissioners of Supply along with and in the same Way and Manner as is herein provided in regard to the Assessment for building and repairing Bridges.

Collector to keep separate Accounts, and pay over Assessments when collected.

54. The said Collector of the Commissioners of Supply shall keep separate and distinct Accounts of the Assessments levied by him under this Act, and shall pay over the same when collected, under Deduction of the Expense of Collection, to any Person duly appointed to receive the same on behalf of the Trustees, in so far as regards the Assessment for Payment of the Expenses of this Act, and in so far as regards the Assessments for building and repairing Bridges to the Trustees or to the Divisional Committee which shall have undertaken the Execution of the Work.

Power to make new Roads, &c.

55. The Divisional Committees may at any Time make such new Roads and Bridges, or alter or deviate any such Portions of Road, within their several Divisions, as may be thought proper, and upon such

such Terms and Conditions as may be agreed upon between the Trustees or Divisional Committee and the Proprietors interested in, or whose Lands are required to be taken for, such new Roads and Bridges, or altered or deviated Roads: Provided always, that no such new Road or Bridge, or altered or deviated Road, shall be made under the Authority of this Act, unless the Works shall have been consented to by the Proprietor or Proprietors whose Land is required to be taken, Heirs of Entail in Possession being hereby authorized to give such Consent: Provided also, that nothing herein contained shall affect the Powers in regard to the Deviation and other Improvement of Roads conferred on Trustees by the Act 1 & 2 *William* the Fourth, Chapter 43, herewith incorporated, and other Acts now in force.

Power to adopt Roads.

56. The Divisional Committees may adopt and maintain and keep in repair any Roads situated in any Parish within their respective Divisions which shall have been laid out and constructed by other Parties, and which it shall appear convenient to have maintained along with the other Roads in such Parish, the Consent thereto of such Parties being first obtained, and the Divisional Committees may apply to such Purpose the Assessment for Maintenance of Roads within the Parish authorized by this Act: Provided always, that before any such Road shall be adopted, Notice of the Intention to adopt the same shall be given by Advertisement inserted in Two Newspapers usually published and circulated in the County Thirty Days at least previous to the Meeting at which it is proposed the Divisional Committee shall adopt the same.

Power to shut up Roads.

57. Upon the Application of any Trustee or any Proprietor having Interest, it shall be lawful for the Trustees at any General Meeting, after making such Inquiry as they may think proper, to order any Road or Portion of Road within the County, not under the Management of other Road Trustees, which shall have become useless and unnecessary to the Public, to be shut up after the Expiration of such Period as they shall see fit: Provided always, that Notice of such Application shall be given by Advertisement inserted in Two Newspapers usually published and circulated in the County Thirty Days at least previous to the Meeting at which the Trustees are to decide upon the Application; provided also, that any Person interested may complain to the Quarter Sessions or to the Sheriff of the Determination of the Trustees in any such Matter within the Period, and in the Manner, and subject to the Provisions contained in the 70th Section of the said Act of 1 & 2 *William* the Fourth, Chapter 43, incorporated herewith.

Provision for Abolition of Tolls and

58. When and so soon as the Debts on any Turnpike Roads, or Portions of the same, situated within any Division of Statute Labour Roads,

Maintenance by Assessment.

Roads, shall have been paid off or liquidated, or Arrangements made with the Creditors for the Discharge of such Debts, it shall be lawful for the Trustees at any Meeting held for the District of Roads to which the said Roads or Portions of Road belong, at any such Meeting specially called for the Purpose, or at any other Meeting to which the Matter may be adjourned, to resolve that the Tolls on any such Roads within the District or Portion thereof shall be abolished, and such Roads or Portions thereof maintained by Assessment under this Act, and upon such Resolution being come to, to apply to the next Statutory General Meeting of Trustees, or to any Meeting specially called for the Purpose, for Sanction and Approval by the Trustees at such Meeting of such Resolution; and in case the Trustees at such General or Special Meeting shall resolve to entertain the said Proposal, they shall adjourn the further Consideration and final Determination of such Matter to any General or Special Meeting to be held not sooner than Three Months thereafter: Provided always, that before making any Application to the Trustees for Sanction and Approval as aforesaid, the Resolution of such District Meeting shall be communicated in Writing to the Divisional Committee or Committees of the Division or Divisions of Statute Labour Roads within which such Turnpike Roads or Portions thereof the Tolls on which are proposed to be abolished are situated.

Resolution of General Meeting.

59. If the Trustees shall at such adjourned Meeting approve of the Resolution of any District Meeting to abolish Tolls as by this Act authorized, and resolve to give effect to the same, the Roads or Portions of Road the Tolls on which it is intended to abolish shall, from and after the next or any future Term of *Whitsunday* to be determined on by the Trustees, cease to be Turnpike Roads, and to be maintained as such, and Tolls shall thenceforth cease to be levied thereon, and the same shall thenceforth be maintained, along with the Statute Labour Roads of each Parish or Division within which such Roads or Portions of Road are situated, by the Divisional Committee having the Management of the Statute Labour Roads of such Parish; and the Assessment by this Act authorized for Maintenance of Statute Labour Roads within such Parish shall be also applicable and be applied by such Divisional Committee in the Repair, Maintenance, and Improvement of the Roads within such Parish so ceasing to be Turnpike Roads as aforesaid.

Turnpike Roads and Statute Labour Roads to cease to be so described.

60. When and so soon as all the Turnpike Roads situated within any Parish shall have ceased to be Turnpike Roads in manner by this Act provided, the Statute Labour Roads of such Parish shall cease to be distinguished as such, and all the Roads, whether Turnpike or Statute Labour, within such Parish maintained under this Act, shall be distinguished as "public Roads," but shall be managed and maintained

tained in all respects as the Roads distinguished as Statute Labour Roads are managed and maintained under this Act, and the Enactments herein contained as to such Roads, and the Enactments herewith incorporated, shall be held to be extended to all such public Roads.

Disposal of Toll Houses, &c.

61. When it shall be resolved by the Trustees to abolish Tolls on any Roads or Portion of Road, it shall be lawful for the Trustees having the Management of such Roads to sell and dispose of the Toll Houses and Sites thereof, Gardens, Lands, and Pertinents, which shall belong to the Trustees, and the Toll Gates, Weighing Machines, and all other Property and Effects of the Trustees on such Roads or Portion thereof, and all Revenues derived therefrom; and the Proceeds of such Property and Effects, and also any Balance of Tolls levied at such Toll Houses or Gates in the Hands of the Trustees, shall be applied by them to the Maintenance of the Line or Lines of Road on which such Toll Houses and other Property were situated, paying over to the Divisional Committee or Committees the Portion appertaining to the Roads on which Tolls have been so abolished: Provided always, that nothing herein contained shall operate to prevent the Trustees in the Management of the Roads from retaining such Toll Houses, Sites, Gardens, Lands, and Pertinents, and to use the same for the Accommodation of Workmen and others employed in the Maintenance of the Roads, or otherwise, as shall appear to the Trustees to be expedient: Provided also, that before such Toll Houses and the Lands and Premises attached thereto are sold, they shall 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 Proprietors and the Trustees, and in the Case of such Arbiters differing in Opinion, by 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.

Assessment on One Parish may be partly applied in another.

62. It shall be lawful for any Divisional Committee, with the Consent of the Proprietors of Lands and Heritages assessable under this Act, amounting in Value to One Half of the annual Rental of any Parish within their Division, to apply or pay over, as the Case may require, such Part of the Assessment arising within such Parish towards the Maintenance and Repair of Roads, whether Turnpike or Statute Labour or public Roads, within other Parishes of the Division, or within the Parishes of any other Division or Divisions lying contiguous, in which Parishes from the Nature of the Traffic on the Roads the Expenditure may exceed the Assessment therein.

Power to borrow on Credit of Tolls.

63. The Trustees may, for the Purposes of this Act, borrow and take up at Interest on the Credit of the Tolls of the several Districts such Sums of Money, and in such Form and Manner, and on such Conditions, as Trustees may borrow under the Provisions in the Act of the First and Second Year of the Reign of His late Majesty King *William* the Fourth, Chapter 43, herewith incorporated.

Power to borrow on Credit of Assessments.

64. The Divisional Committees may, for the Purposes of this Act, borrow and take up at Interest from Time to Time such Sums of Money as they may find necessary for the Objects for which they are authorized to impose and levy an Assessment in any Parish within their respective Divisions, and to apply the Sum so borrowed in and towards the Objects and Purposes connected with the Roads of such Parish, whether Statute Labour or public Roads, and to assign for Security of the Payment of the Sums so borrowed, and Interest thereon, the Assessments within such Parish hereby authorized, but such Power of assigning shall not extend to the Assessments to be levied by the Commissioners of Supply for Repair and building of Bridges authorized by this Act: Provided always, that the whole Sums so borrowed shall not exceed in Amount Three Years Proceeds of the Assessment within such Parish, if the same were levied at the maximum Rate: Provided also, that the several Divisional Committees shall duly report to the Trustees all Sums borrowed by them in order that the same may be registered as after provided.

Mode of borrowing Money on Assessments.

65. The Divisional Committees may raise the Money authorized to be borrowed under the Authority of this Act by them respectively in such Amounts, and either by way of Mortgage, Bond, Debenture, or terminable Annuity, as they may think fit.

Execution of Bonds and other Securities.

66. All Bonds, Mortgages, Debentures, or other Securities for Money borrowed on Assignments of Assessments under the Authority of this Act shall be signed by at least Three Members of the Divisional Committee and the Clerk to the Trustees respectively, and such Securities, and any Transfers of the same, may be in the Form prescribed by the Twenty-second Section of the said Act of the First and Second Year of the Reign of His late Majesty King *William* the Fourth, Chapter 43, for borrowing on the Security of Toll Duties so far as applicable; and such Clerk to the Trustees shall keep a Register of all Bonds, Mortgages, Debentures, or other Securities granted under this Act, and of the Transfers thereof.

Power to borrow on Cash Credit Account.

67. It shall be lawful for the Divisional Committees, or any of them respectively, instead of borrowing on Mortgage or other Security as herein-before provided, but without Prejudice to their Right so to do, to borrow or accept or take from any Bank or Banking Company,

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 Divisional Committees or any of them, as the Case may be, any Sum or Sums of Money not exceeding in the whole, together with any Sum or Sums which the said Divisional Committees or any of them respectively may have raised upon Mortgage or other Security, the Sums which the said Divisional Committees respectively are authorized to borrow as aforesaid, and to make and grant Mortgages and Assignations of the said Assessment in Security and for Repayment of the Sums advanced from Time to Time upon such Cash Credit Account and the Interest thereof.

Provision as to Sinking Fund.

68. In order to discharge the Principal Monies borrowed by way of Loan, Mortgage, or Debenture as aforesaid on Security of any of the Assessments, the Divisional Committees shall respectively every Year appropriate and set apart out of such Assessment, on the Security of which such Monies shall be borrowed, a Sum equal to One Tenth Part of the Sums so borrowed respectively as a Sinking Fund, to be applied in paying off the respective Principal Monies so borrowed, and shall from Time to Time cause such Sinking Fund to be deposited in One of the Banks in *Scotland* incorporated by Act of Parliament or Royal Charter, to be increased by Accumulation in the way of Compound Interest or otherwise until the same shall be of sufficient Amount to pay off the Principal Debts respectively to which such Sinking Fund shall be applicable, or some Part thereof, which the Divisional Committees shall think ought then to be paid off, at which Time the same shall be so applied in paying off such Debts.

Act not exempt from Provisions of future General Acts.

69. Nothing herein contained shall be deemed or construed to exempt this Act, or the Roads by this Act authorized to be maintained, surveyed, ordered, widened, altered, mended, made, improved, and kept in repair, whether Turnpike Roads or Statute Labour Roads or public Roads in the Sense of this Act, from the Provisions of any General Act relating to Roads or the Valuation of Lands and Heritages in *Scotland* which may pass during the present or any future Session of Parliament.

Expenses of Act.

70. The Expenses of applying for and obtaining this Act and incidental thereto shall be paid by the Trustees, in so far as regards One Half thereof, with the Monies to be received from the Commissioners of Supply of the County, and levied by them for that Purpose under the Provisions of this Act, and, in so far as regards the other Half of said Expenses, from and out of the Tolls levied under Authority of the recited Act or of this Act, or of Money borrowed on the Security of such Tolls.

71. This

Continuance of Act.

71. This Act shall have Continuance, in so far as regards the levying of Tolls, if the same shall not be abolished under the Provisions of this Act, for the Period of Thirty-one Years from the passing hereof, and to the End of the then next ensuing Session of Parliament, and, in so far as regards the other Purposes of this Act, in all Time coming until repealed.

SCHE-

SCHEDULES.

SCHEDULE (A.)

Debt of the Turnpike Districts as at Whitsunday 1864.

Second or Lower Annandale District.

	£	s.	d.
1. Balance of Debt on ordinary Assignment to Tolls on Stapleton and Chapelknowe Road claimed by the Trustees on the Estate of Springkell and Sir John Heron Maxwell, Baronet, of Springkell, with Interest thereon to Whitsunday 1864	793	19	8
2. Debt claimed by the Executors of the late John Marquess of Queensberry, being Sum advanced by him "without Interest" on account of the Beattock Turnpike Road on 15th February 1844 in said Second or Lower Annandale District	100	0	0
3. Postponed Debt claimed by the Glasgow and South-western Railway Company on Assignment, dated 11th November 1847, of Tolls on the Road from Dumfries, by Annan, to Gretna in the said Second or Lower Annandale District	2000	0	0
4. Postponed Debt claimed by the said Railway Company on Assignment, dated 11th November 1847, of Tolls on the Stapleton and Chapelknowe Turnpike Road in said Second or Lower Annandale District	310	0	0
Carried forward	£3203	19	8

	£	s.	d.
Brought forward . .	3203	19	8

THIRD OR ESKDALE DISTRICT.

Balance due by the Trustees of the Scotsdyke Road Trust, in the Third or Eskdale District, to Alexander Stevenson, Writer, Langholm, their Clerk and Treasurer, as at Whitsunday 1864	1080	4	10
	£4284	4	6

SCHEDULE (B.)

STATUTE LABOUR OR PARISH ROAD DEBTS.

Debts and Balances on open Accounts due and owing at last annual Settlement of Accounts in April 1864 upon the Credit of the Assessments or Conversion Money of the Parishes after mentioned:

FIRST DIVISION OF PARISHES.

	£	s.	d.	£	s.	d.
Parish of Moffat,						
Balance due to Thomas Tait, Writer, Moffat, Collector of Road Money . . .	20	12	5½			
Parish of Johnstone,						
Balance due to said Thomas Tait . .	48	15	1			
				69	7	6½

SECOND DIVISION.

	£	s.	d.			
Parish of Dryfesdale,						
Proportion of Debt due to Royal Bank of Scotland	73	14	1			
Parish of Applegarth,						
Balance due to David Ewart, Writer, Lockerbie, Collector of Road Money . . .	8	0	5			
Debt due to Ann Crichton, Cleughfoots, near Lockerby .	100	0	0			
Proportion of Debt due to Royal Bank of Scotland . . .	28	13	3			
				136	13	8
Carried forward .	£210	7	9	69	7	6½

	£	s.	d.	£	s.	d.	£	s.	d.
Brought forward	.	.	.	210	7	9	69	7	6½
United Parishes of Hutton and Corrie,									
Balance due to the said David Ewart	91	0	8						
Proportion of Debt due to Royal Bank of Scotland . . .	69	6	9						
				160	7	5			
							370	15	2
Fourth Division.									
Parish of Dalton,									
Debt due to Miss Cattle, Dormont Grange							40	0	0
Fifth Division.									
Parish of Kirkmichael,									
Balance due to John Jackson, Writer, Dumfries, Collector of Road Money . .				0	12	5½			
Parish of Tinwald,									
Balance due to the said John Jackson . .				5	14	5			
							6	6	10½
Sixth Division.									
Parish of Morton,									
Balance due to Mr. James B. Johnstone, Holestane, Collector of Road Money							12	16	11
Seventh Division.									
Parish of Holywood,									
Balance due to Dr. Andrew Lorimer, Laurieston, Collector of Road Money .				20	5	4			
Parish of Dunscore,									
Balance due to said Dr. Andrew Lorimer .				33	4	0			
Parish of Tynron,									
Balance due to said Dr. Andrew Lorimer .				3	5	7			
							56	14	11
Eighth Division.									
Parish of Westerkirk,									
Balance due to George Scott, Langholm, Collector of Road Money . . .				293	11	4¾			
Parish of Canobie,									
Balance due to said George Scott	108	14	9¼						
Debt due to said George Scott	300	0	0						
				408	14	9¼			
							702	6	2
							£1258	7	7

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