ANNO VICESIMO SEPTIMO & VICESIMO OCTAVO

VICTORIÆ REGINÆ.

Cap. cxciii.

An Act for more effectually maintaining, keeping in repair, and improving the Roads, Highways, and Bridges within the County of *Peebles*; and for other Purposes. [14th *July* 1864.]

WHEREAS an Act was passed in the Forty-ninth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for repairing and amending certain Roads in the County of* Peebles, *and for better regulating the Statute Labour within the same*, which Act is herein-after called "the firstly-recited Act:" And whereas another Act was passed in the Fifty-eighth Year of the Reign of His said Majesty King *George* the Third, intituled *An Act for making more effectual Provision for Payment of the Debt due by the Trustees for Turnpike Roads in the County of* Peebles, *and for other Purposes connected therewith*, which Act is herein-after called "the secondly-recited Act," by which Act the Commissioners of Supply of the County of *Peebles* were authorized and empowered, on the Requisition of the Trustees for Turnpike Roads in the said County, to make an annual Assessment upon each and every Proprietor or Liferenter of Land enjoying the Dominium utile thereof, lying in the said County, to be paid rateably and proportionally, according to the Amount of his or her valued Rent, not exceeding in

49 G. 3. c. xxvi.

58 G. 3. c. x.

any One Year the Sum of Sixpence Sterling in the Pound *Scots* of valued Rent, to be applied in Payment of the Debts contracted by the said Trustees in making, amending, and repairing the Turnpike Roads in the said County; provided such Assessments should not exceed in the whole the Sum of Nineteen thousand Pounds Sterling: And whereas at the Date of the passing of the secondly-recited Act the Debts due and owing by the said Trustees under the firstly-recited Act amounted to the Sum of Eighteen thousand eight hundred and twenty-eight Pounds Fifteen Shillings and Eightpence: And whereas under the Powers of the secondly-recited Act the said Commissioners of Supply, in and between the Years One thousand eight hundred and eighteen and One thousand eight hundred and twenty-seven, made Assessments in Terms of that Act to the aggregate Amount of Twelve thousand two hundred and twenty-eight Pounds One Shilling and Threepence, whereof the Sum of Eleven thousand eight hundred and seventy-eight Pounds Fifteen Shillings and Eightpence was applied towards Payment of the said Debts: And whereas another Act was passed in the Eleventh Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for more effectually repairing and keeping in repair the Turnpike Roads in the County of* Peebles, *for making and maintaining certain new Roads, and for rendering Turnpike certain Parish Roads in the said County*, which Act is herein-after called "the thirdly-recited Act," by which Act the firstly-recited Act, so far as respects the Turnpike Roads therein mentioned, and the secondly-recited Act, were repealed, and the Power to assess the said County for Payment of Debt was not re-enacted, and a considerable Portion of the Debts for the Discharge of which the said Assessment was granted remained unpaid: And whereas another Act was passed in the Eleventh Year of the Reign of His said Majesty King *George* the Fourth, intituled *An Act for farther regulating the Statute Labour and repairing the Highways and Bridges in the County of* Peebles, which Act is herein-after called "the fourthly-recited Act," by which Act so much of the firstly-recited Act as relates to the Statute Labour of the said County was repealed: And whereas an Act was passed in the First and Second Years of the Reign of His 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 fifthly-recited Act:" And whereas an Act was passed in the Eighth and Ninth Years of the Reign 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*, which Act is herein-after called "the sixthly-recited Act:" And whereas, in pursuance of the Powers contained in the above-recited Acts, or one or other of them, the Trustees

11 G. 4. & 1 W. 4. c. cviii.

11 G. 4. & 1 W. 4. c. lxxvii.

1 & 2 W. 4. c. xliii.

8 & 9 Vict. c. xli.

Trustees acting under the Authority of those Acts, or one or other of them, have maintained the several Roads mentioned in the said Acts, or one or other of them, and have for the Purposes of the said Acts, and in carrying the same into execution, borrowed and applied large Sums of Money, and in respect of the Sums so borrowed and applied Debts (including Annuities) to the nominal Amount of about Sixteen thousand five hundred Pounds still remain due and owing, secured partly upon the Credit of the Toll Duties, partly upon the personal Security of the Trustees, or some of them, acting in execution of those Acts, or one or other of them, and partly upon the Credit of the Pontage Duties leviable at the Bridge over the River *Tweed* at or near *Drownpouch* Stream, but the actual Value of the said Debts, after deducting the Assets in hand, does not exceed the Sum of Seven thousand five hundred Pounds or thereabout: And whereas it is expedient that the Power of Assessment granted under the secondly-recited Act should be revived for the Purpose of paying off or extinguishing the said Debts: And whereas it is expedient that the whole of the Roads, Highways, and Bridges within the County of *Peebles*, except such Roads, Highways, and Bridges as may be within the Royal Burgh of *Peebles*, should be placed under uniform Management and Control, and that a Body of Trustees should be appointed and incorporated, with Powers for the Maintenance, Management, Repair, and Improvement of the said Roads, Highways, and Bridges, and also for making and maintaining new Roads and Bridges within the said County, by means of the several Assessments hereby authorized, and that the Assessments, Tolls, and Duties leviable on or in respect of the existing Roads, and the Pontages leviable in respect of the said Bridge, should be abolished: And whereas it is expedient that Power should be conferred on the Provost, Magistrates, and Council of the Royal Burgh of *Peebles*, or the Police Commissioners thereof, for the Repair, Maintenance, Management, and Improvement of the Roads, Highways, and Bridges within the said Royal Burgh of *Peebles* by means of the Assessment hereby authorized, and that the Burgh Customs and Dues of *Tweed Bridge*, heretofore leviable within the said Burgh, should be abolished; but the said Objects cannot be effected 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 the Authority of the same, as follows; (that is to say,)

Short Title.

1. This Act may be cited for all Purposes as "The *Peeblesshire* Roads Act, 1864."

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

something in the Subject or Context repugnant to such Construction; (that is to say,)

The Word "Person" shall apply to and include Corporations and Companies;

The Word "Sheriff" shall mean the Sheriff of the County of *Peebles*, and shall include, unless otherwise expressed, his Substitute;

The Expression "the Trustees," or "the County Road Trustees," shall mean the Trustees appointed and acting under this Act;

The Words "the Clerk," and "the Surveyor," shall respectively mean the County Road Clerk and the County Road Surveyor appointed and acting for the Time being under this Act;

The Word "Creditor" shall include the Trustee, Tutor, or Curator, Judicial Factor, Curator bonis, or other legal Representative of any Creditor;

The Expression "the County" shall mean the County of *Peebles*, and shall include for the Purposes of this Act the Portion of the Turnpike Road near *Howford* situated in the County of *Selkirk*, but excluding the Royal Burgh of *Peebles*;

The Word "Burgh" shall mean the Royal Burgh of *Peebles*, and shall be limited to and include the Boundaries herein-after specified or referred to; and the Expression "Town Council" shall mean the Provost, Magistrates, and Town Council of the Burgh of *Peebles*, and shall include the Police Commissioners of the said Burgh;

The Expression "the Roads" shall mean and include all Turnpike Roads and Bridges now or by this Act vested in or otherwise belonging to the Turnpike Road Trustees of the County under the said thirdly-recited Act, including the Portion of Road near *Howford*, and the Road leading from *Dewar Gill* on the Confines of *Midlothian*, along the Banks of *Leithen Water*, to *Innerleithen*;

The Expression "the Highways" shall mean and include all Statute Labour Roads and Bridges within the County now vested in or otherwise belonging to the Commutation or Statute Labour Road Trustees of the County under the recited Acts, and all other Roads and Bridges within the County when declared to be Highways under the Provisions of this Act;

The Expression "Maintenance and Repair" shall mean and include such Improvements and Alterations on the Roads, Highways, and Bridges as the Trustees shall deem expedient or necessary;

The Expressions "Proprietor," "Tenant," "Occupier," and "Lands and Heritages" shall have the same Meanings as are attached thereto respectively in and by the Act Seventeenth and Eighteenth *Victoria*, Chapter Ninety-one, intituled *An Act for the*

the Valuation of Lands and Heritages in Scotland, and the Act Twentieth and Twenty-first *Victoria*, Chapter Fifty-eight, intituled *An Act to amend the Act of Seventeenth and Eighteenth of* Victoria, *for the Valuation of Lands in* Scotland; and the Expression "the Valuation Roll" shall mean the Valuation Roll in force for the Time for the County made up under the Authority of the said Acts, or any other Act relating to the Valuation of Lands and Heritages in *Scotland* which may be in force for the Time being;

The Expression "valued Rent" shall mean the valued Rent of Lands in the County as contained in the old Valuation of the County in *Scots* Money;

The Expression "local Newspaper" shall mean any Newspaper published at least once every Week in the County or Burgh of *Peebles*, or, if there be no Newspaper so published therein, any Newspaper published at least once every Week in the City of *Edinburgh*;

The Expression "special Advertisement" shall mean Notice by Advertisement published twice at least in One local Newspaper.

When Act to come into force.

3. This Act shall take effect from and after the passing thereof, except where its Effect is postponed to a subsequent Date or Term.

Appointment and Qualification of Trustees.

4. This Act shall, as regards the County, be carried into execution by a Body of Trustees, and the following Persons shall be and the same are hereby appointed such Trustees; (that is to say,)

Every Person being the Proprietor or the Husband of any Proprietrix infeft in Liferent, or in Fee not burdened with a Liferent, in Lands and Heritages within the County of the yearly Rent or Value of at least One hundred Pounds in Terms of the Valuation of Lands (*Scotland*) Act, Seventeenth and Eighteenth of *Victoria*, Chapter Ninety-one, or being the eldest Son and Heir Apparent of a Proprietor infeft in Fee, not burdened with a Liferent, in Lands and Heritages within the County of the yearly Rent or Value in Terms of that Act of at least Four hundred Pounds, and in the Absence of any Proprietor infeft, either in Liferent or in Fee unburdened as aforesaid, in Lands and Heritages within the County of the yearly Rent or Value in Terms of that Act of at least Four hundred Pounds; the Factor of such Proprietor; the Guardian or One Guardian specially appointed by the other Guardians, if more than One, of each Minor, being a Proprietor infeft in Liferent, or in Fee unburdened as aforesaid, in Lands and Heritages within the County of the yearly Rent or Value in Terms of that Act of at least One hundred Pounds; the Trustee or One Trustee

specially appointed by the other Trustees, if more than One, of every Estate which shall be held in trust, duly infeft in Lands and Heritages in the County of the yearly Rent or Value in Terms of that Act of at least One hundred Ponuds; the Chairman of every incorporated Company or Body possessed of Lands and Heritages in the County of the yearly Rent or Value in Terms of that Act of at least Two hundred Pounds, or in his Absence some other Person appointed in Writing under the Seal of such Company or Body to represent such Chairman; the Deputy Chairman of every such Company or Body; and the Sheriff and Sheriff Substitute of the County; all for the Time being; such Male Person of full Age as shall be elected annually, as after mentioned, for the Parishes and Groups of Parishes respectively after mentioned, who shall be a Tenant and Occupier of Lands and Heritages within those Parishes and Groups respectively, rated as a Tenant and Occupier in the Valuation Roll of the County to the Extent of not less than Two hundred Pounds *per Annum* of Rental, but who shall not be otherwise personally qualified as a Trustee for the Purposes of this Act; *viz.*,

One such Person for each of the following Parishes, so far as situated within the County, *videlicet*, *Innerleithen*, *Traquair*, *Eddlestone*, *Linton*, *Stobo*, *Newlands*, *Drummelzier*, *Tweedsmuir*, and *Peebles* (excluding the Burgh), and One such Person for each of the Groups of Parishes following, *videlicet*, *Kirkurd* and *Skirling*, which shall form Group Number One, *Lyne*, *Meggat*, and *Manor*, which shall form Group Number Two, and *Broughton*, *Glenholm*, and *Kilbucho*, which shall form Group Number Three; and this Act, so far as regards the Burgh, shall be carried into execution by the Town Council or the Police Commissioners thereof.

How Tenant Trustees to be elected.

5. For the Purpose of electing a Tenant Trustee for each of the said Parishes and Groups, to act as and with the Trustees under this Act, a Meeting of the Tenants within each Parish and Group, qualified as herein mentioned, shall be held at a convenient Place within each Parish or Group, to be fixed by the Clerk, on the First *Tuesday* in the Month of *September* One thousand eight hundred and sixty-four, at Twelve o'Clock Noon; and such Meeting shall be convened by the Clerk if then appointed, and if not then appointed by the Clerk of Supply for the County, by Advertisement inserted once in a local Newspaper not less than Seven nor more than Twenty-one Days before the Day of Meeting, requiring all Tenants occupying Lands or other Heritages situated within such Parishes and Groups respectively, of the annual Value of Fifty Pounds and upwards, entered in the County Roll of Parliamentary Electors in such

such Parishes or Groups respectively, to repair to the Place mentioned in the Advertisement, and there to elect to be a Trustee under this Act One Tenant so qualified from each Parish or Group; and the Tenant Trustees so elected respectively shall continue in Office until the First *Tuesday* in *September* One thousand eight hundred and sixty-five, when a similar Meeting of Tenants, duly qualified as aforesaid and convened in manner before prescribed, shall be held for the Election of Tenant Trustees for the ensuing Year; and such Trustees may be re-elected; and at a similar Meeting held on the First *Tuesday* of *September* in every subsequent Year of the Tenants qualified as aforesaid a Tenant Trustee for each Parish or Group shall be elected for the Year next ensuing: Provided always, that at every such Meeting Three shall be a Quorum, and a Chairman shall be elected who shall have a deliberative as well as a casting Vote; and such Chairman shall certify to the Clerk in Writing under his Hand the Name, Designation, and Address of the Trustee elected at such Meeting, and such Certificate shall be conclusive Evidence of the Person named therein having been duly elected a Trustee for the Purposes of this Act.

Failure to elect Tenant Trustees or of any other Trustee to act not to affect Proceedings of Trustees.

6. If the Persons in any Parish or Group entitled to elect a Trustee as aforesaid shall fail to elect a Person to be a Trustee for the Purposes of this Act, or if any Person elected by any Parish or Group 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.

Trustees designated and incorporated.

7. The Trustees so nominated, elected, and qualified as aforesaid shall be called "The *Peeblesshire* Road Trustees," and by that Name may sue and be sued, and shall be a Body Corporate, with perpetual Succession and a Common Seal, with Power to purchase, take, hold, and dispose of Lands and other Property for the Purposes and subject to the Provisions of this Act.

Meetings of the Trustees.

8. The Trustees shall hold a General Meeting at *Peebles* within Three Months after the passing of this Act, to be called by the Clerk of Supply by special Advertisement published the Second Time at least Seven clear Days previous to the Day of Meeting, for the Purpose of electing a Chairman of the Trustees, and a Clerk, and such other Officers and Servants as they may think necessary for carrying this Act into execution, and shall hold a General Meeting, to be called "the Annual General Meeting," at *Peebles* on the Thirtieth Day of *April* in each Year, or if such Day be a *Sunday* on the next Day, and another General Meeting, to be called the *Michaelmas*

Michaelmas General Meeting, on the Day on which the Commissioners of Supply for the County hold their annual *Michaelmas* Meeting, or on such other Day or at such Place as may be resolved on at any Annual General Meeting of the Trustees.

Chairman of the Trustees.

9. At the First General Meeting of the Trustees, and at each Annual General Meeting thereafter, they shall by the Majority of the Votes of the Trustees present elect One of their own Number to be their Chairman, who shall when present preside at all General and Special Meetings of the Trustees; and such Chairman shall hold Office until the Annual General Meeting succeeding his Appointment, or until his Successor is appointed, and may be re-elected on the Expiration of his first or other Period of Office; and in the event of the Death or Resignation of such Chairman the Trustees may at their next General or Special Meeting appoint a Chairman to fill such Vacancy, who shall hold Office so long only as the Person in whose Place he was elected would have been entitled to continue Chairman: Provided always, that at every Annual General Meeting the Chairman going out of Office at that Meeting shall, if present and willing to act, be the Chairman of such Meeting.

Chairman to be elected in absence of ordinary Chairman.

10. In the Absence of the Chairman at any Meeting of the Trustees any Person elected by the Majority of the Trustees present at such Meeting shall preside thereat, and in case of an Equality of Votes the Trustee for whom such Votes are given, and whose Name stands alphabetically first, shall preside at such Meeting; and in all other Cases of Equality of Votes at any Meeting of the Trustees the Chairman or other Person presiding thereat shall, in addition to his own Vote as a Trustee, have a Second or Casting Vote.

Meetings and Proceedings of Trustees.

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

The Quorum of a Meeting of the Trustees shall be Five:

Special Meetings of the Trustees may be called by the Chairman at any Time he may think fit by special Advertisement stating the Object of such Meetings; and Special Meetings shall also be called by the Clerk by special Advertisement stating the Object of such Meetings, on a Requisition signed by Two Trustees stating such Object being presented to him; but no such Special Meeting shall be held till the Expiration of at least Seven clear Days after the Second Publication of such Advertisement:

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

Any

Any Meeting, general or special, of the Trustees may be adjourned to a Time and Place to be specified in the Minutes of such Meeting; and in the event of a Quorum not being present at any General or Special Meeting, the Clerk may by special Advertisement call an adjourned Meeting, to be held at the same Place on any Day within Three Weeks after the Day fixed for such Meeting:

Any Business appointed by this Act to be transacted, and any Assessment by this Act authorized to be imposed, at any General or Special Meeting of the Trustees, may be transacted or imposed at any adjourned Meeting: Provided always, that no Business shall be brought before or transacted at any adjourned Meeting which was not brought or might competently have been brought before the Meeting which was adjourned.

Clerk to be appointed.

12. The Trustees shall appoint a Clerk, who shall be called the "County Road Clerk," and, if he be in the Opinion of the Trustees duly qualified, the Person acting as Clerk to the Trustees of the Turnpike Roads and the Trustees of the Statute Labour Roads within the County immediately previous to the passing of this Act shall be appointed to the said Office; and it shall be the Duty of the Clerk so appointed to attend all Meetings of the Trustees, and to collect, levy, and recover all Monies belonging to or vested in the Trustees, and the Assessments to be imposed in virtue of this Act, and to perform such other Duties from Time to Time as shall be prescribed by the Trustees; and when at any Time thereafter the said Office shall become vacant the Trustees shall appoint thereto a fit and proper Person; and it shall be in the Power of the Trustees as they shall see Cause to remove at any Time any Person holding the said Office, and to appoint a Successor.

Surveyor and other Officers to be appointed.

13. The Trustees shall appoint a Surveyor, who shall be called the "County Road Surveyor," and they may appoint an Auditor and such other Officers and Servants as they may think necessary for carrying this Act into execution, and such Officers and Servants shall perform the Duties from Time to Time prescribed by the Trustees, and shall be subject to Removal respectively at any Time by the Trustees.

Salaries and Allowances to Clerk, &c., and

14. The Trustees shall pay such Salaries and Allowances as they shall think reasonable to the Clerk, Surveyor, Auditor, and such other Officers and Servants respectively as the Trustees shall or may appoint

Security to be found by them.

appoint for carrying this Act into execution; and it shall be lawful for the Trustees to require such Officers and Servants respectively to find such Security for the faithful Execution of their respective Duties as they shall think necessary and reasonable.

Accounts to be balanced on 15th May, and laid before Michaelmas Meeting.

15. The Trustees shall cause their Accounts to be balanced in each Year on the Fifteenth Day of *May*, and such Accounts, after having been duly audited, shall be laid before the *Michaelmas* General Meeting, and Abstracts of such Accounts shall thereafter forthwith be published at least twice in a local Newspaper.

Defining Debts to be paid by the Trustees.

16. The Debts affecting the Roads shall be held and they are hereby declared to be the Debts specified and set forth in Schedules (A.), (B.), (C.), and (D.) to this Act annexed, and they shall be held and are hereby declared to be of the Amount and Value specified in the said Schedules respectively, and they shall be paid by the Trustees in manner herein-after provided.

Defining Debts to be extinguished.

17. The Debts and Subscriptions specified and set forth in Schedule (E.) to this Act annexed, and all Arrears of Interest thereon, or upon any of the Debts specified in Schedules (A.), (B.), (C.), and (D.) at the Term of *Whitsunday* Eighteen hundred and sixty-five, except in so far as the surplus Revenues, if any then remaining, may be applied in Payment thereof, or be claimable or liable therefor, shall be and the same are hereby extinguished.

Debts and Interest to be charged on Lands according to valued Rent.

18. The Debts specified in Schedules (A.), (B.), (C.), and (D.), as valued in those Schedules, together with Interest thereon at a Rate not exceeding Five Pounds *per Centum per Annum* from *Whitsunday* Eighteen hundred and sixty-five, shall be paid out of a special Assessment to be levied upon each and every Proprietor or Liferenter of Land enjoying the Dominium utile thereof lying within the County, to be paid rateably and proportionally according to the Amount of his valued Rent in manner after mentioned: Provided always, that no Railway or other incorporated Company shall be assessed for or in respect of the Payment of the said Debts further or otherwise than they might have been assessed previously to the passing of this Act.

Assessment for paying off Debts.

19. For the Purpose of paying off the Debts specified in Schedules (A.), (B.), (C.), and (D.), and also for paying the Interest thereon, and on any Money borrowed for the Purpose of paying off the same, it shall be lawful for the Trustees, subject to the Provision contained in the immediately preceding Section, to impose and levy in each Year, from and after the Fifteenth Day of *May* One thousand eight hundred and sixty-five, an Assessment, not exceeding Sixpence Sterling

Sterling *per* Pound *Scots*, on all Lands within the County rateably and proportionally according to the valued Rent thereof, and such Assessment shall be imposed and levied on and paid by each and every Proprietor or Liferenter of Land enjoying the Dominium utile thereof rateably and proportionally according to the Amount of his valued Rent: Provided always, that the said Debts, and the Interest thereof, except the Debts specified in Schedule (B.) and Interest thereon, shall be paid off, either by way of Life Annuities as herein-after provided, or within such Period as the Trustees may determine, not exceeding Twenty-one Years from and after the Fifteenth Day of *May* One thousand eight hundred and sixty-five, and in the latter Case the said Assessments shall be so calculated, levied, and applied Year by Year as that the whole of the said Debts and Interest thereon, except as aforesaid, shall be paid and extinguished at or previous to the Expiration of the said Twenty-one Years.

Power to borrow on Security of Assessment.

20. The Trustees may, if they see fit, from Time to Time borrow such Sum or Sums of Money as may be necessary to pay off the whole or any Part of the Debts by this Act authorized to be paid and extinguished, and they shall apply the Money so borrowed in paying off such Debts, and they may assign in Security, for the Payment of the whole or any Part of the said Debts, or of the Sum or Sums so borrowed and Interest thereon, the Assessment on Lands herein-before authorized to be imposed and levied for the Discharge of the said Debts.

Application of surplus Assessment.

21. Any Surplus of the Proceeds of such Assessment which may remain after satisfying the annual Payments on the said Debts, or on the Money so borrowed, shall from Time to Time be applied towards the Payment of the Principal of the Money so borrowed.

As to Execution of Deeds.

22. All Bonds, Mortgages, Debentures, Assignations, Transfers, or other Securities for Money borrowed under the Authority of this Act, and all Dispositions and Conveyances of the Property belonging to the Trustees, shall be granted in the corporate Name of the Trustees, and shall be signed by Two of the Trustees and by the Clerk, and sealed with the Common Seal of the Trustees; and all Deeds and Writings so subscribed and sealed shall be good, valid, and effectual as such to the Person or Persons to whom or in whose Favour the same shall be granted; and all Deeds to be granted in favour of the Trustees shall be taken in their corporate Name; and the Clerk shall keep a Register of all Bonds, Mortgages, Debentures, or other Securities granted by the Trustees under this Act, and of the Transfers thereof.

Provision for Protection of Lenders

23. No Person lending any Monies as aforesaid, and taking an Assignation in Security for Repayment thereof, executed in manner directed

on Security of Assessments.

directed by this Act, and purporting to be made under the Authority of this Act, shall be bound to require Proof that the several Provisions of this Act have been complied with; and it shall not be competent to any Ratepayer or other Person to question the Validity of any such Assignation in Security on the Ground that such Provisions have not been complied with.

Repeal of Local Acts.

24. From and after the First Day of *January* One thousand eight hundred and sixty-six, and subject to the Provisions of this Act, the said thirdly and fourthly recited Acts shall be and the same are hereby repealed.

Qualification as to Provisions of recited Act 8 & 9 Vict. c. xli.

25. From and after the First Day of *January* One thousand eight hundred and sixty-six the sixthly-recited Act shall not extend or apply to the County or Burgh.

Incorporation of General Turnpike Act.

26. The Enactments and Provisions of the fifthly-recited Act, in so far as the same are not varied or altered by this Act, shall be and the same are hereby incorporated with this Act, and shall extend and apply, in so far as the same are not varied or altered by this Act, to all the Roads, Highways, and Bridges within the County; and in the Construction of the fifthly-recited Act the Words "Trustees under any Turnpike Act," or Words having the like Import, shall mean and apply to the Trustees under this Act, and the Words "Turnpike Roads" shall mean and apply to the Roads, Highways, and Bridges vested in or made by the Trustees under this Act, in so far as such Meanings and Applications respectively shall not be excluded by the Context, or by any of the Provisions of this Act.

Persons entitled to present Petition and Complaint in virtue of General Turnpike Act.

27. The Person entitled to present a Petition and Complaint in virtue of the One hundred and seventeenth Section of the fifthly-recited Act shall be any Person liable to be assessed for the Maintenance and Repair of the Roads, Highways, and Bridges under this Act for the Year current at the Date of such Petition being presented.

Management of Turnpike and Statute Labour Roads.

28. From and after the Fifteenth Day of *May* One thousand eight hundred and sixty-five the Trustees acting in pursuance of this Act shall have the Control and Management of all the Turnpike Roads within the County; and all the Roads, Highways, and Bridges known as Statute Labour Roads and Bridges shall, until the First Day of *January* One thousand eight hundred and sixty-six, be and remain under the Control and Management of the Trustees acting under the fourthly-recited Act.

29. From

Powers and Rights of Trustees.

29. From and after the First Day of *January* One thousand eight hundred and sixty-six the Trustees acting in pursuance of this Act shall have the Control and Management of all the Roads, Highways, and Bridges within the County, which shall thereafter form One general Trust, without any separate, divisional, or district Management; and all the Roads, Highways, and Bridges, Lands, Toll Houses, and other Buildings, Toll Gates, Works, Rights, Interests, Arrears of Assessments, Monies, Property, and Effects, Rights of Action, Claims, and Demands, Powers, Immunities, and Privileges whatsoever, vested in, possessed by, or belonging to the Trustees of any public Roads, Highways, and Bridges under and by virtue of any of the recited Acts within the County, including the said Portion of Road near *Howford*, or to which they were in any manner of way entitled in Law or in Equity or otherwise, shall become and be by virtue of this Act transferred to and vested in the Trustees, who may use, possess, sue for, and recover the same, and act in respect thereof, as effectually as if the same had been vested in them by the said recited Acts or any of them, and who shall be liable in all the Debts, Liabilities, Claims, and Demands in which any Road Trustees acting for the County before the passing of this Act are or were liable under the said recited Acts or any of them, except in so far as such Debts, Liabilities, Claims, and Demands may, under the Provisions of this Act, be discharged, varied, or extinguished.

Trustees and Officers under repealed Acts to account for Monies and deliver up Books.

30. All Persons acting or who have acted under the Acts hereby repealed, or either of them, at or previous to the First Day of *January* One thousand eight hundred and sixty-six, as Trustees of any of the said Roads, Highways, or Bridges, or as Clerks or Officers of such Trustees, who shall at or after the First Day of *January* One thousand eight hundred and sixty-six have in their Custody, Power, or Possession any Monies collected or raised by virtue of such Acts, or belonging to the Trustees under the same, or any Books, Deeds, Papers, Writings, Property, or Effects belonging or which belonged to such Trustees, or relating to the Execution of such Acts, shall pay and deliver up the same respectively to the Clerk or to such other Person as the Trustees 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, and shall also be liable to such Actions as the Trustees may commence for the Recovery of the Monies, Books, Deeds, Papers, Writings, or Effects so refused or neglected to be paid or delivered up as aforesaid.

Persons owing Debts under repealed Acts

31. Every Person who at the First Day of *January* One thousand eight hundred and sixty-six shall be liable to the Payment of any Assessment to the Trustees acting in the Execution of the Acts hereby

to be liable to Trustees.

hereby repealed, or either of them, or who shall be liable for 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 County Road Trustees, in like Manner as every such Person would have been liable to the Payment thereof to the Trustees acting in the Execution of the said repealed Acts, or either of them, if this Act had not been passed; and the same shall be paid, with all Interest due or to accrue due thereon, to the County Road Trustees, 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 Acts hereby repealed, or either of them, 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, whether General or District Trustees, shall pay over to the County Road Trustees all Sums of Money in their Hands received by them either for General or District Purposes under the Powers of the Acts hereby repealed, or either of them, and applicable to the Purposes thereof, and the Payment thereof may be enforced by the County Road Trustees by Proceedings in any Court of competent Jurisdiction.

Contracts may be enforced by and against the Trustees.

32. All Contracts for the Repair of Roads, Highways, and Bridges entered into with the Trustees acting by virtue and under the Power and Authority of the Acts hereby repealed, or either of them, and whether as General or District Trustees, previous to the First Day of *January* One thousand eight hundred and sixty-six, shall at and from that Date be binding on and enforceable by and against and be incumbent on the County Road Trustees as fully as they would have been binding on or enforceable by and against and be incumbent on the said first-mentioned Trustees or any of them if this Act had not been passed.

Books of former Trustees to be Evidence.

33. All Books containing the Accounts and Proceedings of the Trustees or other Persons who have acted under the Acts hereby repealed, or either of them, shall and may be given in Evidence in all Claims, Prosecutions, Appeals, and Actions whatever under this Act in the same Manner as if the said Acts had not been repealed.

Actions by or against former Trustees to continue against Trustees under this Act.

34. No Action, Prosecution, or other Proceeding by or against the Trustees or other Persons acting previously to the First Day of *January* One thousand eight hundred and sixty-six under the Authority of the Acts hereby repealed, or either of them, in relation to the Roads, Highways, and Bridges in the County, or any of them, vested in the Trustees under this Act, shall abate, cease, or be discontinued or prejudicially affected by this Act, but the same shall continue and take effect both in favour of and against the County Road

Road Trustees in the same Manner in all respects as the same would have continued and taken effect in relation to the Trustees or other Persons under the Acts hereby repealed, or either of them, if this Act had not been passed: Provided always, that it shall not be lawful for the Trustees, or for the Trustees acting under the Authority of the thirdly-recited Act, to recover from the *Caledonian* Railway Company any Sum of Money in respect of an Agreement, dated the Twenty-seventh and Thirtieth Days of *June* One thousand eight hundred and forty-five, entered into between Colonel *William Graham* of *Mossknow* and others on behalf of the *Caledonian* Railway Company and *John Richardson* on behalf of the said Trustees acting under the Authority of the thirdly-recited Act, or in respect of any Action or other Proceeding raised for enforcing that Agreement.

Right of Action against Caledonian Railway Company abandoned.

35. From and after the First Day of *January* One thousand eight hundred and sixty-six the Collection and levying of Tolls on the whole Roads within the County, and also the Tolls and Pontages leviable at the said Bridge over the River *Tweed*, under the Authority of the said recited Acts or any of them, shall cease and determine, and the Gates and Turnpikes erected for the Collection and levying of such Tolls and Pontages shall thereafter be forthwith removed, and the said Roads and Bridge respectively shall thereupon be open to the Public free of Toll and Pontage, and the same shall thereafter be maintained by the Trustees by means of the Assessments by this Act authorized.

Provision for Abolition of Tolls.

36. From and after the First Day of *January* One thousand eight hundred and sixty-six all Assessments or Conversion Money in lieu of Statute Labour, and all Assessments theretofore leviable for the Maintenance of Bridges within the County and Burgh under the recited Acts or any of them, shall cease and determine, and the same shall be and are hereby abolished, except always as to such of the said Assessments theretofore duly made under the Authority of such Acts as may not then have been recovered.

Statute Labour and Bridge Money to be abolished.

37. From and after the First Day of *January* One thousand eight hundred and sixty-six it shall not be lawful for the Town Council of the Royal Burgh of *Peebles* to levy the Rates and Duties commonly called Burgh Customs, including the Dues of *Tweed Bridge* heretofore levied by them, and the said Burgh Customs and Dues of *Tweed Bridge* shall from and after the said Date be and are hereby abolished and extinguished.

Burgh Customs and Dues abolished.

38. After having made Provision for Payment of the Debts specified in Schedules (A.), (B.), (C.), and (D.) as herein-before provided, and on the said Roads and Bridge respectively becoming free

Provision for Sale of Toll Houses.

free of Toll and Pontage under the Provisions of this Act, it shall be lawful for the Trustees to sell or otherwise dispose of and to convey all or any of the Toll Houses on the said Roads or Bridge, and the Gates, Weighing Machines, and other Property appertaining thereto, in so far as the same belong to or are vested in the Trustees, 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, and all other Funds and Assets then belonging to the Trustees, shall be applied towards the Payment generally of the Debts specified in Schedule (A.), (B.), (C.), and (D.) as therein respectively valued: Provided always, that such Toll Houses and the Lands and Premises attached thereto shall in the first instance be offered to the Proprietors of the adjoining Lands at 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.

Assessment for Expenses of Act.

39. The Trustees shall ascertain the Costs, Charges, and Expenses of or incidental to the passing of this Act, and of putting the same into operation, and all other Costs, Charges, and Expenses incurred by them under the Authority of this Act, and the Trustees may at any Time impose such Assessment as may be necessary for paying such Costs, Charges, and Expenses, and the Expense of levying and collecting such Assessment; and such Assessment shall be levied at a uniform Rate over the County on all Lands and Heritages within the County described or enumerated in the Valuation Roll thereof; and the Proceeds of such Assessment, after Deduction of the Cost of levying and collecting the same, shall be applied in Payment of such Costs, Charges, and Expenses.

Assessment for Maintenance, Repair, and Management of Roads.

40. The Surveyor shall, on or before the First Day of *January* One thousand eight hundred and sixty-six, make up and deliver to the Clerk a Report of the Condition of the several Roads, Highways, and Bridges within the County, a general Specification of the Works contemplated in connexion therewith, and an Estimate of the Sums required for the Purposes of the Roads, Highways, and Bridges within the County for the Period from the First Day of *January* One thousand eight hundred and sixty-six to the Fifteenth Day of *May* in the Year succeeding; and Fourteen Days at least previous to the Annual General Meeting of the Trustees held in the Month of *April* or *May* in each Year succeeding, the Surveyor shall in like Manner make up and deliver to the Clerk a similar Report and general Specification

fication and Estimate for the Year succeeding the Fifteenth Day of *May* then next, and the Clerk shall submit the same for the Consideration and Disposal of the Trustees; and the Trustees shall at the Annual General Meeting, or any Adjournment thereof, impose such Assessment as they may think necessary for the Year embraced in such Report for the Maintenance, Repair, and Management of the Roads, Highways, and Bridges: Provided always, that the Trustees may impose the Assessment for the Period from the First Day of *January* One thousand eight hundred and sixty-six to the Fifteenth Day of *May* in the Year succeeding at any Time between the First Day of *January* and the Thirtieth Day of *April* One thousand eight hundred and sixty-six, and all such Assessments shall be imposed and levied on all Lands and Heritages within the County described or enumerated in the Valuation Roll of the County at a uniform Rate over the County; and the Proceeds of all such Assessments, after Deduction of the Cost of Collection and Management, and of putting this Act into execution, shall be laid out entirely on the Roads, Highways, and Bridges in the County.

Provision for settling List of Roads.

41. The Clerk of the Statute Labour Roads shall make up and deposit with the County Road Clerk during the Month of *September* One thousand eight hundred and sixty-five a List of the Statute Labour Roads within the County then chargeable upon and maintained out of the Assessments leviable in each Parish in lieu of Statute Labour, which List shall be retained by the County Road Clerk, and shall be open for the Inspection of all the Ratepayers within the County for One Month after the Date of being so deposited; and if any Ratepayer within the County, at any Time within Twenty-eight Days after the Expiration of the said Month, shall lodge with the County Road Clerk written Objections to any of the said Roads being charged and maintained by means of the Assessments by this Act authorized, the County Road Clerk shall forthwith call a Special Meeting of the Trustees by Advertisement containing Notice of the Object of the Meeting for the Purpose of considering and disposing of such Objections, and of settling the List of Roads to be so charged and maintained, and at such Meeting or at any adjourned Meeting the Trustees shall hear and determine the Objections to such List: Provided always, that if any Person shall feel himself aggrieved by the Decision of the Trustees in regard to such List, he may appeal from such Decision to the next Quarter Sessions for the County at any Time within Ten Days after the Date of such Decision; but no such Appeal shall be entertained at such Quarter Sessions unless Fourteen clear Days Notice in Writing of such Appeal, stating the Nature and Grounds thereof, be given to the Clerk of the Trustees by the Party thinking himself aggrieved; and

it shall be lawful to such Quarter Sessions to hear and determine the Appeal in a summary Way, and the Decision of the Court of Quarter Sessions shall be final and conclusive, and not subject to Review by any Court.

Power to make new Roads.

42. The Trustees may make such new Roads and Bridges within the County as they may think proper, with Consent of the respective Proprietors through or within whose Lands such Roads and Bridges are proposed to pass or be situate, and upon such Terms and Conditions as may be agreed upon between the Trustees and such Proprietors: Provided always, that no new Road or Bridge shall be made by the Trustees under the Authority of this Act unless the same shall have been sanctioned by Two Thirds of the Trustees present in a General Meeting called by special Advertisement, with Notice of that Object, in Terms of this Act: Provided nevertheless, that it shall be lawful for the Trustees to enter into such Contracts and Agreements as they shall think fit and expedient with any Person or Persons for the Formation and Construction of any new Road or Bridge, at the Expense of such Person or Persons, under Condition that any existing Road in whole or in part, or any Bridge, which may be rendered useless or of no Importance to the Public by such new Road or Bridge, shall be closed, shut up, and relinquished on such new Road or Bridge being constructed and opened for Traffic: Provided also, that Notice shall be given by the Trustees of their Intention to enter into any such Contract and Agreement by special Advertisement, and also by printed Notices affixed to the Church Door of every Parish in which any Part of such intended new Road or Bridge is situate, and also affixed to the Church Door of every Parish in which such existing Road or Bridge in whole or in part is situate, for at least One Month before the Date of entering into such Contract or Agreement; and if any Ratepayer within the County, at any Time before the Expiration of the said Month, shall lodge with the Clerk written Objections to such Contract or Agreement being entered into, the Clerk shall forthwith call a Special Meeting of the Trustees by Advertisement for the Purpose of considering and disposing of such proposed Contract and Agreement and Objections; and at such Meeting or at any adjourned Meeting the Trustees shall hear and determine the said Matters in a summary Way, and their Decision or Resolution thereon shall be final and conclusive on all Parties.

Trustees may enter into Agreements for making new Roads or Bridges.

Assessment for Construction of new Roads and Bridges.

43. The Expense of forming and constructing any new Road or Bridge, the Expense of forming and constructing which shall not have been agreed to be otherwise paid or provided, after the Formation and Construction thereof have been sanctioned and resolved on by the

the Trustees, shall be paid by the Trustees; and the Expense of such Formation and Construction shall be raised by an Assessment to be imposed by the Trustees on all Lands and Heritages within the County at One uniform Rate, and such Assessment shall be levied from and paid by the Proprietors of Lands and Heritages within the County.

Assessment for rebuilding Bridges.

44. The Expense of rebuilding in whole or in part any Bridge or Bridges in the County shall be raised by an Assessment to be imposed by the Trustees on all Lands and Heritages within the County at One uniform Rate, and such Assessment shall be levied from and paid by the Proprietors of the whole Lands and Heritages within the County.

Power to borrow to make new Roads.

45. For the Purpose of making new Roads or Bridges, or rebuilding the whole or Part of any Bridge, the Trustees may borrow Money from any Person willing to lend the same, and may grant Mortgages or Assignations in Security for Payment of the Sums so advanced, Principal and Interest, such Principal and Interest being repaid within any Period not exceeding Twenty-one Years; and in Security of such Payment the Trustees may assign the Assessments leviable for the Purpose of defraying the Cost of making such new Roads or Bridges, or rebuilding such Bridges, and the Interest of any Money borrowed to defray such Cost, as herein-before provided.

Road or Highways may be shut up for Repairs.

46. Any Two Trustees, on a written Report from the Surveyor that it is expedient to shut up for a limited Period any Road, Highway, or Bridge for the Purpose of repairing the same, or to prevent Risk of Accident, may from Time to Time authorize the shutting up of such Road, Highway, or Bridge for such Period as they may deem necessary.

On Declaration of Trustees Highways may cease to be such, and other Roads may become Highways.

47. The Trustees may, by a Majority of Two Thirds of their Number present at any Meeting held for the Purpose, on a written Report from the Surveyor, resolve and declare at any of their Meetings that any Road or Highway shall cease to be a Road or Highway within the Meaning and for the Purposes of this Act, or that any Parish or other Road which prior to the passing of this Act had not been maintained by Statute Labour, or out of the Payments of Money by way of Conversion thereof, shall be Highways within the Meaning and for the Purposes of this Act: Provided always, that Notice shall be given by the Trustees of the Intention to make such Declaration by special Advertisement, and also by printed Notices affixed to the Church Door of every Parish in which any Part of such Road or Highway is situate, for at least One Month before the Date of the Meeting at which such Declaration is proposed to be made; and

and if any Ratepayer within the County, at any Time before the Expiration of the said Month, shall lodge with the Clerk written Objections to the Discontinuance of any such Road or Highway, or to any such Parish or other Road being declared to be Highways as aforesaid, the Clerk shall forthwith call a General Meeting of the Trustees, by Advertisement containing special Notice of the Object of the Meeting, for the Purpose of considering and disposing of such Objections, and at such Meeting or at any adjourned Meeting the Trustees shall hear and determine the Case, and their Decision or Resolution shall be final and conclusive on all Parties.

Road or Highway ceasing to be such may be shut up.

48. After a Road or Highway has ceased to be a Road or Highway within the Meaning and for the Purposes of this Act the Trustees may, by a Majority of Two Thirds of their Number present at any Meeting held for that Purpose called by special Advertisement, and also by printed Notices containing special Notice of the Object of the Meeting affixed to the Church Door of every Parish in which any Part of such Road or Highway is situate, for at least One Month before the Date of such Meeting, direct such Road or Highway to be closed and shut up, and may exchange the Ground occupied by such Road or Highway, or any Part thereof, with the Owner of any adjoining Land for any other Land they shall have obtained or may require for the Purposes of a Highway.

Assessments by whom to be paid.

49. Subject to the Provisions of this Act, all Monies required for the Maintenance, Repair, and Management of the Roads, Highways, and Bridges shall be raised by an Assessment at One uniform Rate, not exceeding Sevenpence in the Pound, on all Lands and Heritages within the County described or enumerated in the Valuation Roll thereof, and such Assessment shall be imposed, levied on, and paid by the Proprietors of such Lands and Heritages; and every Proprietor who shall pay such Assessment shall be entitled to recover One Half thereof from the Tenant or Occupier liable in Payment of the Rent of the Lands and Heritages in respect of which such Assessment has been paid, in such and the same Manner as if such Half of the said Assessment formed Part of the Rent covenanted to be paid by or due from such Tenant or Occupier for the Year for which such Assessment is leviable.

Tenants to pay certain Assessments, and deduct Proprietors Proportion from their Rents.

50. All Assessments on Lands and Heritages under the Authority of this Act for the Maintenance, Repair, and Management of the Roads, Highways, and Bridges may be levied on and recovered from the Tenant or Occupier of the Lands and Heritages assessed, but such Tenant or Occupier shall be entitled to deduct the Sum paid by him beyond the Proportion for which he is liable from the First Rent thereafter payable by him to the Proprietor of the Lands and Heritages assessed.

51. All

Mode of making Assessments.

51. All Assessments under the Authority of this Act shall be deemed and taken to be for the Year from the Fifteenth Day of *May* preceding or subsequent to the Date of imposing the same, as the Trustees shall declare at the Time of imposing the Assessment, and, except for Payment of the Debts specified in Schedules (A.), (B.), (C.), and (D.), as valued in those Schedules, and Interest thereon, shall be imposed according to the Valuation of the Lands and Heritages in the Valuation Roll in force for the Year immediately preceding that for which such Assessments are leviable; and the Trustees shall fix a Day on which such Assessment shall be payable, and another Day, not being less than Fourteen Days preceding the Day on which such Assessments are payable, on or before which Appeals by any Parties complaining that they have been improperly assessed may be lodged with the Clerk, and another Day on which such Appeals may be heard; provided that the Expenses for the Period from the First Day of *January* One thousand eight hundred and sixty-six to the Fifteenth Day of *May* One thousand eight hundred and sixty-six shall be deemed to be Expenses of the Year from *Whitsunday* One thousand eight hundred and sixty-six to *Whitsunday* One thousand eight hundred and sixty-seven, and that such Expenses shall be imposed according to the Valuation Roll in force for the Year from *Whitsunday* One thousand eight hundred and sixty-five to *Whitsunday* One thousand eight hundred and sixty-six.

Assessment Rolls to be made up.

52. On or before the First Day of *July* in the Year One thousand eight hundred and sixty-five, and on or before the First Day of *July* in each Year thereafter, the Clerk shall make up an Assessment Roll according to the valued Rent of all Lands in the County for Payment of the Debts specified in the Schedules (A.), (B.), (C.), and (D.), as valued in those Schedules, and Interest thereon, and also an Assessment Roll according to the Valuation Roll in force for the Year immediately preceding such Date as regards all other Assessments leviable under the Authority of this Act for the Time being; and in the said Assessment Rolls respectively the Clerk shall set forth the Names of the Persons liable to such Assessments, and the Sums payable by them respectively, and the gross Amounts of such Assessments in each Assessment Roll; and such Assessments Rolls respectively shall be signed by the Clerk and by Two Trustees, and shall for One Month in each Year thereafter remain in the Office of the Clerk open to the Inspection of all Persons interested at all reasonable Times without Fee or Reward; and any Omissions in such Assessment Rolls may be supplied by means of supplemental Rolls.

Mode of making up Assessment Rolls.

53. In making up such Assessment Rolls the Clerk shall distinguish the Assessment for the Payment of Debts and of Interest on

on Debts from the Assessments for the Maintenance, Repair, and Management of the Roads, Highways, and Bridges, and for the Formation and Construction of any new Roads or Bridges, and rebuilding of Bridges.

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

54. To enable the Trustees to make up the Assessment Rolls for the Purposes of this Act the Clerk of Supply for the County shall, on Payment of such reasonable Fees as may be fixed by the Sheriff, and within One Month after being so required in Writing by the Clerk, and on or before the First Day of *December* in each Year, deliver to him a Copy of the old Valuation of all Lands in the County in *Scots* Money, and also a Copy of the Valuation Roll of all Lands and Heritages in the County certified under the Hand of such Clerk of Supply, and such Copies may be either written or printed, or partly written and partly printed.

Notice of Assessment to be given.

55. The Clerk shall from such Assessment Rolls make out a Notice of the Sums assessed under the Provisions of this Act on each Proprietor, distinguishing the Sums assessed for the Payment of Debts and of Interest thereon, and on Money borrowed under the Authority of this Act, from the Sums assessed for the Maintenance, Repair, and Management of Roads, Highways, and Bridges, and also the Sum, if any, assessed for the Formation and Construction of new Roads or Bridges or rebuilding Bridges; and such Notice shall be dated, and shall state the Time and Place of Payment, and the Time within which any Appeal against such Assessments may be made, and where the same must be lodged, and when and where Appeals shall be heard and disposed of; and such Notice shall be delivered or transmitted by Post to each Proprietor so assessed, or to his known Factor or Agent, within Three Months after the Date of imposing the Assessments to which such Notice refers; and the said Assessments may be levied on and recovered from the actual Owner or Occupier for the Time being without any new Assessment, notwithstanding any Change in the Ownership or Occupation.

Appeals from Assessments.

56. Any Person assessed in the County under the Authority of this Act may appeal to the Trustees against the Assessment imposed on him by a Notice of Appeal under his Hand, or under the Hand of his Factor or Agent, stating the Ground of such Appeal, and delivered or sent by Post to the Clerk within the Time prescribed by such Notice as aforesaid for making such Appeal.

Trustees to decide upon Appeals.

57. All such Appeals shall be brought before the Trustees on the Day appointed for that Purpose, and the Trustees shall have Power from Day to Day to adjourn their Proceedings in hearing

Appeals

Appeals without any farther Notice to any other Day or Days, in Cases where all the Appeals are not disposed of on the Day appointed for that Purpose; and if any Person shall feel himself aggrieved by the Decision of the Trustees in any such Appeal he may appeal from such Decision to the next Quarter Sessions for the County at any Time within Ten Days after the Date of such Decision; but no such Appeal shall be entertained at such Quarter Sessions unless Fourteen clear Days Notice in Writing of such Appeal, stating the Nature and Grounds thereof, be given to the Clerk of the Trustees by the Party thinking himself aggrieved; and it shall be lawful to such Quarter Sessions to hear and determine the Appeal in a summary Way, and the Decision of the Court of Quarter Sessions shall be final and conclusive, and not subject to Review by any Court.

Corrected Rolls to be in Custody of the Clerk.

58. The Assessment Rolls as originally made up, or as corrected by the Clerk, according to the Decision of the Trustees in any such Appeal, shall be signed by him and any Two Trustees, and shall thereafter remain in the Custody of the Clerk for the Purposes of this Act, and shall be final and conclusive, and shall remain in force as the Rule for levying and collecting the Assessments to which such Rolls refer; and it shall not be necessary in Cases where any Alteration on the Assessment has been made upon any such Appeal to give any fresh Notice to the Parties to such Appeal, but the corrected Amount as entered in the Assessment Rolls shall be deemed and taken to be payable at the same Time, and subject to the same Conditions of Payment, or otherwise, as any of the Assessments against which no Appeal was entered.

Exemption of Public Buildings from Assessments.

59. No Assessment 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 Schoolhouse, Reformatory, House of Refuge, Poor's House, public Lunatic Asylum, Town House, Sheriff, Burgh, or Justice of the Peace Courthouse, Town or County Prison, Police Station, or Lock-up House, or for Religious Worship or charitable Purposes.

Assessments to be paid when due.

60. The Persons from whom the Assessments are leviable shall pay or remit the same to the Clerk free of all Expenses, and if remitted then at the Risk of the Remitters, and if such Assessments be not so paid or remitted when due they shall bear Interest from and after that Date until paid.

Recovery of Assessments.

61. The whole Powers and Rights of issuing summary Warrants and Proceedings, and all Remedies and Provisions enacted for collecting, levying, and recovering the Land and Assessed Taxes, or either

either of them, and other Public Taxes, shall be applicable to Assessments leviable under the Authority of this Act, and Sheriffs, Magistrates, Justices of the Peace, and other Judges may, on the Application of the Clerk, grant the like Warrants for the Recovery of all such Assessments 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 be competent to the Trustees to prosecute for and recover such Assessments by Action in the Sheriff Small Debt Court, or in any other Court, and that in any Summons, Complaint, or Action for the Recovery of such Assessments more than Six Defenders may be cited and called, any Law or Practice to the contrary notwithstanding.

Monies to be lodged in Bank.

62. All Monies arising from Assessments levied by the Trustees under the Authority of this Act or otherwise shall, as soon as may be after Receipt thereof, be paid by the Person receiving the same on behalf of the Trustees into some incorporated or Joint Stock Bank or Branch thereof to be for that Purpose appointed by the Trustees, and the Interest accruing on such Accounts shall be accounted for to the Trustees.

Drafts on Bank Accounts kept by Trustees.

63. All Cheques or Drafts on any Bank Account kept by the Trustees shall be signed by the Clerk, and he shall make no Drafts on such Accounts for any other Purpose than the Purposes of this Act.

Town Council or Police Commissioners to levy Assessments within Burgh.

64. The Town Council or Police Commissioners of the Burgh of *Peebles* shall have and may exercise all the Powers of levying Assessments within the Burgh, and all other Rights, Powers, and Privileges in reference to the Roads, Highways, and Bridges within the Burgh, which the Trustees have and may exercise in reference to the Roads, Highways, and Bridges within the County.

Appeal from Assessment within Burgh.

65. Any Person assessed under the Authority of this Act within Burgh may appeal to the Town Council or Police Commissioners against the Assessment imposed on him by a Notice of Appeal under his Hand, or under the Hand of his Factor or Agent, stating the Ground of such Appeal, and delivered or sent by Post to the Town Clerk within the Time prescribed by such Notice for making such Appeal, and the Decision of the Town Council or Police Commissioners in any such Appeal shall be final and conclusive, and shall not be subject to Review, Suspension, or Reduction in any Court or in any way whatever.

Burgh may apply certain Funds

66. When in the Burgh there shall be Funds available, and which may be lawfully applied for the Maintenance of Streets, Roads, Highways,

ways, or Bridges therein under the Control of the Town Council or Police Commissioners of the Burgh, the Town Council or Police Commissioners may apply such Funds for the said Purposes in aid of the Assessment authorized to be imposed by this Act, or, if such Funds shall be sufficient for such Purposes, the whole or such Part thereof as may be necessary may be so applied in place of making an Assessment under the Provisions of this Act.

towards Maintenance of Roads and Highways.

67. All Assessments to be made by the Trustees or by the Town Council or Police Commissioners for the Maintenance, Repair, and Management of the Roads, Highways, and Bridges in the County and Burgh respectively may be imposed and levied along with, and in addition to, and may be recovered in the same Way as any other Assessment which the Trustees or the Town Council or Police Commissioners are by Law authorized to impose and levy.

Assessments for Roads and Highways may be collected with other Assessments.

68. The Boundaries of the Royal Burgh of *Peebles* for the Purposes of this Act shall be the Boundaries thereof fixed by the Sheriff of the County for the Purposes of the Act Seventeenth and Eighteenth *Victoria*, Chapter Ninety-one, intituled *An Act for the Valuation of Lands and Heritages in* Scotland.

Boundaries of Burgh as in 17 & 18 Vict. c. 91.

69. The Portion of the Turnpike Road near *Howford*, although forming Part of the County of *Selkirk*, shall, for the Purposes of Road Management, be dealt with as belonging to the County of *Peebles*.

Portion of Road in Selkirkshire annexed to Peeblesshire.

70. Subject to the Provisions of this Act, the Trustees may and they are hereby authorized and empowered from Time to Time to borrow and take up at Interest, on the Credit of the Assessments hereby authorized to be levied and raised for Payment of Debt, and for Maintenance, Repair, and Management of the Roads, Highways, and Bridges, such Sum or Sums of Money as may be necessary for carrying into effect the Purposes of this Act, and to make and grant Bonds or Mortgages and Assignations of the said Assessments or any of them in Security of the Sums so borrowed.

Power to Trustees to borrow on Credit of Assessments.

71. The Trustees may also and they are hereby authorized and empowered to borrow and take up such Sum or Sums of Money, Principal and Interest, on Liferent Annuity, or payable within any Period not exceeding Twenty-one Years, and to grant to the Lender Bonds or Mortgages on the Credit of such Assessments: Provided always, that it shall not be lawful for the Trustees to give more than Ten *per Centum per Annum* on any Sum or Sums of Money so to be borrowed by them for a Term of Years, nor to grant any such Annuity on any Life under Fifty Years of Age.

Trustees may also borrow by way of Annuity.

Power to borrow on Cash Credit Account.

72. It shall be lawful for the Trustees, instead of borrowing on Mortgage or Assignation in Security, or by way of Annuity, 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 on Cash Credit Accounts, to be opened and kept according to the Usage of Bankers in *Scotland*, with such Bank or Banking Company, in Name of the Trustees, any Sum or Sums of Money not exceeding in the whole, together with any Sum or Sums which the Trustees may have raised upon Mortgage or Assignation in Security, the Sums which the Trustees are by this Act authorized to borrow as aforesaid, 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 Accounts, and the Interest thereof.

Form of Mortgages and Assignations in Security.

73. Every Mortgage or Assignation in Security authorized to be made under the Provisions of this Act, and every Transfer thereof, may be partly printed and partly written, and may be according to the Forms in the Schedules (F.) and (G.) to this Act annexed, or to the like Effect, or in such other Form as may be most convenient, and in accordance with Law and Usage in respect of Securities of a like Nature in *Scotland*.

Power to reborrow.

74. If the Trustees, after having raised any Sum or Sums upon Mortgage or Assignation in Security or by way of Cash Credit Account under the Powers to that Effect hereby granted, shall pay off the same or any Part thereof, it shall be lawful for them again to borrow the Sum or Sums so paid off, and so from Time to Time as Occasion shall require.

Application of Assessments for Payment of Debts.

75. All Monies received by the Trustees on account of Assessments for the Payment of Debts, and all Monies borrowed on the Security of such Assessments, after Deduction of the Costs of levying and collecting such Assessments, and of all Costs, Charges, and Expenses attending the borrowing of such Monies, or of transferring the Mortgages or Assignations in Security therefor, or discharging the same, shall be applied in Payment of the Debts specified in Schedules (A.), (B.), (C.), and (D.), and the Interest thereon, and on any Money borrowed for the Purpose of paying off the same, as herein-before provided, and to no other Purpose whatsoever.

Application of other Assessments under this Act.

76. Subject to the Provisions of this Act, all Monies levied by the Trustees under the Authority of this Act, other than Assessments for the Payment of the said last-mentioned Debts, and Assessments for defraying the Cost of making new Roads and Bridges, or rebuilding Bridges, shall be applied as follows:

1st. In Payment of the Expense of applying for and obtaining this Act, and incidental thereto;

2nd,

2nd. In Payment of the Salaries and Allowances of Officers and Servants and the general Expenses of Management of the Trust;

3rd. In Payment of the Expense of maintaining, repairing, improving, widening, and altering the Roads, Highways, and Bridges, and thereafter in or towards Payment of any Debts contracted or Money borrowed for these Purposes, and of the Interest of such Debts, and in otherwise carrying into execution the Purposes of this Act.

Trustees no to interfere with Roads within the Burgh.

77. Nothing in this Act contained shall authorize the Trustees to interfere with the Roads, Highways, or Bridges situated within the Burgh, or to impose or levy any Assessment on Lands or Heritages situated therein.

Burgh Mail not to be affected.

78. Nothing in this Act contained shall be held to abolish or affect any Burgh Mail which at the Time of the passing of this Act may be lawfully imposed and levied within the Burgh.

This Act to be subject to Provisions of any future General Act.

79. Nothing herein contained shall be deemed or construed to exempt this Act, or the Roads by this Act authorized to be made, 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.

SCHE-

SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

TURNPIKE ROAD DEBT TO BE PAID IN FULL.

	£	s.	d.
1. James Tod, Glenormiston - - - - -	1,200	0	0

SCHEDULE (B.)

TURNPIKE ROAD ANNUITY DEBTS TO BE PAID IN FULL.

	£	s.	d.
1. The Edinburgh Life Assurance Company on the Life of John Elder, Peebles - - - - - -	42	0	6
2. The Edinburgh Life Assurance Company on the Life of Mrs. Marion Donaldson, Peebles - - - -	41	0	2
3. The Edinburgh Life Assurance Company on the Life of the Reverend Thomas Rowland Wyer, Peebles - -	58	10	0
4. The Edinburgh Life Assurance Company on the Life of Thomas Salton, Peebles - - - - -	58	7	3
5. The Edinburgh Life Assurance Company on the Life of John French, Leith - - - - - -	50	0	6
	£249	18	5

SCHEDULE (C.)

TURNPIKE ROAD DEBTS VALUED AT 10*s.* PER 1*l.*

	£	s.	d.
1. Sir Adam Hay, of Smithfield and Haystoun, Baronet -	1,191	13	10
2. William Allan Woddrop, of Dalmarnock, &c. - -	1,191	13	10
3. John Forrester, W. S., Edinburgh, and the Reverend Alexander McCaul Forrester, Minister of the Parish of Linton -	1,191	13	10
4. George Auldjo Jamieson, Accountant, Edinburgh, as Trustee for William Goldie, W.S., Edinburgh, or for his Creditors, or the said William Goldie - - - -	1,191	13	10
5. Mrs. Gordon, Hallmyre, and Richard Gordon of Hallmyre, her Husband - - - - - -	1,713	16	7
	£6,480	11	11
Whereof the Value is hereby declared to be -	£3,240	5	11½

Note.—The Revenue since Whitsunday 1858 has been able to pay Interest at the Rate of 2½ per Centum per Annum on the Debts specified in this Schedule.

SCHE-

SCHEDULE (D.)

DEBT ON THE PONTAGE AT OR NEAR DROWNPOUCH STREAM, COMMONLY CALLED TWEED BRIDGE, TRAQUAIR, VALUED AT 14*s.* $3\frac{3}{7}$*d.* PER POUND.

	£	*s.*	*d.*
1. The Trustees of the deceased Right Honourable Charles Earl of Traquair	300	0	0
2. Sir George Grant Suttie, of Balgone, Baronet	300	0	0
3. James Ballantyne, of Holylee	300	0	0
4. William Allan, late of Glen	300	0	0
5. William Steuart, West Wickham, Kent	300	0	0
6. Executor of Miss Ann Caroline Campbell, Edinburgh	300	0	0
7. William Blackwood, Peebles	300	0	0
	£2,100	0	0
Whereof the Value is hereby declared to be	£1,500	0	0

Note.—The Revenue since Whitsunday 1858 has been able to pay Interest at the Rate of $4\frac{1}{4}$ per Centum per Annum on the Debts specified in this Schedule.

SCHEDULE (E.)

TURNPIKE ROAD DEBTS AND SUBSCRIPTIONS TO BE EXTINGUISHED.

	£	*s.*	*d.*
1. The said Sir Adam Hay	150	0	0
2. The said William Allan Woddrop	150	0	0
3. The said John Forrester	150	0	0
4. The said George Auldjo Jamieson or William Goldie	150	0	0
The same Parties in equal Shares	38	1	4
The same Parties in equal Shares	25	6	3
The Trustees of the deceased Right Honourable Charles Earl of Traquair; The said Sir George Grant Suttie, James Ballantyne, William Allan, William Steuart, the Executor of Miss Ann Caroline Campbell, and the Heirs of Thomas Horsbrugh, of Horsbrugh, in equal Shares	4,025	0	0
	£4,688	7	7

SCHEDULE (F.)

Form of Mortgage or Assignation in Security.

By virtue of "The Peeblesshire Roads Act, 1864," the Peeblesshire Road Trustees incorporated by the said Act, in consideration of the Sum of [*insert Sum*] advanced and paid to the said Trustees for the Purposes of the said Act by *A.B.* [*Name and Designation of Creditor*], [*or*, of the Banking Company having allowed to the said Trustees a Credit to the Extent of [*insert Sum*] upon a current Account to be kept in the Books of the said Banking Company in Name of the Clerk of the said Trustees for the Time being, and to be operated on by him,] do hereby, as authorized by a Resolution of the said Trustees passed at a Meeting held on the Day of 18 , assign and make over to the said *A.B.*, his Heirs, Executors, or Assignees, [*or*, to the said Banking Company and its Assignees,] all and sundry [*here describe the Assessments or such of them as are proposed to be mortgaged*], and all the Right, Title, and Interest of the said Trustees in and to the same, to be held by the said *A.B.* and his foresaids [*or*, the said Banking Company and its foresaids,] until the said Sum of [*insert Sum*], with the Interest thereof at the Rate of per Centum per Annum, shall be fully satisfied and paid [*or*, until the Balance which may become due upon the said Cash Credit Account shall be fully paid up].* In witness whereof these Presents are subscribed by and Two of the Trustees acting in the Execution of the said Act, and by the County Road Clerk, and the Common Seal of the said Trustees is hereto affixed [*insert Testing Clause according to the Form of the Law of Scotland*].

SCHEDULE (G.)

Form of Transfer.

I, *A.B.* [*Name and Designation of Granter*], in consideration of the Sum of [*insert Sum*] now paid to me, do hereby assign and convey to and in favour of *C.D.* [*Name and Designation of Assignee*] a Mortgage or Assignation in Security, dated the [*insert Date*], for the Sum of [*insert Sum*] granted by the Peeblesshire Road Trustees incorporated by and acting in pursuance of "The Peeblesshire Roads Act, 1864," [*or, if the Transfer be by Endorsement*, the

* Where the Security is made under any Qualifications or Conditions, such will be introduced immediately before the Testing Clause.

within-

within-written Mortgage or Assignation in Security] and all my Right, Title, and Interest therein, and to the Sums of Money thereby secured, Interest due and to become due thereon, and Assessments thereby assigned in Security.* In witness whereof [*insert Testing Clause according to the Form of the Law of Scotland*].

* If the Granter of the Transfer is not the original Creditor, but has acquired Right to the Debt, specify shortly, immediately before the Testing Clause, the Title or Series of Titles by which the Granter acquired such Right.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1864.