ANNO TRICESIMO

VICTORIÆ REGINÆ.

Cap. xlvii.

An Act for more effectually maintaining and keeping in repair the Roads, Highways, and Bridges in the County of *Selkirk*; for making new Roads in the said County; and for other Purposes.

[31st *May* 1867.]

WHEREAS an Act was passed in the Ninth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for more effectually repairing several Roads leading through the County of* Selkirk, *and for better making and repairing the said Roads and other Roads in the said County and in the Vicinity thereof*, which Act is herein-after called "the firstly-recited Act:" And whereas another Act was passed in the Fourth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to alter and amend an Act of the Ninth Year of the Reign of His late Majesty, intituled 'An Act for more effectually repairing 'several Roads leading through the County of* Selkirk, *and for better 'making and repairing the said Roads and other Roads in the said 'County and in the Vicinity thereof,'* which Act is herein-after called "the secondly-recited Act:" And whereas an Act was passed in the First and Second Years of the Reign of His Majesty King *William* the

9 G. 4. c. cix.

4 & 5 W. 4. c. xxxix.

1 & 2 W. 4. c. 43. (*Public.*) Fourth, intituled *An Act for amending and making more effectual the Laws concerning Turnpike Roads in* Scotland," which Act is herein-after called "the thirdly-recited Act:" And whereas the firstly-recited Act and the secondly-recited Act would have expired, but were continued in force by "The Annual Turnpike Acts Continuance Act, 1866," until the First Day of *November* One thousand eight hundred and sixty-seven, and to the End of the then next Session of Parliament: And whereas another Act was passed in the Forty-first Year of the Reign of His late Majesty King *George* the Third,

41 G. 3. c. xvii. intituled *An Act for levying Conversion Money in lieu of Statute Labour, and otherwise regulating, making, and repairing the High Roads in the County of* Selkirk, which Act is herein-after called "the fourthly-recited Act:" And whereas another Act was passed in the Fifty-third Year of the Reign of His Majesty King *George* the

53 G. 3. c. xxxix. Third, intituled *An Act for amending an Act passed in the Forty-first Year of His present Majesty respecting the High Roads in the County of* Selkirk, which Act is herein-after called "the fifthly-recited Act:" And whereas an Act was passed in the Eighth and

8 & 9 Vict. c. 41. (*Public.*) 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 said recited Acts, or one or other of them, the Trustees acting under the Authority of those Acts, or one or other of them, have made and maintained the several Roads mentioned and authorized 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 considerable Sums of Money, and in respect of the Sums so borrowed certain Debts still remain due and owing by the Trustees: And whereas the Revenue arising from the said Tolls is insufficient to pay the Interest of the said Debt, and the Expense of the proper Maintenance and Management of the said Roads and Bridges: And whereas it is expedient that Provision should be made for paying off the said Debt in manner herein-after directed: And whereas it is also expedient that the whole of the Turnpike and other Roads, Highways, and Bridges within the County of *Selkirk*, and certain Portions of the said Roads lying within the adjoining County of *Roxburgh* (except a Piece of Turnpike Road in the said County of *Selkirk*, near *Howford*, on the River *Tweed;* which is placed under the Management of the *Peebleshire* Road Trustees under the Provisions of "The *Peebleshire* Roads Act, 1864"), presently under the Management and Control of the Trustees acting under the firstly, secondly, fourthly, and fifthly recited Acts, should be placed under uniform Management and Control in manner and subject to the Conditions and Provisions herein-after expressed

and

and contained, and that a Body of Trustees should with that view be appointed for the County, with Powers for the Completion, Maintenance, Management, and Repair of the said Roads, Highways, and Bridges, and the Formation and Construction of other Roads and Bridges within the County, by means of the several Assessments hereby authorized, and that the Tolls, Duties, and Assessments leviable within the County under the said recited Acts, or any of them, should be abolished; but these 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,)

When Act to take effect, and Short Title.

1. This Act shall take effect from and after the Third *Monday* after the passing thereof, and may be cited for all Purposes as "The *Selkirkshire* Roads Act, 1867."

1st, 2d, 4th, and 5th recited Acts repealed.

2. From and after the Fifteenth Day of *May* One thousand eight hundred and sixty-eight the said firstly, secondly, fourthly, and fifthly recited Acts shall, subject to the Provisions of this Act, be and the same are hereby repealed.

Interpretation of Terms.

3. 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; (that is to say,)

The Word "Sheriff" shall mean the Sheriff of the County of *Selkirk*, and shall include Sheriffs Substitute:

The Expression "the Trustees" shall mean the County Road Trustees appointed and acting under this Act for the County of *Selkirk*:

The Expressions "the Convener," "the Convener of the County," and "the Clerk of Supply" shall respectively mean the Convener and the Clerk of the Commissioners of Supply of the County of *Selkirk*:

The Word "Clerk" shall mean the County Road Clerk appointed and acting for the Time being under this Act:

The Word "Surveyor" shall mean the County Road Surveyor appointed and acting for the Time being under this Act:

The Word "Collector" shall mean the Person to be appointed by the Trustees to collect the Assessments to be levied under this Act, and, failing such Appointment, the Collector of County Rates for the County for the Time being:

The Word "Creditor" shall include the Trustee, Tutor, or Curator, Judicial Factor, or Curator bonis of any Creditor:

The

The Word "County" shall mean the County of *Selkirk*, including any Royal or other Burghs therein, or so far as situated therein:

The Word "Burgh" shall mean and include any Royal Burgh, or any other Burgh, Town, or populous Place which may have adopted "The General Police and Improvement (*Scotland*) Act, 1862," within or partly within the County:

"The Roads" shall mean and include all Turnpike Roads and Bridges now vested in, or otherwise belonging to, or under the Control or Management of the Turnpike Road Trustees of the County under the said recited Acts, or any of them, and all Turnpike Roads and Bridges by this Act wholly or partially vested in the Trustees:

"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, or the Justices of the Peace of the County, under the said recited Acts, or any of them, and all Statute Labour Roads and Bridges within the County by this Act vested in the Trustees, and also all Roads which shall be made under the Authority of this Act, and all other public Roads in the County made or to be made which the Trustees may consider of sufficient public Importance to be maintained by means of the Assessments by this Act authorized:

The Words "Proprietor," "Tenant," "Occupier," and "Factor," and the Expression "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 Valuation of Lands and Heritages in Scotland*; and the Expression "the Valuation Rolls" shall mean the Valuation Rolls in force for the Time for the County, and each of the Royal or other Burghs therein respectively, made up 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:

"Local Newspapers" shall mean any Two Newspapers published in the County of *Selkirk*, or any Two Newspapers published the one in the County of *Selkirk*, and the other in the County of *Roxburgh*:

"Special Advertisement" shall mean Notice by Advertisement published twice in each of Two local Newspapers, or once in each of the said Newspapers and by Letter posted to the last known Address of the Trustee.

Portion of 1 & 2 W. 4. c. 43. incorporated.

4. The Provisions and Enactments of the thirdly-recited Act, excepting the Sections and Parts of Sections thereof following, *videlicet*,

Proviso

Proviso to Section One, Sections Two, Seven, Eight, Nine, Ten, Sections Thirteen to Fifty-nine, both inclusive, that Part of Section Sixty-one which declares Twenty Feet to be the least legal Breadth of a Turnpike Road, Section Eighty-two, and Section Ninety-four, so far as it may relate to Roads not being at present maintained as Turnpike Roads, shall be and, in so far as the same are not inconsistent herewith, are hereby incorporated with this Act, and from and after the Fifteenth Day of *May* One thousand eight hundred and sixty-eight shall extend and apply to all the Roads and Highways, and also to any new Roads and Bridges, that may be made in Terms of this Act, or of any other Public General or Local Act authorizing the Formation of any new Roads or Bridges within the County; and in the Construction of the said Act with reference to this Act the Expression "Trustees under any Turnpike Act," or Words having the like Import, and the Expression "Turnpike Roads," shall mean and apply to the Trustees under this Act, and the Roads, Highways, and Bridges placed under their Management by this Act, as the Case may require, in so far as such Application shall not be excluded by the Context or any of the Provisions of this Act.

Portion of 10 & 11 Vict. c. 16. incorporated.

5. "The Commissioners Clauses Act, 1847," with the Exception of the Clauses thereof relating to the Qualification of Commissioners, and to the Election and Rotation of Commissioners, where the Commissioners are to be elected by the Ratepayers or other like Class of Electors, and with the Exception of the Thirty-sixth, Thirty-seventh, Thirty-eighth, Thirty-ninth, Fortieth, Forty-first, Forty-second, Forty-third, Forty-fourth, Forty-fifth, Forty-sixth, Forty-seventh, Forty-ninth, Fiftieth, Sixty-sixth, Eighty-fourth, Eighty-fifth, Eighty-sixth, Eighty-seventh, Ninetieth, Ninety-first, Ninety-second, Ninety-third, Ninety-fourth, Ninety-fifth, One hundred and sixth, and One hundred and seventh Clauses thereof, shall, so far as not inconsistent with the Provisions herein contained, be incorporated with and form Part of this Act.

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

6. From and after the said Fifteenth Day of *May* One thousand eight hundred and sixty-eight the sixthly-recited Act shall not apply to any of the Roads, Highways, or Bridges to be made or maintained under this Act.

Act to apply to the whole Roads, Highways, and Bridges within the County.

7. This Act shall apply to the whole Roads, Highways, and Bridges within the County, including the several Lines of Road herein-after mentioned now maintained or authorized to be maintained as Turnpike Roads; (that is to say,)

First. The Road leading from a Place called *Haremoss* on the Confines of the County of *Roxburgh*, through the Town of *Selkirk*, and thence by *Selkirk Bridge* over the River *Ettrick*, through

through the Lands of *Ettrickbank* in the County of *Roxburgh*, to the Bridge over the *Tweed* at *Fairnilee*, and thence by *Clovenfords* to *Corslieburn* on the Confines of the County of *Mid-Lothian*:

Second. The Road from the Burgh of *Selkirk* to the Confines of the County of *Roxburgh* at or near a Place called *Bridgelands*, and the short Road leading therefrom and joining the Road herein next described at *Dunsdale* Toll House:

Third. The Road between *Galashiels* and *Selkirk* leading from the Confines of the County of *Roxburgh* in *High Street*, *Galashiels*, along *Bank Street* and *Abbotsford Road* in the said Town, and thence by *Netherbarns* and the Bridges over the Rivers *Tweed* and *Ettrick* above the Junction of the said Rivers, through the Lands of *Bridgeheugh* in the County of *Roxburgh*, by *Sloethornbank* in the County of *Selkirk*, to the Town of *Selkirk*:

Fourth. The Branch Road leading from the *Galashiels and Selkirk* Road at a Point near *Sloethornbank*, by *Selkirk* Mills, to the old Turnpike Road from the Town of *Selkirk* to *Edinburgh* first above described:

Fifth. That Part of the Road leading from the Burgh of *Selkirk* towards *Saint Boswell's Green* in the County of *Roxburgh*, commencing at *Ladylands* Toll House, situated on the Road first above described, and thence by the Farm-steading of *Smedheugh* to the Confines of the County of *Roxburgh* at or near *Whitmuirhall* Toll House in the said County:

Sixth. The Road leading from the Confines of the County of *Roxburgh* at or near *Tweed* Mill in the Town of *Galashiels* towards *Peebles*, by *Hemphaugh*, *Kilnknowe*, and *Torwoodlee*, to *Clovenfords*, thence by *Cadon* Mill, *Cadon* Cottage, and *Thornylee* to the Confines of the County of *Peebles* near *Holylee*:

Seventh. The Branch Road leading from the old Turnpike Road from *Selkirk* to *Edinburgh* (first above described) at *Cadonfoot* School House to a Point near *Cadon* Cottage, where it joins the Road leading from *Galashiels* towards *Peebles*:

Eighth. The Road commencing at a Point on the Farm of *Shootinglees* in the County of *Selkirk* near the Village of *Traquair* in the County of *Peebles*, passing thence to the Southward across the Rivers of *Yarrow* and *Ettrick*, and following up the Course of the River *Tima* to a Point called *Tamleuchar Cross* on the March with the County of *Dumfries*:

And this Act shall also apply to the whole Roads and Bridges which may hereafter be made and constructed under the Authority of the same.

8. This

Appointment and Qualification of Trustees.

8. This Act shall be carried into effect by 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 Proprietor 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 Sterling, in Terms of the said Act of the 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 the said Act, of at least Four hundred Pounds Sterling; and in the Absence from any Meeting of Trustees of any Proprietor or Proprietors 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 the said Act, of at least Eight hundred Pounds Sterling; the Factor of such Proprietor or Proprietors; One Guardian 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 the said Act, of at least One hundred Pounds Sterling; One Trustee 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 the said Act, of at least One hundred Pounds Sterling; 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 the said Act, of at least Two hundred Pounds Sterling, or in his Absence from any such Meeting some other Person appointed in Writing under the Seal of such Company or Body to represent such Chairman; the Provost of the Burgh of *Selkirk* and the Chief Magistrate of the Burgh of *Galashiels*, or in the Absence from any such Meeting of the Provost or Chief Magistrate of the said Burghs respectively, the next senior Magistrate thereof, all for the Time being; such Male Person of full Age as shall be elected, in manner herein-after provided, for each of the Parishes respectively after mentioned, who shall be a Tenant and Occupier of Lands and Heritages within those Parishes respectively, and rated as such 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, namely, One such Person for each of the following Parishes, wholly or partly situated within the County, namely, *Selkirk*, *Ettrick*, *Yarrow*, *Kirkhope*, *Roberton*, *Ashkirk*, *Stow*, *Peebles*, *Innerleithen*, and *Galashiels*: Provided always, that in estimating Lands and Heritages as a Qualification for Trustee the yearly Rent or Value of Houses and other Buildings, not being Farmhouses or Offices or other agricultural Buildings, shall be estimated at only One Half of their actual yearly Rent or Value in Terms of the said Act.

9. For

Trustees by Election.

9. For the Purpose of carrying into effect the Election of a Trustee for each of the said Parishes under this Act the Parochial Board of each Parish shall, within Two Months after the passing of this Act, or at its First Statutory Meeting thereafter, elect a Person possessing the Qualification before mentioned; and every Trustee so elected shall continue in Office until his Appointment be recalled and another Person be elected in his Place, or until his Qualification is otherwise lost.

Failure to elect or of Trustees to act not to affect Proceedings of remaining Trustees.

10. If the Parochial Board of any Parish shall fail to make an Election, or if any Person elected to be a Tenant Trustee or if any other Trustee shall 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.

11. The Trustees so nominated, elected, and qualified as aforesaid shall be called "the *Selkirkshire* 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.

General Meetings of Trustees.

12. The Trustees who shall be qualified at the Time shall hold a General Meeting at *Selkirk* within Two Months after the passing of this Act, to be called by the Convener of the County, and shall hold a General Meeting, to be called "the Annual General Meeting," at *Selkirk* on the Thirtieth Day of *April* in each Year, or if such Day be a *Sunday* on the Day following, and another General Meeting at *Selkirk*, to be called "the *Michaelmas* General Meeting," on the First *Thursday* of *October* in each Year, or on such other Days or at such other Place as may be fixed by the Convener, or as may be resolved on at any General Meeting of the Trustees.

Chairman of the Trustees.

13. The Convener for the Time being shall be Chairman of the Trustees, and shall when present preside at all General and Special Meetings of the Trustees.

Chairman to be elected in Absence of the Convener of the County.

14. In the Absence of the Convener 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 present, and proposed as Chairman, having or representing the largest Valuation as shown by the Valuation Rolls, shall preside at such Meeting; and in all other Cases of Equality of Votes at any Meeting of the Trustees the Convener or other Person presiding

presiding thereat shall, in addition to his own Vote as a Trustee, have a Second or Casting Vote.

Meetings and Proceedings of Trustees.

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

Quorum.

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

Special Meetings.

Special Meetings of the Trustees may be called by the Convener at any Time he may think fit by special Advertisement stating the Object of such Meeting; and on a Requisition to the Convener for a Special Meeting of the Trustees stating the Object and Business to be brought before the Meeting, and signed by at least Five of the Trustees, he shall call a Meeting of the Trustees by special Advertisement stating the Object of such Meeting:

No Business to be transacted except that specified in Advertisement.

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

Adjourned Meetings.

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 such General or Special Meeting the Convener may, by special Advertisement, call an adjourned Meeting to be held on any Day within Three Weeks after the Day fixed for such Meeting:

Business at adjourned Meetings.

Any Business appointed or authorized 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 such adjourned Meeting which was not brought or appointed to be brought before the original Meeting which was so adjourned.

Officers to be appointed.

16. The Trustees shall at their First General Meeting appoint a Clerk, who shall be called the "County Roads Clerk," and may at such Meeting or at any subsequent Meeting appoint such other Officers and Servants as they may think necessary for carrying this Act into execution, and shall pay such Salaries and Allowances to such Officers respectively as they shall think reasonable; and such Officers and Servants shall perform the Duties from Time to Time prescribed by the Trustees, and shall be subject to Removal at any Time by the Trustees; and such Officers of the Trustees shall find such Security for the faithful Execution of their respective Offices as the Trustees shall require.

Trustees to appoint an Auditor.

17. The Trustees shall appoint an Auditor, and shall have Power from Time to Time to remove any Auditor so appointed as they may see fit, and to appoint another in his Place.

Trustees may grant Superannuation Allowances.

18. The Trustees may grant to any Officer or Servant of the Trustees under the recited Acts or this Act who on account of Length of Service or bodily Injury sustained in the Execution of his Duties under such Acts, or for any other good Cause or Consideration, such a Retiring or Superannuation Allowance as they shall think proper, but such Allowance shall in no Case exceed Three Fourth Parts of the ordinary Salary or Wages paid to him at the Time, and may continue any such Allowances which may have been paid by the Trustees under the recited Acts.

Trustees may appoint Committees.

19. The Trustees may at any Meeting from Time to Time appoint Committees for any Purposes which in the Opinion of the Trustees would be better regulated and managed by means of such Committees, and they may delegate to such Committees such Powers and Authorities as they may see fit, and may fix the Quorum of any such Committee, and may continue, alter, or discontinue such Committee.

Meetings of Committees.

20. Every Committee so appointed may meet from Time to Time and may adjourn from Place to Place, as they may think proper, for carrying into effect the Purposes of their Appointment; but no Business shall be transacted at any Meeting of the Committee unless

Quorum.

the Quorum of Members fixed by the Trustees, and if no Quorum be fixed Three Members, be present; and at all Meetings of the Committee One of the Members present shall be appointed Chairman; and all Questions shall be determined by a Majority of the Votes of the Members present, and in case of an Equality of Votes the Chairman shall have a Casting Vote in addition to his Vote as a Member of the Committee.

Rights and Liabilities of Trustees.

21. From and after the Date of the First General Meeting of the Trustees under this Act all the Roads, Highways, 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, or other Bodies, under and by virtue of any Acts of Parliament relating to Roads, Highways, and Bridges within the County, 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 such Acts or any of them, and who shall be liable in all the Debts, Liabilities, Claims, and Demands in which any Road Trustees

acting

acting for the County before the passing of this Act are or were liable under the said recited Acts.

Powers of Trustees.

22. The Trustees shall have the general Administration and Superintendence of the whole of the Roads, Highways, and Bridges in the County already made and erected or that may be made and erected by virtue of this Act, which shall form One general Trust, and they shall exercise in regard to the same the whole Powers, Rights, and Privileges conferred on Turnpike Trustees by the thirdly-recited Act or by this Act, except in so far as herein otherwise expressly provided.

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

23. All Persons acting or who have acted under any of the recited Acts at or previous to the said First General Meeting of the Trustees as Trustees of any of the said Roads, Highways, or Bridges, or as Clerks, Officers, or Servants of such Trustees, who shall at or after the said Meeting 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 the said Trustees, or relating to the Execution of such Acts, shall pay and deliver up the same respectively to the Trustees, or to such Person as they 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 Money, Books, Deeds, Papers, Writings, or Effects so refused or neglected to be paid or delivered up as aforesaid.

Persons owing Debts under repealed Acts to be liable to the Trustees.

24. Every Person who at the Date of the said First General Meeting of the Trustees shall be liable in the Payment of any Assessment or Debt to the Trustees acting in the Execution of the recited Acts or any of them, or who shall be liable for Tolls and Duties leviable under the same, shall, notwithstanding the Repeal thereof, be liable in the Payment of such Assessment or Debt, or of such Tolls and Duties, to the Trustees, in like Manner as every such Person would have been liable in the Payment thereof to the Trustees acting in the Execution of the said recited Acts or any of them if this Act had not been passed, and the same shall be paid, with all Interest due or to accrue thereon, to the 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 recited Acts or any 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 shall pay over to the Trustees all

Sums

Sums of Money in their Hands received by them under the Powers of the recited Acts or any of them, and applicable to the Purposes thereof, and the Payment thereof may be enforced by the Trustees by Proceedings in any Court of competent Jurisdiction.

Contracts may be enforced by and against the Trustees.

25. All Contracts and Expenses for the Repair of Roads, Highways, and Bridges, or otherwise, entered into with or incurred by the Trustees acting by virtue and under the Power and Authority of the recited Acts or any of them previous to the said First General Meeting of the Trustees shall, subject to the Provisions of this Act, at and from the said Date be binding on, and enforceable by and against, and be incumbent on the 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; and the several Rates and Assessments made or payable previously to the said Date may be levied and recovered by the Trustees in the same Way and with the same Powers as they might have been levied and recovered if this Act had not passed, or in the same Manner and with the same Powers as any Assessment under this Act may be levied and recovered.

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

26. No Action, Prosecution, or other Proceeding by or against the Trustees or other Persons acting previously to the said First General Meeting of the Trustees under the Authority of any of the recited Acts in relation to the Roads, Highways, or 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 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 any of the recited Acts if this Act had not passed.

Trustees or Clerk competent Witnesses in Actions.

27. No Trustee or Clerk acting under the Authority of this Act, if not otherwise interested, shall be deemed incompetent to give Evidence or shall be disqualified from giving Evidence in any Action, Suit, or other Proceeding brought by or against him in such his Capacity of Trustee or Clerk by reason of his being Pursuer or Defender in such Action, Suit, or Proceeding.

Books of former Trustees to be Evidence.

28. All Books containing the Accounts and Proceedings of the Trustees or other Persons who have acted under the recited Acts or any 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.

29. Until

Application of Tolls and Statute Labour Money at present leviable.

29. Until the said Fifteenth Day of *May* One thousand eight hundred and sixty-eight the Tolls and Revenues of each of the Roads now maintained as Turnpike Roads, and all Assessments or Conversion Money in lieu of Statute Labour, and all Assessments now leviable for the Maintenance of Highways and Bridges within the County, shall respectively be received and applied by the Trustees to the several Purposes to which they are respectively applicable under the existing Acts relating thereto.

Tolls on all Roads above described to be abolished after 15th May 1868.

30. From and after the said Fifteenth Day of *May* One thousand eight hundred and sixty-eight the Collection and levying of Tolls on all the Turnpike Roads above enumerated and described shall cease and determine, and the Toll Gates and Turnpikes erected for the Collection or levying of such Tolls shall at such Date, or as soon as conveniently may be, be removed; and the said Roads and Bridges shall thereafter be open to the Public free of Toll, and the same shall thereafter be maintained and repaired by the Trustees by means of the Assessments by this Act authorized.

Statute Labour and Bridge Money to be abolished from 15th May 1868.

31. From and after the said Fifteenth Day of *May* One thousand eight hundred and sixty-eight all Assessments or Conversion Money in lieu of Statute Labour, and all Assessments theretofore leviable for the Maintenance of Highways and Bridges within the County under any of the recited Acts or otherwise, and all Assessments theretofore leviable within the County under the Denomination of "Bridge Money" in virtue of the Acts made in that Behalf, 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 respectively which may not then have been recovered.

Defining Debts affecting Roads.

32. The Debts affecting the Roads and Bridges in the County shall be held and they are hereby declared to be the Debts specified and set forth in Schedule (A.) to this Act annexed, and they shall be held and are hereby declared to be of the Amount specified in the said Schedule, exclusive of Interest from and since the Fifteenth Day of *April* One thousand eight hundred and sixty-six, and they shall be paid by the Trustees in manner herein-after provided, with such Interest as may be due thereon.

Debts as in Sched. (A.) to be charged on Proprietors of Lands and Heritages.

33. The Amount of the Debts specified in Schedule (A.) to this Act annexed, together with such Interest as may be due thereon, shall, in so far as not liquidated out of the Proceeds of the Sale of the Property of the Trustees as after mentioned, be paid out of a special Assessment to be levied upon the Proprietors of all Lands and Heritages within the County in manner after mentioned.

Power to borrow on Security of Assessments for Payment of Debts.

34. 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, and they shall apply the Money so borrowed in paying off such Debts, and they may assign in Security for the Payment of the Sums so borrowed, and Interest thereon, the Assessment on Lands and Heritages herein-before authorized to be imposed and levied for the Discharge of the said Debts.

Application of Assessments for Payment of Debts.

35. 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, shall, subject to the Provision as to a Sinking Fund herein-after mentioned, be applied in Payment of the said Debts and the Interest thereof as herein-before provided, and to no other Purpose whatever.

Provision for Disposal of Toll Houses and Accommodation of Workmen.

36. After having made due Provision for Payment of the Debts as aforesaid, or in such other Manner as may be agreed to by the Creditors, and as the Roads and Bridges in the County become free of Toll under the Provisions of this Act, it shall be lawful for the Trustees to sell and dispose of such of the Toll Houses and Ground attached thereto and other Property on such Roads and Bridges as do not encroach upon the Road, and have been legally acquired by the Trustees, and the Proceeds of such Sales shall be applied, *pro tanto*, in the Payment and Extinction of the said Debts, and if there should be any Surplus, the same shall be applied towards the other Purposes of this Act; or the Trustees may retain such Toll Houses and Ground for the Accommodation of Workmen employed in the Maintenance of the Roads, or they may apply the Price or Prices to be obtained therefor in the Purchase or Erection of other Ground or Buildings for the Accommodation of such Workmen; or they may, out of the Funds raised under the Authority of this Act, erect and provide such suitable Dwelling Houses and other Erections for the Accommodation of Workmen employed on the said Roads, with suitable Sites therefor, in such Places as to them shall seem proper: Provided always, that where the Site of the Toll House shall not have been legally acquired by the Trustees, the Toll House shall be offered to be sold to the Person from whose Land the Site shall have been taken, or his Heirs or Successors in that Land, and on his Refusal to purchase, the Toll House shall be taken down and removed, and the Site and Ground shall revert to such Person or Persons as aforesaid; but where in any Case such Toll House shall encroach on the Road, the same shall, to the Extent of such Encroachment, be removed, and the Site made to form Part of the Road.

List of Roads to be prepared.

37. Within Six Months after the First General Meeting of the Trustees there shall be prepared by the Clerk, with the Assistance of

of the Surveyor, Lists of the Roads and Highways which are to be maintained, in whole or in part, out of the Assessments herein-after authorized, with the Lengths respectively of such Roads and Highways, which Lists shall be reported to the Annual General Meeting of the Trustees to be held in the Year One thousand eight hundred and sixty-eight, and after being examined, adjusted, and approved of by them shall be held to be the Lists of Roads to be maintained out of the Monies to be raised by the Assessments herein-after authorized, and which Roads may be classified in accordance with Instructions and Schedules to be framed by the Trustees.

Lists of Roads may be altered.

38. The Lists of such Roads and Highways may be altered and amended annually at the Annual General Meeting of the Trustees in each Year.

Roads or Highways may be shut up for Repairs.

39. Any Two Trustees, on a written Report from the Surveyor that it is necessary 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, Roads or Highways may cease to be such, and be shut up.

40. The Trustees may 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, and they shall also have Power to shut up Roads of every Description which may appear useless to the Public: Provided always, that Notice shall be given by the Trustees of the Intention to make such Declaration, or to shut up any such Road, by special Advertisement and by a printed Notice affixed to the Church Door of every Parish in which any Part of such Roads or Highways may be situated, and also by affixing the like printed Notice in some conspicuous Places at the Two Ends of the Road proposed to be shut up for at least One Month before the Date of the Meeting at which such Declaration is to be made, or a Resolution to shut up any such Road as aforesaid is to be proposed; 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, the Clerk shall forthwith call a 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 if any Ratepayer shall be dissatisfied with the Decision of such Meeting thereon, he may, at any Time within Fourteen Days after the Date of such Meeting, appeal to the Sheriff of the County, who shall hear and determine the Appeal in a summary Way, and the Decision of the Sheriff shall be final, and not subject to Review,

Review; and the Cost of and incident to such Appeal shall be in the Discretion of the Sheriff.

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

41. The Surveyor shall annually prepare, under the Direction of the Trustees, detailed Reports of the State of the several Roads and Highways within the County, and make Estimates of the Expense of maintaining and repairing the same respectively for the Year then ensuing, and submit the same to the Annual General Meeting in each Year.

Assessment to be imposed for Maintenance of Roads and Expense of Management.

42. At the Annual General Meeting in the Year One thousand eight hundred and sixty-eight, and at the Annual General Meeting in each Year thereafter, the Trustees, on consideration of the Reports and Estimates, shall impose and levy such an Assessment as may be required to meet any Excess of Expenditure over the Revenue of the preceding Year, and the Expense of maintaining and repairing the Roads, Highways, and Bridges, and defraying the general Expenses of Management, including the Salaries of Officers and all other Costs and Charges for the ensuing financial Year or Part of a Year, which financial Year shall run from the Fifteenth Day of *May* of One Year to the Fifteenth Day of *May* in the Year following; and the Trustees shall at such Annual General Meetings, until the whole of the Expenses attending the procuring this Act shall be paid, include in the Expense of Management such a Sum as may be required to defray in whole or in part such Expenses.

Assessment for rebuilding Bridges.

43. The Expense of building and rebuilding, in whole or in part (exclusive of that of ordinary Repairs), of any Bridges 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, and may be distributed over a Period not exceeding Ten Years.

Power to make new Roads.

44. The Trustees may at any Time make such Improvements (including the Formation of Footpaths) on existing Roads, Highways, and Bridges, or make such new Roads and Footpaths, as may be thought proper, and upon such Terms and Conditions as may be agreed upon between them and the Proprietors interested in or whose Land is required to be taken for such Improvements or new Roads: 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.

45. The

Assessment for Construction of new Roads.

45. The Expense of such last-mentioned Improvements, or of any new Road or Footpath, shall be paid out of a special Assessment to be imposed and levied by the Trustees in manner aforesaid on and from the Proprietors of all Lands and Heritages within the County.

Assessments to be collected and applied subject to the Directions of the Trustees.

46. All the Assessments authorized to be imposed and levied by the Trustees in virtue of this Act shall be collected by a Collector to be appointed by the Trustees, or, failing such Appointment, by the Collector of County Rates for the County for the Time being, and paid, applied, and accounted for by him, subject to the Directions of the Trustees, in Terms and for the Purposes of this Act.

Rates of Assessments.

47. The Assessments for paying off the Debts affecting the Roads and the Interest thereof, as before provided, shall in each Year be at an equal Rate, not exceeding Twopence *per* Pound, on all Lands and Heritages within the County; the Assessment for the Maintenance, Repair, and Management of the Roads, Highways, and Bridges, as before provided, shall in each Year be at an equal Rate, not exceeding Sevenpence *per* Pound, on all Lands and Heritages within the County; the Assessment for building or rebuilding Bridges, as before provided, shall in each Year in which the same may be imposed be at an equal Rate, not exceeding One Penny *per* Pound, on all Lands and Heritages within the County; the Assessment for making new Roads and Improvements on existing Roads, as before provided, shall in each Year in which the same may be imposed be at an equal Rate, not exceeding One Penny *per* Pound, on all Lands and Heritages within the County.

Assessments by whom to be paid.

48. Subject to the Provisions of this Act, all Assessments for Payment of Debt and Interest on Debt, and for making new Roads and Improvements on existing Roads, and building or rebuilding Bridges, as before provided, shall be levied on and paid by the Proprietors of the Lands and Heritages on which such Assessments are imposed; and all Monies required for the Maintenance, Repair, and Management of the Roads, Highways, and Bridges within the County, and for erecting or providing Workmen's Houses as aforesaid, shall be levied and raised by an Assessment on all Lands and Heritages within the same, and such Assessment shall be levied on and paid by the Proprietors of such Lands and Heritages; and every Proprietor so assessed in the last above-mentioned Assessment shall be entitled to recover One Half of the Amount thereof paid by him from the actual Tenant or Tenants liable in Payment of the Rent of the Lands and Heritages so assessed for the Year for and in respect of which such Assessment is leviable, and that rateably according to the Amount of Rent payable by each such Tenant, and 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 Tenants.

Assessments may be levied from Tenants, who may deduct Proprietor's Proportion from their Rents.

49. All Assessments on Lands and Heritages under the Authority of this Act, where the assessable Rental exceeds the Sum of Twelve Pounds, 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 personally liable from the First Term's Rent thereafter payable by him to the Proprietor of the Lands and Heritages assessed.

Period to which Assessments applicable.

50. All Assessments under the Authority of this Act shall be deemed and taken to be for the Year from the Fifteenth Day of *May* immediately preceding, or subsequent to the Date of imposing the same, as the Trustees shall declare at the Time of imposing the Assessments, and shall be imposed according to the Valuation of the Lands and Heritages in the Valuation Rolls in force for the Year for which such Assessments are so imposed, and shall be payable at such Date as may be fixed by the Trustees; and where the assessable yearly Rental or Value as aforesaid shall show a fractional Part of a Pound, such fractional Part of a Pound, when not amounting to Ten Shillings, shall not be assessed for at all, and when such fractional Part shall amount to or exceed the Sum of Ten Shillings it shall be assessed for as One Pound of such yearly Rent or Value in addition to the actual Number of Pounds of such Rent or Value.

Mode of making up Assessment Rolls.

51. In making up the Assessment Rolls required for the Purposes of this Act the Collector shall distinguish from each other the Assessment for the Payment of Debts and Interest of Debts, for the Maintenance, Repair, and Management of the Roads, Highways, and Bridges, including the erecting and providing of Workmen's Houses, for the making of new Roads, for Improvements on existing Roads, and for the Formation and Construction or rebuilding of Bridges.

Certified Copies or Extracts of the Valuation Rolls to be delivered to the Collector.

52. To enable the Collector to make up Assessment Rolls for the Purposes of this Act the Clerk of Supply of the County and the Town Clerk of each Burgh therein shall, on Payment of such reasonable Fees as may be agreed on or fixed by the Sheriff, and within One Month after being so required in Writing by the Collector, deliver to him a Copy of the Valuation Roll certified under the Hand of such Clerk of Supply or Town Clerk as a Copy or Extract of the Valuation Roll in force for the Time within the County or Burgh respectively, and such Copy may be either written or printed, or partly written and partly printed.

53. The

Notice of Assessment to be given.

53. The Collector shall from such Assessment Rolls make out a Notice of the Sums assessed, under the Provisions of this Act, on each Proprietor of Lands and Heritages, and also on each Tenant or Occupier, if the Trustees shall determine to levy and collect such Assessment directly from such Tenant or Occupier, distinguishing the Sums assessed for Payment of Debts and Interest, and for Maintenance and Repair of Roads, Highways, and Bridges respectively, and also the Sums, if any, assessed for the making of new Roads Improvements on existing Roads, or for the Formation and Construction or rebuilding of Bridges, and such Notice shall be dated, and shall state the Time and Place of Payment; and such Notices shall be delivered or transmitted by Post to each Proprietor or to each Tenant or Occupier so assessed, from whom it is intended to levy or collect such Assessment, within Six Months after the Date of imposing the Assessment to which such Notice refers; and the said Assessment may be levied on the actual Owner or Occupier for the Time being without any new Assessment, notwithstanding any Change in the Ownership or Occupation thereof; provided, that the Notices hereby required to be made out and delivered or transmitted as aforesaid may be contained in and form Part of any Notice of Assessment for County Rates issued by the Collector.

Exemption of public Buildings from Assessment.

54. No Assessments shall be imposed or levied under the Authority of this Act for or in respect of any House or Building, or Portion of a House or Building, exclusively used as a School, or as a Place of Education, or Reformatory, House of Refuge, Poor's House, Public Lunatic Asylum, County Hall, Town House, Sheriff, Burgh, or Justice of the Peace Court House, Militia or Volunteer Storehouse or Barracks, Town or County Prison, Police Station, or Lock-up House, or for Religious Worship or Charitable Purposes.

Assessments to be paid when due.

55. The Persons from whom the Assessments are leviable shall pay or remit the same to the Collector free of all Expense, and if remitted then at the Risk of the Remitters; and if such Assessments be not so paid or remitted within One Month after the Date of Payment fixed by the Trustees, as before provided, they shall bear Interest at the Rate of Five *per Centum per Annum* thereafter until paid.

Recovery of Assessments.

56. 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 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 Collector, grant the like Warrants for the Recovery of all such Assessments

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 nevertheless, that it shall be competent to the Trustees to prosecute for and recover such Assessments by Action in the Sheriff Small Debt 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.

Trustees may borrow on Credit of Assessments.

57. Subject to the Provisions of this Act with reference to the Power of borrowing for discharging Debt, the Trustees may and 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, or any of them, such Sum or Sums of Money as may be necessary for carrying into effect the Purposes of this Act, except for the ordinary Repair, Maintenance, and Management of the Roads, and to make and grant Mortgages and Assignations of the said Assessments or any of them in Security of the Sums so borrowed.

Power to borrow on Cash Credit Account.

58. It shall be lawful for the Trustees, instead of borrowing on Mortgage or Assignation in 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, 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 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 Account, and the Interest thereof.

Form of Mortgages or Assignations in Security as in Scheds. (B.) and (C.)

59. 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 prescribed in the Schedules (B.) and (C.) to this Act annexed, or to the like Effect, or in such other Form as may be most convenient, and in accordance with the Law and Usage in respect of Securities of a like Nature in *Scotland*.

Power to reborrow.

60. 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, except through the Operation of

of the Sinking Fund, 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.

Sinking Fund shall be raised.

61. In order to discharge the Principal Monies borrowed by way of Loan, Mortgage, or Assignation in Security as aforesaid, on Security of any of the Assessments, the Trustees shall 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 Trustees from Time to Time shall resolve then to pay off, at which Time the same shall be so applied in paying off such Debts.

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 on 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 thereon shall be accounted for to the Trustees; and all Monies remitted by the Collector shall when received be paid into some Incorporated or Joint Stock Bank or Branch thereof to be for that Purpose appointed by the Trustees, and the Interest accruing thereon shall be accounted for as aforesaid.

Drafts on Bank Account kept by Trustees.

63. All Cheques or Drafts on any Bank Account kept by the Trustees shall be signed by the Clerk, and the Clerk shall make no Draft on such Account for any other Purpose than the Payments which shall from Time to Time be authorized by the Trustees; and if at any Time the Offices of Clerk and Treasurer under this Act shall be held by different Persons, such Drafts and Cheques shall be signed by both the Treasurer and Clerk for the Time being.

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

64. The Trustees shall cause their Accounts to be balanced in each Year on the Fifteenth Day of *May*, and Abstracts of such Accounts, after the same have been duly audited, shall be published in a local Newspaper: Provided always, that the Accounts of the Trustees shall, previous to the Publication of such Abstracts, be laid

laid before and approved by the *Michaelmas* General Meeting of the Trustees.

Application of Monies received under this Act.

65. All Assessments levied and received by the Trustees under the Authority of this Act shall be applied only to the Purposes for which they are respectively herein-before specially provided, and thereafter towards Payment of any Debts contracted for these Purposes, and of the Interest of such Debts:

All Monies borrowed shall be applied only to the Purposes for which they are herein specially authorized:

And all other Monies received by the Trustees under the Authority of this Act shall be applied as follows:—

1st. In Payment of all Claims existing at the passing of this Act against the Trustees, including any Balances that may be due to the Clerks or other Officers or Servants of the Trustees acting under the recited Acts or any of them not contained in the Schedule to this Act annexed:

2nd. In Extinction or Diminution, *pro tanto*, of the Debts set forth in Schedule (A.), and the Interest thereon.

Trustees may relinquish the Management of Roads or Highways within Burgh.

66. The Trustees may, if they shall at any Time think it expedient so to do, relinquish, for the Purpose of enabling the Magistrates and Town Council or the Commissioners of Police in any Burgh wholly or partly within the County to assume and manage as a public Street, the whole or any Part of the said Roads or Highways or Bridges, so far as situated within the Burgh, for such Time, to such Extent, and on such Terms and Conditions, and in consideration of such single or annual Payment out of the Funds belonging to or under their Control respectively, as may be mutually agreed on: Provided always, that no such Contract shall be valid and effectual unless agreed to by Two Thirds of the Trustees present at a General Meeting of the Trustees, and confirmed by the same Proportion of Trustees present at another such Meeting specially called for the Purpose, and held not less than Three Weeks nor more than Six Weeks thereafter.

Town Council or Commissioners may apply their Funds in aid of Assessments.

67. When in any such Burgh there shall be Funds available and which may be lawfully applied for the Maintenance of Streets, Roads, or Highways therein under the Control of any Magistrates and Town Council or Police Commissioners of any such Burgh within which any Roads or Highways so relinquished are situated, such Magistrates and Town Council or Police Commissioners may apply such Funds in aid of or in addition to the Assessments authorized to be imposed by this Act.

68. Nothing

68. Nothing herein contained shall be deemed or construed to exempt this Act, or the Roads and Highways 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. Act not to be exempt from Provisions of General Acts.

SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

	£	s.	d.
1. Balance of Sums advanced in 1854 by the Duke of Buccleuch, Sir John Murray, of Philiphaugh, Baronet, and R. K. Pringle, late of Broad Meadows - - - - -	182	16	5
2. Balance due by the Turnpike Road Trustees on Account with the Bank of the British Linen Company - - -	459	19	11
	£642	16	4

SCHEDULE (B.)

Form of Assignation in Security.

By virtue of "The Selkirkshire Roads Act, 1867," we [*Names and Designations of the Granters*], *Two* of the Trustees acting in execution of the said Act, and as authorized by a Resolution of the said Trustees passed at a Meeting held the Day of 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 to the said Trustees for the Time being, and to be operated on by him), do hereby 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

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 [*insert Testing Clause according to the Form of the Law of Scotland*].

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

SCHEDULE (C.)

Form of Transfer.

I *A.B.* [*Name and Designation of Assignor*], 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*] an Assignation in Security, dated the [*insert Date*], for the Sum of [*insert Sum*] granted by the Trustees acting in pursuance of "The Selkirkshire Roads Act, 1867," (*or, if the Transfer be by Indorsement*, the within-written 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 Grantor of the Transfer is not the original Creditor, but One who has acquired Right to the Debt, specify shortly, immediately before the Testing Clause, the Title or Series of Titles by which the Grantor acquired such Right.

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