ANNO VICESIMO OCTAVO & VICESIMO NONO

VICTORIÆ REGINÆ.

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Cap. ccxii.

An Act for maintaining the public Roads and Bridges in the County of *Wigtown*.

[5th *July* 1865.]

WHEREAS an Act was passed in the Forty-second Year of the Reign of His Majesty King *George* the Third, intituled *An Act for repealing an Act passed in the Eighteenth* 42 G. 3. c. lv.
Year of His present Majesty's Reign, intituled "An Act for repairing "the Highways and Bridges in the County of Wigtown," *and for the more effectually amending, widening, altering, repairing, and keeping in repair the Road from the* High Bridge *of* Cree, *by* Newton Douglas, Glenluce, *and* Stranraer, *to* Portpatrick, *and from* Stranraer *to the Confines of the County of* Ayr *near the* Cairn of Lochryan, *and for levying a Conversion Money in lieu of the Statute Labour, and otherwise regulating the making and repairing the High Roads and Bridges in the said County,* which Act is herein-after called the first-recited Act: And whereas an Act was passed in the Fourth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for continuing the Term and Powers* 4 G. 4.
of an Act passed in the Forty-second Year of the Reign of His late c. xxvi.
Majesty King George *the Third, for repealing an Act for repairing the Highways and Bridges in the County of* Wigtown, *and for*

other Purposes in the said Act mentioned," which Act is herein-after called the second-recited Act: And whereas an Act was passed in the First and Second Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for amending and making more effectual the Laws concerning Turnpike Roads in* Scotland, which Act is herein-after called the third-recited Act: And whereas the Revenue arising from the Tolls and Assessments authorized by the first and second recited Acts is insufficient to provide for Payment of the Debt on the Turnpike Roads, Highways, and Bridges in the County of *Wigtown* under the Management of the Trustees appointed and acting under the said Acts, and for the Expense of maintaining and managing the same: And whereas it is expedient that the public Roads, Highways, and Bridges within the said County should be placed under uniform Management and Control, and that Provision should be made for Payment or Extinction of the said Debts, and for the Maintenance and Improvement of the said Roads, Highways, and Bridges by means of Assessments on Lands and Heritages, and for other Purposes relating thereto: 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:

1 & 2 W. 4. c. 43. (*Pub.*)

Short Title.

1. This Act may be cited for all Purposes as "The *Wigtownshire* Roads Act, 1865."

Interpretation of Terms.

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

"The County" shall mean the County of *Wigtown*, and shall include the Burghs and Towns situate therein, except the Burgh of *Stranraer*:

"The Sheriff" shall mean the Sheriff of *Wigton* and *Kirkcudbright*, and shall include the Sheriff Substitute for the County of *Wigtown*:

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

"District Trustees" shall mean the Trustees for the District in which they are respectively entitled to act, if the County be divided into Districts under the Provisions of this Act:

"The public Roads" shall mean and include all Turnpike Roads and Statute Labour Roads, Highways and public Bridges, in the County, and the Burghs and Towns situate therein (except the Burgh of *Stranraer*), which are to be managed and maintained under the Provisions of this Act:

"Clerk" shall mean the Person appointed and acting for the Time being as Clerk to the Trustees:

"Local Newspaper" shall mean any Newspaper published in the County, or, if there be no Newspaper published therein, any Newspaper published in any of the Counties of *Dumfries*, *Kirkcudbright*, or *Ayr*:

"Lands and Heritages" and "Proprietor" 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 "Valuation Roll" shall mean and include the Valuation Rolls in force for the Time being for the County, and for the Burghs situate therein respectively, made up and under the Authority of that Act or of any other Act relating to the Valuation of Lands and Heritages in *Scotland*, in force for the Time being.

First and second recited Acts repealed, and this Act to take effect.

3. From and after the Fifteenth Day of *September* Eighteen hundred and sixty-five the first and second recited Acts shall, subject to the Provisions of this Act, be and the same are hereby repealed, and this Act shall commence and take Effect.

Former Trustees to act until First General Meeting.

4. Notwithstanding the Repeal of the first and second recited Acts, it shall be lawful for the Trustees appointed and acting under the same to act under the Authority and carry into effect the Provisions and Purposes of this Act until the First General Meeting of the Trustees under this Act.

1 & 2 W. 4. c. 43. incorporated with this Act.

Construction of Terms.

5. From and after the Commencement of this Act the Enactments and Provisions of the third-recited Act, with the Exception of the Proviso to Section One, and of Sections Two, Seven to Ten both inclusive, Twenty-one to Fifty-nine both inclusive, and Eighty-two and Ninety-five, shall be and the same are hereby, so far as not varied or altered by this Act, incorporated with this Act, and shall be applicable to the public Roads in the County; and in the Construction of the said Act with reference to this Act the Expression "Trustees of every Turnpike Road," and the Words "Trustees" and "Trustee," or Words having the like Import, shall mean and apply to the Trustees under this Act, and the Expressions "Turnpike Road" and "Turnpike Roads" shall have the same Meaning as the Expression "the public Roads" as used in this Act, in so far as such Meanings or Application shall not be excluded by the Context, or by any of the Provisions of this Act.

8 & 9 Vict. c. 41. (*Pub.*) not to apply

6. The Act passed in the Eighth and Ninth Year of the Reign of Her present Majesty, intituled *An Act for amending the Laws concerning*

to Roads in the County.

concerning Highways, Bridges, and Ferries in Scotland, *and the making and maintaining thereof by Statute Service, and by the Conversion of Statute Service into Money*, shall not apply to any of the public Roads in the County.

Appointment and Qualification of Trustees.

7. The following Persons shall be and are hereby appointed Trustees for carrying this Act into effect, and shall be styled "the Road Trustees for the County of *Wigtown*;" that is to say,

1. Every Male Person of full Age who is entered in the Valuation Roll as Proprietor or Liferenter of Lands and Heritages in the County of the yearly Rent or Value of not less than One hundred Pounds Sterling; the Husband, being of full Age, of every Female Proprietor or Liferenter entered as aforesaid; the eldest Sons, being of full Age, of such Proprietors (whether such Proprietors be Male or Female); One Guardian, Tutor, Curator, or Trustee of every Pupil or Minor or other Person incapacitated by Law to act for himself or herself, and entered in the Valuation Roll as Proprietor or Liferenter of Lands and Heritages in the County of the yearly Rent or Value aforesaid; the Chairman or Deputy Chairman or Secretary of every incorporated Company entered in the Valuation Roll as Proprietor of Lands and Heritages of the yearly Rent or Value aforesaid who shall be appointed by such Company to act as a Trustee under this Act for the Time being; and One Factor of every Person entered in the Valuation Roll as Proprietor or Liferenter of Lands and Heritages in the County of the yearly Value of Three hundred Pounds Sterling or upwards, in the Absence of his Constituent, such Factor not being appointed for the sole Purpose of making him a Trustee under this Act, but *bonâ fide* acting as Factor:
2. The following Persons *ex officiis; videlicet*, the Sheriff of *Wigton* and *Kirkcudbright*, or, in his Absence, the Sheriff Substitute for the County of *Wigtown*, the Provost, or, in his Absence, the Senior Magistrate of each of the Royal Burghs of *Wigtown* and *Whithorn* respectively, and the Chief Magistrate of *Newton Stewart*, all for the Time being respectively:
3. Ten Male Persons of full Age, to be elected annually as hereinafter provided, such Persons not being otherwise qualified as Trustees under this Act, and being entered in the Valuation Roll as Tenants and Occupiers of Lands and Heritages situate in the Parish or Combination of Parishes for which they are respectively elected, of the yearly Rent or Value of not less than One hundred and fifty Pounds Sterling; that is to say,

For the Parishes of *Penninghame*, *Kirkcowan*, and *Wigtown*, exclusive of the Burgh of *Wigtown*, Two Trustees;

For the Parishes of *Kirkinner* and *Sorbie*, One Trustee;

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For the Parish of *Mochrum*, One Trustee;
For the Parishes of *Glasserton* and *Whithorn*, exclusive of the Burgh of *Whithorn*, One Trustee;
For the Parish of *Inch*, exclusive of the Portion thereof which is situate in the Burgh of *Stranraer*, One Trustee;
For the Parishes of *Kirkcolm* and *Leswalt*, exclusive of the Portion thereof which is situate in the Burgh of *Stranraer*, One Trustee;
For the Parishes of *Stoneykirk*, *Kirkmaiden*, and *Portpatrick*, Two Trustees; and
For the Parishes of *Old Luce* and *New Luce*, One Trustee.

Boundaries of Burghs.

8. The Boundaries of the Burghs of *Wigtown*, *Whithorn*, and *Stranraer* for the Purposes of this Act shall be the Parliamentary Boundaries of the said Burghs respectively as defined in the Public Act Second and Third *William* the Fourth, Chapter Sixty-five.

First Election of Trustees.

9. For the Purpose of carrying into effect the Election of Trustees under this Act, the General Clerk to the Trustees appointed by the first-recited Act shall convene Meetings of the Persons in each Parish or Combination of Parishes in the County who are qualified as herein-before provided to be elected Trustees, to be held not later than the Day preceding the Second *Tuesday* of *October* Eighteen hundred and sixty-five, which Meetings shall be held in the School-room of the principal Parochial School of the Parish, or at such other Place within each Parish or Combination of Parishes as shall be specified in the Notice convening the Meeting; and such Notice shall be published in a local Newspaper and affixed to the Door of each Parish Church in the Parish or Combination of Parishes respectively, not less than Ten Days previous to the Meeting; and at each of such Meetings the Persons present, being qualified as aforesaid, and Three being a Quorum, shall elect One Male Person or Two Male Persons, as the Case may be, of full Age, having the Qualification aforesaid in respect of Lands and Heritages situate within the Parish or Combination of Parishes represented by such Meeting, to be a Trustee or Trustees under this Act; and the Persons present at each such Meeting shall appoint a Chairman, who shall, in case of an Equality of Votes, have a casting as well as a deliberative Vote, and who shall record the Result of the Election and report the same to the Clerk, who shall thereafter report the same to the First General Meeting of the Trustees: Provided, that in the Case of an Equality of Votes with respect to the Appointment of a Chairman the Person proposed as Chairman who is entered in the Valuation Roll at the highest Amount shall be appointed Chairman.

Subsequent Elections.

10. The elected Trustees shall continue in Office until the Day appointed for the next annual Election, which shall take place between the Fifteenth Day of *September* and the Second *Tuesday* of *October* in each Year after the Year Eighteen hundred and sixty-five; and Meetings shall be held annually between the said Days, in each Parish or Combination of Parishes, to elect Persons to be Trustees therefor respectively in lieu of the Trustees whose Term of Office shall have expired, which Meetings shall be called by the Clerk in manner before provided; and in all other respects the Procedure shall be as above prescribed for the First Election, and the Result of each Election shall be reported to the Clerk, and by him to the next General Meeting of the Trustees.

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

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

Conveyances, &c. to remain in force.

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

Saving Rights and Liabilities.

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

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as the Trustees under the first and second recited Acts would have been respectively liable in respect of such Rights, Liabilities, Claims, and Demands in case this Act had not been passed; provided that the Generality of this Provision shall not be restricted by any of the other Clauses and Provisions of this Act.

Actions not to abate.

14. No Action, Suit, Prosecution, or other Proceeding commenced either by or against the Trustees under the first and second recited Acts, or their Clerk or other Officer on their Behalf, before the Commencement of this Act, shall abate or be discontinued or prejudicially affected by this Act, but the same shall continue and take Effect, whether in favour of or against the Trustees under this Act, in like Manner in all respects as the same would have continued and taken Effect if this Act had not been passed; and all Offences against the Provisions of the said Acts committed before the Commencement of this Act may be prosecuted, and all Penalties incurred by reason of such Offences may be sued for, in like Manner in all respects as if this Act had not been passed.

Persons who have acted under repealed Acts to account for Monies, and deliver up Books.

15. All Persons acting or who have acted under the first and second recited Acts as the Trustees of any of the Roads, or as Clerks or other Officers of any such Trustees, who shall at the Commencement of this Act have in their Custody, Power, or Possession, or under their Control, any Monies collected by virtue of the said Acts, or any Books, Deeds, Papers, Writings, or Effects belonging to any such Trustees, or relating to the Execution of the said Acts, shall pay and deliver up the same to the Trustees under this Act, or to such Person as they shall appoint to receive the same; and every Person neglecting or refusing so to pay or deliver up shall be guilty of an Offence, and shall for every such Offence be liable in a Penalty not exceeding Twenty Pounds, to be recovered by Action at the Instance of the Clerk in any Court of competent Jurisdiction.

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

16. Every Person who at the Commencement of this Act shall be liable for the Payment of any Assessments, Tolls, or Duties leviable under the first and second recited Acts, or either of them, shall, notwithstanding the Repeal of the said Acts, be liable for the Payment of such Assessments, Tolls, and Duties to the Trustees under this Act, in like Manner as every such Person would have been liable for the Payment thereof to the Trustees under the first and second recited Acts if this Act had not been passed, and the same shall be paid, with all Interest due thereon, to the Trustees under this Act, and the Payment thereof may be enforced by them in the like Manner as such Payment might have been enforced by the Trustees under the said Acts if this Act had not been passed, or in the same Manner as the Payment of any Assessment leviable under

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this Act may be enforced; and the Trustees under the said Acts shall pay over to the Trustees under this Act all Monies in their Hands received by them, either under the Powers of the said Acts, or any of them, or applicable to the Purposes thereof, and the Payment thereof may be enforced by Action at the Instance of the Clerk in any Court of competent Jurisdiction.

Roads and Property transferred to Trustees under this Act.

17. All the Turnpike Roads and Statute Labour Roads, Highways and Bridges, in the County, and all Lands, Landing Places, Toll Houses, Toll Bars, Buildings, Works, Rights, Interests, Monies, Property, and Effects, Rights of Action, Claims and Demands whatsoever, belonging to, vested in, or held by the Trustees under the first and second recited Acts, or to which such Trustees were in any Manner of way entitled by virtue of any Public or Local Act or otherwise, shall, from and after the Commencement of this Act, be and the same are hereby transferred to and vested in the Trustees under this Act, who may sue for, recover, and hold the same for the Purposes of this Act: Provided, that nothing contained in this Act or in the third-recited Act shall be held to confer upon the Trustees under this Act any Right of Property in or Power of Sale of the Solum of any Road, unless such Solum shall have been purchased by or conveyed to them or to the Trustees under the first and second recited Acts or their Predecessors.

Contracts to be entered into by the Clerk.

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

Management of Roads without Division into Districts.

19. The public Roads in the County shall be managed without any Division into Districts, from the Commencement of this Act until the Fifteenth Day of *May* Eighteen hundred and seventy, and until a Resolution to divide the County into Districts shall be adopted as herein-after provided, and shall take Effect.

Provision for dividing the County into Districts.

20. For and as respects the next Period of Five Years after the Fifteenth Day of *May* Eighteen hundred and seventy, it shall be lawful for the Trustees, at the Stated General Meeting to be held in *October* Eighteen hundred and sixty-nine, to resolve either that the public Roads in the County shall continue to be managed without any Division into Districts, or that the County shall, for and during such

such Period of Five Years, be divided into the Two Districts hereinafter described; and in like Manner, at the Stated General Meeting to be held in *October* immediately preceding the Expiration of such last-mentioned Period of Five Years, and of every subsequent Period of Five Years next after the Date at which any Resolution to divide the County into Districts, or not to divide it into Districts, shall have taken Effect, it shall be lawful for the Trustees to alter such Resolution, and to resolve either that the public Roads in the County shall be managed without any Division into Districts, or that the County shall be divided into Two Districts as aforesaid: Provided that the Mode of Management last resolved on as herein-before authorized shall continue until a Resolution to alter the same shall have been adopted and take Effect as herein-before provided.

Districts defined.

21. The Districts into which the County may be divided, under the Provisions and for the Purposes of this Act, shall be, first, the Upper District, consisting of the Parishes of *Old Luce*, *New Luce*, *Stoneykirk*, *Kirkmaiden*, *Portpatrick*, and *Kirkcolm*, and the Parishes of *Inch* and *Leswalt* (exclusive of the Portions thereof respectively which are situate in the Burgh of *Stranraer*); and, second, the Lower District, consisting of the Parishes of *Kirkcowan*, *Penninghame*, *Wigtown*, *Kirkinner*, *Sorbie*, *Whithorn*, *Glasserton*, and *Mochrum*.

Notice to be given of Resolution as to Division into Districts.

22. It shall not be lawful for the Trustees to resolve to divide the County into Districts, or, after such Division, to resolve that the public Roads in the County shall be managed without such Division, unless Notice of the Intention to propose such Resolution at a Meeting to be held as aforesaid shall have been given in the Advertisement calling such Meeting, which Advertisement shall be published in a local Newspaper once in each of Three successive Weeks not sooner than Six Months nor later than One Month before the Day on which the Meeting is to be held, nor unless all Grants for Roads or Bridges, or the Expense of constructing Roads or Bridges previously authorized by the Trustees to be constructed, shall have been paid out of the Assessments imposed previously to such Resolution taking Effect, or shall be otherwise provided for.

List of District Trustees to be made up.

23. If the County be divided into Districts the Clerk shall prepare separate Lists of the Trustees, arranged according to their Qualifications, Office, or Election in the respective Districts; and any Person having the Qualification of a Trustee in each District shall be entered as a Trustee in each District, and any Person whose Qualification as a Trustee is in respect of Lands and Heritages situated partly in both Districts shall be entered as a Trustee in the District in which the greater Part of the Rent or annual Value of such Lands

and Heritages is situate; and such Lists shall be submitted to the next General Meeting of the Trustees, and on the same being adjusted and approved at such Meeting the Trustees therein mentioned shall be the District Trustees for the respective Districts so long as such Trustees retain their respective Qualifications or Offices, or are entitled to act as elected Trustees; and the Clerk shall, as often as directed by the Trustees, make up new Lists as before provided, or add to the said Lists the Names of any Persons who may be entitled to act as District Trustees, and shall strike out of such Lists from Time to Time the Names of any District Trustees who may have died or become disqualified, or whose Term of Office may have expired; and the new or amended List, when adjusted and approved by any General Meeting of the Trustees, shall be Evidence of the Persons entitled to be such District Trustees, until such List shall be altered by a subsequent Meeting; provided that the Sheriff and the Sheriff Substitute shall not be entered in any of the Lists of District Trustees.

Powers of the Trustees.

24. The Trustees shall have and exercise in regard to the public Roads the whole Powers, Rights, and Privileges conferred on Turnpike Road Trustees by the third-recited Act as respects Turnpike Roads, except in so far as by this Act otherwise expressly provided; and the Trustees shall also have and exercise the Powers of Assessment and other Powers by this Act specially conferred on them, and shall have full Power to direct, review, and control the Proceedings of the District Trustees if the County be divided into Districts, and of all Committees, whether of the Trustees or the District Trustees.

First General Meeting of Trustees.

25. The First General Meeting of the Trustees shall be held in the Court House at *Wigtown* on the Second *Tuesday* of *October* Eighteen hundred and sixty-five, at Noon.

Subsequent General Meetings.

26. The Trustees shall thereafter hold Three Stated General Meetings in each Year, Two in the Court House at *Wigtown* on the Thirtieth Day of *April* and the Second *Tuesday* of *October* respectively, or if the former Day should happen to be a *Sunday*, then on the Day previous, and One in the Court House at *Stranraer* on the First *Tuesday* of *August*; and the Clerk shall give Ten Days previous Notice of the Time and Place of each Meeting by Advertisement in a local Newspaper.

Powers of District Trustees.

27. If the County be divided into Districts the District Trustees shall, subject to the Control and Review of the Trustees as hereinbefore provided, have the Management and Superintendence of the public Roads within their respective Districts, and have and exercise the

the other Powers and Duties by this Act conferred and imposed on them.

Appointment of Chairman, Deputy Chairman, and Conveners.

28. The Trustees at their First General Meeting, and in each Year thereafter at their Stated General Meeting in *October*, shall elect a Chairman and Deputy Chairman for the then ensuing Year, and if the County be divided into Districts they shall also name a Convener for each District for the then ensuing Year; and in case of the Death, Resignation, or Disqualification of any Chairman, Deputy Chairman, or Convener, the Trustees shall at any Stated General Meeting appoint another Chairman or Convener in his Stead.

Meetings of District Trustees.

29. If the County be divided into Districts the District Trustees shall meet as soon as conveniently may be after the Lists of the District Trustees shall have been made up and adjusted as aforesaid, and thereafter from Time to Time as may be appointed by the Trustees at any General Meeting; and the District Trustees shall also meet as often as may be considered necessary by their respective Conveners in order to the due Disposal of the Business committed to them.

Appeal against Decision of District Trustees.

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

Regulations for Meetings and Proceedings of Trustees and District Trustees.

31. The following Provisions shall be applicable to the Meetings and Proceedings of the Trustees and the District Trustees respectively:

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

The Chairman, or, in his Absence, the Deputy Chairman if present, shall preside at General Meetings of the Trustees, and in the Absence of both from any Meeting the Trustees present shall elect One of their Number as Chairman of such Meeting; provided that in the Case of an Equality of Votes with respect to the Election of a Chairman or Deputy Chairman, whether for that Meeting only or for the ensuing Year, the Persons proposed as Chairman and Deputy Chairman who are entered in the Valuation Roll at the highest Amount shall be elected Chairman and Deputy Chairman respectively:

The Convener for each District shall, if present, preside as Chairman at Meetings of the District Trustees, and in case of his Absence from any Meeting the District Trustees present shall elect One of their Number as Chairman of such Meeting; and

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in case of an Equality of Votes with respect to such Election the Person proposed who is entered in the Valuation Roll at the highest Amount shall be elected Chairman of such Meeting:

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

Special General Meetings of the Trustees, or Special Meetings of the District Trustees, may be convened by the Clerk, on a Requisition stating the Object of the Meeting, signed by the Chairman, or by any Three Trustees in the Case of a Special General Meeting of the Trustees, and by the Convener or by any Two District Trustees in the Case of a Meeting of District Trustees; and in the former Case Three Weeks, and in the latter Ten Days, previous Notice of the Meeting, and of the Object and Business thereof, shall be given by Advertisement in a local Newspaper:

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

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

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

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

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

Appointment of Clerk and Treasurer.

32. The Trustees shall at their First General Meeting appoint a Clerk, who shall act as Clerk not only to the Trustees but to the District Trustees if the County be divided into Districts, and also, if required, to their respective Committees, and a General Treasurer, who shall act as Treasurer both for the Trustees and for the District Trustees;

Trustees; and on the Death, Resignation, or Removal of any such Clerk or Treasurer, the Trustees may, at any Stated General Meeting, from Time to Time appoint a Clerk or Treasurer in his Place.

Appointment of Surveyors, Collectors, and Auditors.

33. The Trustees may at any General Meeting appoint from Time to Time a Surveyor or Surveyors, a Collector or Collectors, an Auditor or Auditors, and such other Officers as they think fit for carrying into effect the Purposes of this Act.

Officers may be removed.

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

Accounts to be balanced and Abstract published annually.

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

Subscription Debts and Claims extinguished.

36. From and after the passing of this Act the Subscription Debts stated in the Schedule (A.) to this Act annexed, amounting to Two thousand eight hundred and eleven Pounds Ten Shillings, and all Arrears of Interest thereon, shall be and the same are hereby extinguished as Debts due and owing by the Trustees under the first and second recited Acts, or the Trustees under this Act, or as Debts on and affecting the Rates and Assessments leviable under the first-recited Act or this Act; and all Claims for or in respect of the said Subscription Debts, and Interest thereof, on or against the said Trustees respectively, or the said Rates and Assessments, shall cease and determine; and all Claims for or in respect of any Monies advanced, lent, or subscribed by any Person or Persons for making, altering, or improving any Parish or Statute Labour Road in the County, of which the Amount was not ascertained and fixed, and after the Expenditure thereof declared in the Minutes of a General Meeting of the Trustees under the first and second recited Acts to be a Debt on the Conversion Money Assessment of the Parish or Parishes in which such Road is situate, previous to the Second Day of *May* Eighteen hundred and sixty-four, (excepting the Parish Road Debts stated in the Schedule (C.) to this Act annexed,) shall be and are hereby extinguished, and shall from and after the passing of this Act be of no Force, Avail, or Effect whatsoever.

Payment of Turnpike Road Debts.

37. Whereas the Debt due and owing on the Second Day of *August* Eighteen hundred and sixty-four on the Credit of the Tolls authorized

authorized by the first and second recited Acts, being Monies borrowed in respect of certain Roads, amounts to Three hundred Pounds, as stated in the Schedule (B.) to this Act annexed, and the unsecured Debt or floating Balance on the Second Day of *August* Eighteen hundred and sixty-four due to the Treasurer of the Trustees under the first and second recited Acts in respect of Turnpike Roads under their Management as stated in the said Schedule (B.) is Forty-nine Pounds Ten Shillings: The Debt specified in the said Schedule (B.), and Interest thereof, so far as remaining due and owing at the Commencement of this Act, and the said Balance due to the said Treasurer, so far as not paid off in the ordinary Management of the said Roads at the last-mentioned Date, together with any further Sums which may become due to the said Treasurer in the ordinary Management of the said Roads to the said Date, and which Debt and Balance are herein-after styled "Turnpike Road Debts," shall be paid off by the Trustees under the first and second recited Acts, or the Trustees under this Act, as herein-after provided.

If Sum raised by Sale of Property insufficient for Payment of Debts, Power to levy Tolls continued till Debts be paid off.

38. In the event of the net Proceeds as estimated by the Trustees to be realized by the Sale of Toll Houses and other Property as herein-after provided being insufficient to meet the Payment of the Turnpike Road Debts, the Amount or Balance thereof shall be provided for and paid by means of the Tolls and Duties authorized to be levied under the first and second recited Acts; and in that event, and notwithstanding the Repeal of the first and second recited Acts, it shall be lawful for the Trustees acting under the first and second recited Acts, and the Trustees under this Act, and they are hereby respectively authorized and required, to let by Public Roup or Private Tender, or to cause to be collected, the Tolls and Duties by the first and second recited Acts authorized to be levied at the several Gates, Turnpikes, and Side Bars within the County, for such Period as may be necessary to provide for the Payment of the said Debts; and Payment of the said Tolls and Duties may be enforced and recovered under the Powers and Provisions of the first, second, and third recited Acts; and the Sums received and realized from the said Tolls and Duties shall be paid into Bank, and applied towards Payment and Discharge of the Turnpike Road Debts: Provided, that any Surplus which may remain after paying the said Debts shall be applied towards the Expense of obtaining this Act, or towards the general Expenses of Management under this Act.

Payment of Parish Road Debts.

39. The floating Balances due to the Collectors of certain Parishes in the County on the Second Day of *May* Eighteen hundred and sixty-four, amounting to One hundred and twenty-eight Pounds Ten Shillings and One Penny, as stated in the Schedule (C.) to this Act annexed, so far as not paid off in the ordinary Management of the Highways

Highways or Statute Labour Roads in such Parishes at the Commencement of this Act, together with any further Debts or floating Balances which may become due in the ordinary Management of the same to the said Date, which Debts and floating Balances are herein-after called "Parish Road Debts," shall be paid off by the Trustees as herein-after provided.

Assessment for Payment of Parish Road Debts.

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

Assessment for Expenses of Act and putting it in execution.

41. The Trustees, at their Stated General Meeting to be held in *October* Eighteen hundred and sixty-five, shall ascertain and determine the Amount, if any, then due and owing in respect of the Expenses of applying for and obtaining this Act, and incidental thereto, and of the Costs and Charges incurred in putting this Act into execution up to that Time; and the Amount so ascertained and determined shall be paid by means of One or more annual Assessments at a uniform Rate *per* Pound, which the Trustees are hereby authorized to impose and levy on and from the Proprietors of all Lands and Heritages within the County, according to the yearly Rent or Value of such Lands and Heritages as entered in the Valuation Roll, including Lands and Heritages within the Burgh of *Stranraer*: Provided, that it shall be lawful for the Town Council of the Burgh of *Stranraer* to pay the Proportion of such Expenses corresponding to the Valuation thereof out of the Common Good of the Burgh, or out of any Funds under their Management or Control.

Tolls to be abolished.

42. The Collection and levying of Tolls on any Roads in the County shall cease and determine on the Fifteenth Day of *May* which shall first happen after the Turnpike Road Debts shall have been paid off or provided for in manner before mentioned; and the Toll Gates and Toll Bars erected for the Collection and levying of such Tolls shall be removed, and the said Roads shall thereafter be

open

open to the Public free of Toll, and the same shall be maintained in manner herein-after provided; and if there be any Surplus of the Revenue derived from such Tolls at the said Date after paying off or providing for the said Turnpike Road Debts, such Surplus shall be applied towards the other Purposes of this Act.

Statute Labour and Bridge Money to be abolished.

43. From and after the Commencement of this Act all Assessments or Conversion Money in lieu of Statute Labour, and all Bridge Money or Assessments for Bridges, leviable in virtue of the first-recited Act, shall cease and determine, and the same shall be and are hereby abolished, except as to such of the said Assessments or Conversion Money as may have been duly made or imposed under the Authority of the first-recited Act, and may not then have been paid or received.

Provision for Sale of Toll Houses.

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

Lists of public Roads to be made.

45. Within One Month after the First General Meeting of the Trustees under this Act, there shall be prepared, under the Direction of the Trustees, or any Committee or Committees of their Number, Lists of the public Roads within the County which are to be maintained out of the Assessments by this Act authorized, which Lists shall be reported to a subsequent Stated or adjourned General Meeting of Trustees; and after the same have been examined, adjusted, and approved by such Meeting, the Roads specified therein

shall

shall be held to be the Roads to be maintained out of the said Assessments: Provided, that the Lists of Roads, when prepared as aforesaid, shall remain in the Hands of the Clerk for public Inspection for such Time as the Trustees may fix; and all Persons interested may inspect the said Lists, and lodge Objections in the Hands of the Clerk within the Time so fixed, and any Objections which may be so lodged shall be submitted to and considered by the Trustees; and if any Person think himself aggrieved by the Resolution of any such Committee with respect to the said Lists, or any of them, he may appeal against such Resolution to the next General or adjourned Meeting of the Trustees.

Lists of Roads may be altered.

46. The Lists of public Roads may be altered and amended annually at the Stated General Meeting of the Trustees to be held in *October* in each Year, but no Alteration or Amendment shall be made unless the same has been previously considered at a Meeting of District Trustees, and a Deliverance given by them thereon, if the County be divided into Districts, or, if not so divided, unless the same shall have been considered and recommended by a Committee of the Trustees appointed to report thereon.

Roads may be shut up for Repairs.

47. On a written Report from the Surveyor of the Trustees that it is necessary to shut up for a limited Period any public Road or Bridge in the County for the Purpose of repairing the same, or to prevent Risk of Accident, any Two Trustees, or any Two District Trustees acting for the District within which such Road or Bridge is situate, may from Time to Time authorize the shutting up of such Road or Bridge for such Period as they may deem necessary for such Purpose; and any Person interested who may object to such shutting up may appeal against the same to the next General Meeting of the Trustees.

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

48. The Surveyor of the Trustees shall annually, under the Direction of the Trustees, or in case the County be divided into Districts then of the District Trustees respectively, prepare detailed Reports of the State of the several public Roads contained in the Lists made up as aforesaid, and make Estimates of the Expense of maintaining and repairing the same respectively; and on Consideration of such Reports and Estimates the District Trustees, if the County be divided into Districts, or if not so divided, then a Committee or Committees of Trustees appointed for the Purpose, shall report to any General or adjourned Meeting of the Trustees in the First Year after the Commencement of this Act, and thereafter to the Stated General Meeting of the Trustees to be held in *October* in each Year, the Sums which they recommend to be raised by Assessment for the Maintenance and Repair of the Roads in such Lists respectively for the then current financial Year.

Assessments for Maintenance of Roads.

49. At the General or adjourned Meeting of the Trustees to be held after a Report made by a Committee or Committees as hereinbefore provided, as respects the First Year after the Commencement of this Act, and thereafter at the Stated General Meeting of the Trustees to be held in *October* in each Year, or at any Adjournment thereof, the Trustees, on Consideration of the Reports of the Committee or Committees of Trustees to be made as aforesaid, when the County is not divided into Districts, shall impose and levy an Assessment at a uniform Rate on all Lands and Heritages in the County, of such Amount as may be required to meet the Expense of maintaining and repairing the public Roads in the County, and the Expenses of Management for the then current financial Year, which shall be computed as from the Fifteenth Day of *May* preceding to the Fifteenth Day of *May* following the said General Meetings respectively, except as regards the Period from the Commencement of this Act to the Fifteenth Day of *May* Eighteen hundred and sixty-six, which shall be deemed the First Year; and if and when the County is divided into Districts, the Trustees, at such Stated General or adjourned Meetings held as aforesaid, on Consideration of the Reports of the District Trustees, and after allocating on each District a Proportion of the general Expenses of Management (including the Salaries of Officers and all other Charges) corresponding to the yearly Rent or Value of the Lands and Heritages situate therein, as compared with the yearly Rent or Value of all the Lands and Heritages in the County according to the Valuation Roll, shall impose and levy an Assessment on all Lands and Heritages in each District respectively of such Amount as may be required to meet the Expense of maintaining and repairing the public Roads therein, and defraying the Proportion applicable thereto of the general Expenses of Management for the then current financial Year computed as aforesaid.

Assessments payable by Proprietors and Occupiers equally.

50. The Assessments specified in the immediately preceding Section of this Act shall be payable One Half by the Proprietors and the other Half by the Occupiers of all Lands and Heritages in the County, or if the County be divided into Districts, then in such Districts respectively, and shall be levied on and from such Proprietors and Occupiers respectively at the Rate or Rates fixed by the Meeting of the Trustees at which the same shall be imposed.

Assessment for rebuilding Bridges.

51. The Expense of rebuilding, in whole or in part, any existing Bridge in the County after the Commencement of this Act, and the Expense of any new Bridge, or the rebuilding or Improvement of any Bridge, resolved on by the Trustees under the recited Acts before the passing of this Act, and of which the Expense shall not then have been paid, shall be raised and paid by means of an Assessment

to

to be imposed and levied in manner aforesaid at a uniform Rate on and from the Proprietors of all Lands and Heritages in the County, in case it be not divided into Districts, or in case it be divided into Districts, then on and from the Proprietors of all Lands and Heritages within the District or Districts in which such Bridge is situate; and the Trustees may provide that such Expense shall be paid by Instalments distributed over any Period not exceeding Ten Years; and the Expense of maintaining and repairing the Roadway and Parapets of any Bridge under the Management of the Trustees may be defrayed out of the Assessments for Maintenance of Roads by this Act authorized to be levied.

Power to make new Roads and Bridges or Improvements.

52. The Trustees may at any Time make such Improvements on existing Roads and Bridges, or make such new Roads and Bridges, in the County as they think fit, and on such Terms and Conditions as may be agreed on between the Trustees, or the District Trustees if the County be divided into Districts, respectively, and the Proprietors of Lands and Heritages interested in or whose Land is required to be taken for such Improvements or new Roads and Bridges; and for the Purpose of acquiring the Lands required for such Improvements on existing Roads and Bridges, or for such new Roads and Bridges, the Provisions of "The Lands Clauses Consolidation (*Scotland*) Act, 1845," with respect to the Purchase of Lands by Agreement, are incorporated with this Act, and shall be applicable to the Lands so required; and the Expression "Promoters of the Undertaking" in the said Act shall mean the Trustees or the District Trustees respectively: Provided that no such Improvement or new Road or Bridge shall be made under the Authority of this Act, unless the Works shall have been sanctioned by Two Thirds of the Trustees for the County, if not divided into Districts, or if so divided, Two Thirds of the Trustees for the District or respective Districts in which such Improvement or new Road or Bridge is proposed (exclusive in either Case of Trustees *ex officiis* or elected), who shall be present at a Meeting called by Advertisement in a local Newspaper with special Notice of the Object of the Meeting.

Assessment for Improvement or Construction of new Roads and Bridges.

53. The Expense of such last-mentioned Improvements, or of any new Road or Bridge, or such Part thereof as the Trustees or District Trustees may have agreed to pay, shall be paid by means of an Assessment to be imposed and levied by the Trustees under the Authority of this Act; and such Assessment shall not extend over a longer Period than Ten Years, and shall be levied on and from the Proprietors of all Lands and Heritages within the County, or if it be divided into Districts, then within the District or Districts in which the Improvement or new Road or Bridge is made.

54. If

Expense of maintaining Bridges partly situate in Two Districts.

54. If the County be divided into Districts, and any Bridge is situate partly in both Districts, the Expense of maintaining or rebuilding such Bridge shall be borne in equal Moieties by each District, and the Assessments for Payment of such Expense shall be imposed and levied accordingly.

Expenditure of Assessments.

55. If the County be not divided into Districts the Assessments shall be applied and expended by the Trustees or any Committee or Committees of their Number appointed for the Purpose, and if the County be divided into Districts the Assessments levied in each District shall be applied and expended by the District Trustees for such District; and the District Trustees shall report a Statement of their Accounts for the preceding financial Year to the Stated General Meeting of the Trustees to be held in *October* in each Year.

Mode of making Assessments.

56. All Assessments leviable under the Authority of this Act shall be deemed and taken to be for the financial Year commencing on the Fifteenth Day of *May* preceding the Date of imposing the Assessment (except for the first financial Year, which shall commence on the Fifteenth Day of *September* Eighteen hundred and sixty-five), and shall be imposed and levied on and from Proprietors and Occupiers, or on and from Proprietors only, as the Case may be, according to the Valuation of the Lands and Heritages belonging to or occupied by them respectively as entered in the Valuation Roll.

Assessment Rolls to be made up.

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

Mode of making up Assessment Rolls.

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

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

59. To enable the Trustees and the Clerk to make up the Assessment Rolls for the Purposes of this Act the Clerk of Supply for the County, and the Town Clerk of every Burgh therein, excepting the Burgh of *Stranraer*, shall, on Payment of such reasonable

able Fees as may, in case of Difference, be fixed by the Sheriff, and within Three Weeks after being so required in Writing by the Clerk, deliver to him a Copy, certified under the Hand of such Clerk of Supply or Town Clerk, of the Valuation Roll in force for the Time within the County or such Burgh respectively; and such Copy may be either written or printed, or partly written and partly printed.

Notice of Assessment to be given.

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

Assessments on small Tenements.

61. Where any Lands and Heritages shall be separately let at a Rent not amounting to Four Pounds *per Annum*, the Proprietor thereof shall be charged with and shall pay the whole of the Assessments, including the Occupier's Proportion, leviable in respect of such Lands and Heritages, under Deduction of Ten *per Cent.* on the Occupier's Proportion of the Assessments, which shall be allowed as an Abatement to the Proprietor on paying the Assessments; and every Tenant or Occupier under a Lease ending at the Term of *Martinmas* from whom the Assessment for the whole financial Year current at that Term may have been collected, shall have Right to Repayment from the Proprietor or the incoming Tenant of One Half thereof.

Exemption of Public Buildings from Assessment.

62. 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 for Religious Worship or Charitable Purposes, or as a School House, Reformatory, House of Refuge, Poor's House, Public Lunatic Asylum, Town House, Sheriff, Burgh, or Justice of the Peace Court House, Town or County Prison, Police Station or Lock-up House.

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

63. If any Person shall fail to pay any Assessment due by him at the Time when the same is payable under the Provisions of this Act, the Collector, before taking any legal Proceedings for Recovery thereof, shall deliver or forward through the Post Office a Notice in Writing addressed to such Person, requiring him to make Payment of such Assessment within Seven Days after the Delivery of such Notice, or the Despatch of the same through the Post Office.

Recovery of Assessment under Summary Warrant by Poinding and Sale.

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

Regulating Sales of Effects for Payment of Assessments.

65. Every Sale in pursuance of the Provisions of this Act shall be conducted by Public Auction, and on such Notice and at such Place as may be directed in the Warrant to be granted as aforesaid, or, failing such Direction, as the Collector may fix.

Collector to account for surplus Proceeds of such Sales.

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

67. The

Appeal against Proceedings of Collector.

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

Monies to be lodged in Bank.

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

Drafts on Bank Account.

69. All Cheques or Drafts on any Bank Account kept in Name of the Trustees or of any District Trustees shall be signed by the Treasurer, and the Treasurer shall make no Drafts on such Account for any other Purpose than the Payments which shall from Time to Time be authorized by the Trustees or District Trustees.

Power to borrow on Security of Assessments.

70. It shall be lawful for the Trustees or District Trustees respectively, from Time to Time to borrow and take up at Interest from the Exchequer Loan Commissioners, or any Person or Company, and if paid off, again to borrow, on the Credit of the Assessments by this Act authorized to be levied, or any of them, such Sum or Sums of Money as may be necessary for carrying into effect the respective Purposes

Purposes of this Act, and to make and grant Mortgages or Assignations of the said Assessments, or any of them, in Security of the Repayment of the Sums so borrowed, and the Interest thereof; provided that Monies so borrowed shall be paid off within the Periods herein prescribed.

Power to borrow on Cash Credit.

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

Form of Mortgages and Assignations in Security.

72. Every Mortgage or Assignation in Security granted under the Authority of this Act may, if the Trustees or District Trustees think fit, provide for the Repayment of the Principal Sum and Interest by fixed Instalments; and any such Mortgage or Assignation in Security, and any Transfer thereof, may be according to the Forms prescribed by "The Commissioners Clauses Act, 1847," or to the like Effect, or according to such other Forms as may be most convenient and in accordance with the Law and Practice of *Scotland*.

10 & 11 Vict. c. 16. incorporated.

73. The Clauses of "The Commissioners Clauses Act, 1847," with respect to Mortgages to be executed by the Commissioners, with the Exception of Section Eighty-four, are hereby incorporated with this Act; and in construing the said Clauses as incorporated herewith, the Word "Commissioners" shall mean the Trustees or the District Trustees under this Act, as the Case may be, and the Expression "the Special Act" shall mean this Act, and the Word "Mortgage" shall include any Mortgage or Assignation in Security which may be granted by the Trustees or District Trustees respectively under the Powers of this Act.

Arrears may be enforced by Appointment of a Judicial Factor.

74. Mortgagees or Assignees in Security of the Trustees or District Trustees respectively are hereby empowered to enforce the Payment of Arrears of Principal and Interest due on any Mortgage or Assignation in Security granted under the Authority of this Act by the Appointment of a Judicial Factor or Receiver.

75. Monies

Borrowed Monies to be paid off within prescribed Periods.

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

Application of Monies received under this Act.

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

1. Monies received on account of Assessments for the Payment of Debts, and Monies borrowed on the Security of such Assessments, shall, according to the Purpose of such Assessments, be applied exclusively in Payment of the Debts specified in the Schedules (B.) and (C.) to this Act annexed, as herein-before provided, or in Repayment of the Sums so borrowed, and Interest thereof:
2. Monies received on account of Assessments for Improvement or rebuilding of existing Roads or Bridges, or for making new Roads or Bridges, and Monies borrowed on the Security for such Assessments, shall be applied exclusively in Payment of the Expense incurred for such Improvements or rebuilding, or making such new Roads or Bridges, or in Repayment of the Sums so borrowed, and Interest thereof;
3. All other Monies levied and received as aforesaid shall be applied—

   First, in Payment of the Expense of applying for and obtaining this Act, and incidental thereto, or any Part of such Expense remaining unpaid;

   Second, in Payment of the Salaries and Allowances to Officers and Servants of the Trustees or District Trustees, and the general Expenses of Management of the Trust; and,

   Third, in Payment of the Expense of maintaining and repairing the public Roads.

Town Council of Stranraer to have Management of Roads and Streets

77. The Town Council of the Burgh of *Stranraer* shall, from and after the Commencement of this Act, be bound and are hereby authorized and required to manage, maintain, and keep in repair the whole of the public Roads and Streets within the Parliamentary Boundaries of

within the Burgh.

of that Burgh, and they may apply for that Purpose any Funds or Assessments available for such Maintenance and Repair which may be under their Control, or which they may have Power to impose and levy; and if there shall not be any such Funds or Assessments, or if the same be insufficient for such Maintenance and Repair, it shall be lawful for the said Town Council in virtue of this Act to impose and levy on and from the Proprietors and Tenants or Occupiers of all Lands and Heritages within the said Burgh, conform to the Valuation Roll in force therein for the Time being, such an Assessment as may be necessary to meet the Cost of the said Maintenance and Repair, or such Portion thereof as may not be provided for by means of the Funds or Assessments already available for that Purpose as aforesaid, one Half of such Assessment in virtue of this Act being payable by the said Proprietors, and the other Half by the said Tenants or Occupiers; and the said Town Council may impose and levy the said Assessment under this Act, and may borrow Money for the Purposes of this Act, so far as relating to the said Burgh, and may assign the said Assessments in Security of the Repayment of the Money so to be borrowed and the Interest thereof, and shall have and may exercise all the Powers by this Act conferred on the Trustees for these Purposes; provided that any Assessment imposed and any Money borrowed in virtue of this Act shall be applied exclusively to the Purposes above specified.

Trustees not to interfere with Roads in Stranraer.

78. Except as in this Act expressly provided, nothing therein contained shall authorize the Trustees to interfere with the Roads, Highways, or Bridges within the Burgh of *Stranraer*, or to impose or levy any Assessment on Lands or Heritages situated therein.

Act not exempt from Provisions of future General Acts.

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

SCHE-

SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

SUBSCRIPTION DEBTS EXTINGUISHED.

	£	s.	d.
The Earl of Galloway	776	3	6
The Earl of Stair	78	6	3
The Representatives of the late John Earl of Stair	295	16	0
Sir William Maxwell, Baronet	450	0	0
The Representatives of the late Sir Andrew Agnew, Baronet	425	7	6
The Representatives of the late Sir James Dalrymple Hay, Baronet	55	1	6
Stair Hathorn Stewart, Esquire	377	3	0
Robert Vans Agnew, Esquire	150	0	0
Colonel James McDouall	69	5	8
The Representatives of the late Colonel Patrick Vans Agnew	35	13	3
The Representatives of the late John Vans Agnew, Esquire, and the Representatives of the late William McMillan, Esquire	98	13	4
	£2,811	10	0

SCHEDULE (B.)

TURNPIKE ROAD DEBTS.

	£	s.	d.
Mr. Thomas Muir, Farmer, Challoch	300	0	0
Balance due to Treasurer	49	10	0
	£349	10	0

SCHEDULE (C.)

PARISH ROAD DEBTS.

Balances due to the Collectors of the following Parishes on 2nd May 1864.

Parishes.	Balance due. £	*s.*	*d.*
Wigtown - - - - - -	8	3	2
Kirkinner - - - - - -	7	18	3
Mochrum - - - - - -	13	12	11½
Whithorn - - - - - -	8	8	10
Kirkcowan - - - - - -	3	10	2
Old Luce - - - - - -	9	1	9
Stranraer - - - - - -	42	18	8½
Leswalt - - - - - -	0	19	1½
Stoneykirk - - - - -	22	7	2
Kirkmaiden - - - - -	11	9	11½
	£128	10	1

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