



ANNO TERTIO & QUARTO

VICTORIÆ REGINÆ.

Cap. cii.

An Act for making and maintaining certain Turnpike Roads in the Stewartry of *Kirkcudbright*, and the other Highways, Bridges, and Ferries therein, and for more effectually converting into Money the Statute Labour in the said Stewartry.
[3d July 1840.]

WHEREAS an Act was passed in the Fifty-eighth Year of the Reign of His Majesty King George the Third, intituled *An Act for more effectually converting into Money the Statute Labour in the Stewartry of Kirkcudbright, for repairing the Highways, Bridges, and Ferries therein, and for making and maintaining certain Turnpike Roads within the said Stewartry:* 58G. 3. c. 71.
And whereas large Sums of Money have been borrowed and are still owing upon the Credit of the Tolls and Duties by the said recited Act authorized to be levied, and the said recited Act in so far as regards Turnpike Roads is about to expire, and the Roads authorized by the said Act to be made Turnpike Roads cannot be effectually repaired and maintained or improved, nor can the Money which has been borrowed and is now due and owing upon the Credit of the Tolls and Duties be repaid, unless the Terms and Powers granted by the said recited Act be enlarged and continued, and some of Provisions thereof be altered and amended, and other
[Local.] 25 T and

1 & 2 W. 4.
c. 43.

First-recited
Act re-
pealed, ex-
cept as to
Statute La-
bour and
Bridge
Money
Arrears,
Tolls, Con-
tracts, &
and this Act
to take effect
in place
thereof.

and further Powers granted in relation to the same: And whereas it would be expedient and advantageous to the Public if certain of the Statute Labour or Parish Roads in the said Stewartry hereinafter mentioned were rendered Turnpike, and if further Powers were also given for making the new Lines of Road herein-after described: 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*: 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, That from and after the passing of this Act the said recited Act of the Fifty-eighth Year of the Reign of His said late Majesty King *George* the Third shall be and the same is hereby repealed, save and except what relates to the Arrears of Conversion Money in lieu of Statute Labour due and payable in consequence thereof at and preceding the Time of the passing of this Act, and also save and except what relates to the Arrears of Bridge Money due and payable at the Time of the passing of this Act, and also save and except what relates to the Tolls authorized to be levied by the said recited Act at and preceding the Time of the passing of this Act, and to the Sets or Leases of the same theretofore made, and also save and except all Contracts, Bargains, Agreements, Engagements, Appropriations, and Loans made in pursuance of the Directions and under the Authority of the said Act with respect to Roads, Highways, Bridges, and Ferries, and to the Application of the Conversion Monies, Bridge Money, and Tolls thereby authorized to be levied by the Trustees thereby appointed, and with respect to the Ground taken for Toll Houses and Gardens, and the Toll Houses erected thereupon, under their Authority, in virtue of the Powers thereby given, and instead thereof this Act shall commence and shall continue in force for and during the respective Terms herein-after mentioned.

Powers of
1 & 2 W. 4.
c. 43. applied
to this Act.

II. And be it enacted, That the said recited Act of the First and Second Year of the Reign of His late Majesty King *William* the Fourth, and all and every the Enactments, Powers, Provisions, Exceptions, Penalties, Forfeitures, Payments, Remedies, Matters and Things therein contained, (save and except such Parts thereof as are herein-after expressly varied or altered,) shall extend to, and be as good, valid, and effectual for carrying this Act into execution, as if the same had been repeated and re-enacted herein.

Tolls
granted by
this Act to
be liable to
Debts under
first-recited
Act.

III. And be it enacted, That the whole Tolls hereby authorized to be levied by this Act shall be and are hereby made subject and liable respectively to the Payment of all Sums of Money now due and owing on the Credit of the Tolls under or by virtue of the said recited Act of the Fifty-eighth Year of the Reign of His said late Majesty King *George* the Third, to the Extent and in Terms of the Securities granted for the same.

Trustees for
the Purposes
of the Act.

IV. And be it further enacted, That every Person who at present is, or shall be during the Continuance of this Act, in his own Right
or

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or in Right of his Wife, in the actual Possession and Enjoyment, as Proprietor or Life-renter, of the full Property or *Dominium utile* of Lands in the Stewartry of *Kirkcudbright* rated in the Land Tax Roll or Valuation Books of the said Stewartry at One hundred Pounds or Valued Rent or upwards, or worth of real Rent from Land yearly the Sum of One hundred Pounds Sterling, and the eldest Son of every Person rated in the Land Tax Roll or Valuation Books of the said Stewartry at Two hundred Pounds Scots of valued Rent or upwards, or worth of real Rent from Land yearly the Sum of Two hundred Pounds Sterling, being of lawful Age, -as also One Guardian, or Tutor, or Curator, or Trustee of every Minor, and One Factor of every Person possessed of the said Stewartry and his Substitution aforesaid, and the Steward of the said Stewartry, and the Magistrate of every Royal Burgh within the said Stewartry, and the chief Magistrate of each of the Burghs or Barony of *Maxwelltown*, *Castle Douglas*, *Gatehouse*, and *Creetown*, all for the Time being, accepting and acting as such, shall *ex officio* be and they are hereby nominated and appointed Trustees for surveying, ordering, altering, making, mending, widening, repairing, and keeping in repair the several Roads described, and made or authorized to be made Turnpike, in the said recited Act of the Fifty-eighth Year of the Reign of His late Majesty King *George the Third*; that is to say, the great Road from the new Bridge over the *Nith* at *Dumfries*, by *Castle Douglas* and the Bridge of *Fleet* at *Gatehouse*, to the Bridge of *Cree* near *Newton Stewart*; the Road from the Bridge of *Cree* aforesaid, by the Bridge over the River *Ken* near *New Galloway*, to *Dumfries*; the Road from the Bridge of *Fleet* aforesaid, by *Kirkcudbright* and *Dalbeattie*, to *Dumfries*; the Road from *Kirkcudbright* to the Confines of *Ayrshire* in the Parish of *Dalmellington*; the Road from the high Bridge of *Cree* near *Drumlawantie* to the Confines of *Ayrshire*; the Road from the Bridge of *Ken* aforesaid to the Confines of *Dumfriesshire* near *Minnihive*; the Road from the Port of *Dub of Hass*, through the Parishes of *Urr*, *Kirkpatrick Durham*, and *Balmaclellan*, to the Confines of *Dumfriesshire* in the Parish of *Glencairn*; the Road from *Castle Douglas* to the Port called *Garden Creek* or *Polnackie*; also the Road from the present Turnpike Road at or near the lower Bridge of *Palmure* by *Bargaly Craig*; the Road from the present Toll Road at or near *Caradistan Town*, by *Corse of Slakes*, to *Gatehouse of Fleet*; the Road from *Gatehouse of Fleet* aforesaid, by *Darngarroch* and *Glenlocher Bridge* till it joins the present Toll Road from *Castle Douglas* to *Dumfries* at *Gerranton*; the Road from *Carsephairn Kirk* by *Smeaton Bridge* to the Confines of *Dumfriesshire* near *Auchenstroan*; the Road from the present Toll Road at or near *Corsock Bridge*, by *Netherbar, Knary, Mool, and Marglolly*, to the Confines of *Dumfriesshire* at or near the March between *Cornlee* and *Speddock*; the Road from the Village of *Kirkpatrick Durham*, by or between the *Marwhirns, Largs Glen, Glenkilns, Margrieg, Shallock, Marglolly, and Cornlee*, to at or near the March of *Speddock* aforesaid; the Road from the new Bridge over the *Dee* at *Tongland* to the Toll Road at high Bridge

Description of Roads in the Act 58 G. 3. c. 71.;

and certain
other Roads.

Bridge of *Tarff*; the Road from the Toll Road at *Ringford*, by *Laurieston*, *New Galloway*, and *Polharrow*, to the present Toll Road at or near *Carsephairn* Kirk; the Road from the Town of *Kirkcudbright* by *Rhonehouse* to the present Toll Road from *Gatehouse* of *Fleet* to *Castle Douglas* at or near the Bridge over *Kelton Milburn*; the Road from at or near the Townhead of *Castle Douglas*, by *Haugh of Urr* and *Lochrutton*, to the present Toll Road from *Dalbeattie* to *Dumfries* at or near *Drumsleet*; the Road from *Kirkcudbright*, by *Bomby*, *Kirkcarse*, and *Auchencairn*, to *Dalbeattie*; the Road from *Kirkcudbright*, by *Grange Burn Bridge* and *Chapelton* of *Netherlaw*, to join the aforesaid Road from *Kirkcudbright* by *Auchencairn* to *Dalbeattie* at or near *Kirkcarse* or *Balmangan*; the Road from *Portmary* by *Drumbuie Bridge* to *Rhonehouse*; the Road from at or near lower Bridge of *Tarff* towards *Gatehouse* of *Fleet* till it join the present Toll Road from *Gatehouse* to *Castle Douglas*; the Road from the Toll Road at *Mollance*, by *Leaths* and *Little Knox*, to the Toll Road from *Dalbeattie* to *Kirkcudbright*; the Road from the Port of *Polnackie* by *Buittle Kirk*, till it join the last-mentioned Road at or near *Little Knox*; the Road from *Castle Douglas*, by *Greenlaw*, *Marchfield*, *Parton*, *Dalry*, and *Bridge of Ken*, to *Carsephairn*; the Road from *Crocketford* by or near *Shawhead* towards *Auldgirth Bridge* in *Dumfriesshire*; the Road from at or near *Smeaton Bridge*, by *Corlea*, *Lorg*, and *Polvedock*, to the Confines of *Dumfriesshire* at or near *Polskeoch*; and the Road leading off from the Toll Road in *Howmuir* of *Corsock*, by *Crogo* and *Glaisters*, to the Confines of *Dumfriesshire* at or near the Lands of *Craigenputtock*; and also the following Statute Labour or Parish Roads, or intended Roads, which are hereby authorized to be made and declared to be Turnpike by the said Trustees; that is to say, the Road from the Turnpike Road at *Caswaylands*, by *Cargen New Abbey* and *Kirkbean*, to *Barnhourie*; the Road from *Barnhourie Mill*, by *Fairgirth* and *Cloak*, to *Dalbeattie*; the Road from the Toll Road near *Castle Douglas*, by *Leaths* and *Little Knox*, to the Port of *Polnackie*; the Road branching off from the Toll Road from *Dalbeattie* to *Kirkcudbright*, by *Caigton* and *Torrs*, till it join the Road leading to *Leaths*; the Road from at or near *Edingham*, by *Glenarm* and *Auchengibbert*, to the Toll Road near *Crocketford*; the proposed Road from *Corsock Bridge* to *Parton Village*; the Road from the Confines of *Dumfriesshire* at or near *Meikle Speddock*, down the South Side of the *Cairn Water*, to the Point where it joins the Turnpike Road from *Dumfries* to *Cluden Bridge* at or near *Newton Lodge*; the Road leading from *Auchencairn*, by *Kirkland*, *Gelston Village*, and *Manse of Kelton*, past the South End of *Furbar House*, through the Lands of *Hightae*, to the Mail Coach Road; the Road or proposed Road leading from at or near *Lows Bridge* on the present Road from *New Galloway* to *Corsock*, by *Blackcraig* and *Drumwhirn*, till it join the present Road from *Kirkpatrick Durham* by *Glaisters* to the Confines of *Dumfriesshire*; the Road or proposed Road from *Buittle Kirk* by *Mill of Glen* to *Polnackie*, passing through the Lands of *Cullinaw*, *Barchain*, and *Blackbelly*; and also for surveying, altering, making, repairing, ordering, and keeping in repair the Bridges on the said several Roads, and erecting

erecting new ones where the same shall be necessary; and also for surveying, altering, making, repairing, ordering, and keeping in repair all the other Highways, Roads, Bridges, and Ferries within the said Stewartry of *Kirkcudbright* upon which Tolls are not authorized to be levied either by this or any other Acts of Parliament; and for levying and applying the Conversion Money in lieu of Statute Labour in the said Stewartry; and for executing all the Powers and Authorities in and by the said recited Act of the First and Second Year of the Reign of His said late Majesty King *William* the Fourth, or in and by this Act, given and granted, as well within the Limits of Royal Burghs as without the same: Provided always, that no Bridge shall be made over the River *Dee* lower than One hundred Yards below the Point of *Castledykes*, and also that whatever Bridges shall be made over navigable Rivers or Canals shall have Draw Bridges, Swing Bridges, or others, so as to permit Vessels to pass.

Proviso respecting Bridges.

V. Provided always, nevertheless, and be it further enacted, That the Trustees of the said Roads shall in all Time coming, from and after the Completion of the said new intended Bridge over the River *Dee* near *Kirkcudbright*, pay to the Provost, Magistrates, and Town Council of the Burgh of *Kirkcudbright*, either the Sum of Fifty Pounds annually, out of the Tolls and Duties payable by Foot Passengers crossing the said intended Bridge, or the whole net Amount of all such Tolls and Duties, in case the same shall in any Year happen to be less than Fifty Pounds, which Payment shall be accepted and taken by the said Magistrates and Town Council, and their Successors for ever, as a full Compensation for the Right of Ferry across the said River *Dee* near *Kirkcudbright*, now possessed by the said Burgh; and all the said Burgh's Rights and Interest therein shall, whilst such Payment continues to be made, and in consideration thereof, vest in and be held and enjoyed by the said Road Trustees and their Successors for ever, both under the present and any renewed Act of Parliament for the making and maintaining of the Turnpike or other Roads within the said Stewartry.

Annual Sum to be paid to the Provost, &c. of *Kirkcudbright*, out of Tolls to be received for Foot Passengers on Bridge over the River *Dee*.

VI. Provided always, and be it enacted, That no Factor who has not been regularly appointed and acted as Factor for at least Six Calendar Months prior to his voting shall be entitled to vote or act as a Trustee for his Constituent; provided also, that no Factor shall be entitled to vote or act as such except in Absence of his Constituent; provided also, that no Person whatever, qualified as aforesaid under this Act, shall have more than One Vote on any Pretence whatever, and no Person shall be entitled to vote until he shall have attained the Age of Twenty-one Years complete; provided also, that no Person shall be a Trustee under this Act who shall sell Ale or spirituous Liquors by Retail.

As to voting by Factors,

and by Trustees.

Trustees not to sell Ale, &c.

VII. And be it further enacted, That it shall be lawful for the said Trustees at any General Meeting to be held for that Purpose, of which One Calendar Month's Notice shall be given by Advertisement in any Newspaper generally circulated in the said Stewartry, to make such Alteration in the Distribution of the said Roads into Districts

Power to consolidate or subdivide Districts.

[Local.]

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as to such General Meeting may seem most expedient: Provided nevertheless, that when the whole Money borrowed on the Credit of the Tolls of any Road or District shall not have been discharged, no Alteration shall be made of the Limits of such Road or District without the Consent of the Persons to whom such Money shall be owing and of such Trustees as shall have become personally liable for the same as herein-after provided.

Meetings of
Trustees.

General
Annual
Meetings.

Power to
adjourn.

Inferior or
District
Meetings.

Appeal
against De-
cision of
District
Committee.

VIII. And be it enacted, That the Trustees qualified in Terms of this Act shall hold their First Stated and General Meeting in virtue hereof within the Court House of *Kirkcudbright*, upon any lawful Day within Three Weeks after the passing of this Act, or as soon thereafter as conveniently may be, for the Purpose of beginning the Proceedings in pursuance of this Act, and which Meeting shall be convened by Advertisement to be published by the principal Clerk for the Time being in some Newspaper published in the said Stewartry, or if none be published therein, then in One or more of the *Dumfries* Newspapers, at least Fourteen Days previous to the said Day of Meeting; and they shall thereafter annually hold at least Two General Meetings within the said Court House, one of which Meetings shall be held on and called the Spring General Annual Meeting, and the other of said Meetings shall be held on the Second Tuesday of *October* in every Year, and called the Autumn General Annual Meeting, and these Meetings shall be advertised as aforesaid at least Fourteen Days previous thereto; and all Meetings of the Trustees under this Act may be adjourned from Time to Time as the Trustees present thereat shall judge necessary, and shall be held at such Time and Place within the said Stewartry as the Trustees present shall think fit; and if on the Day of either General Annual Meeting or Adjourned Meeting a Quorum of Trustees shall not attend, any Trustee or the Clerk shall adjourn the same to that Day Three Weeks, Ten Days Notice of such Adjournment being published by the Clerk as aforesaid; and at all such General or Adjourned Meetings a Preses shall be chosen, who shall always have a Vote as an ordinary Member, and in case of Equality a casting Vote, and Nine Trustees shall be a Quorum; and all District or Division or Parish Meetings shall be called and held in the Mode to be appointed by the General Annual Meetings in so far as not otherwise herein-after specially directed.

IX. And be it further enacted, That it shall be in the Power of any Person who shall object to or think himself aggrieved by the Decision or Resolution of any District Meeting at which he had Right to vote, to appeal from such Decision or Resolution to the Determination of any Stated General Meeting of the whole Trustees assembled in Terms of this Act, whose Determination thereon shall be final, unless revoked at or by a subsequent General Meeting in Terms of the Provisions in that Behalf contained in the said recited Act of the First and Second Year of the Reign of His late Majesty King *William* the Fourth.

X. And

X. And be it enacted, That the General Annual Meetings of the said Trustees shall have complete Power to direct, review, and control the Proceedings of all other Meetings and Committees, and also that the Business of dividing the Stewartry into Districts or Divisions, with regard to the Roads upon which Turnpike Gates or Toll Bars are hereby authorized to be continued or erected, and the Business of fixing any new Line of Road within the Stewartry, or altering old Lines of Road, and of forming or altering Regulations, and of fixing or altering the Rate of Assessment of the Conversion Money in lieu of Statute Labour, and the Business of fixing or afterwards altering the Rate of any Toll Duties, or the Situation of any Toll Bar, or of erecting any Toll House or Weigh House, or taking any Lease of Ground for that Purpose, and the Business of ascertaining the Quota of Toll Duties which shall appertain to particular Lines of Road, and the Business of borrowing Money and assigning the Toll Duties in Security thereof, and of otherwise appropriating any of the Toll Duties, and of settling the Money to be paid as Satisfaction for any Injury by Operations under this Act, shall be transacted only at the General Annual Meetings; and the Business of altering the Division of the Stewartry into Districts with respect to the Turnpike Roads, and of pulling down any House or Building under the Authority of this Act, without Consent of Proprietors, shall not be finally decided upon or concluded until approved of by Two General Annual Meetings; and any District Meeting may transact any Business by this Act authorized, and which it is not particularly required to be done only at the General Annual Meetings; and the Resolution of any District Meeting shall not be altered by any after District Meetings called for a special Purpose; and all Committees may transact all such Matters of any Business to them committed as shall not be of a Nature to which a General Meeting only is competent.

Business of
General
Meetings.

XI. And be it further enacted, That the principal Clerk shall, upon the Requisition of any Two Trustees, call a Special General Meeting of the Trustees under this Act, to be held at *Kirkcudbright* for the Purpose mentioned in such Requisition, and shall advertise the same in some Newspaper published in the Stewartry, or if none be published therein, then in one published nearest to it, at least Three Weeks previous to such Meeting; and at such Meeting Nine Trustees shall be a Quorum, but such Meeting, when assembled, shall have no Power to take up, discuss, or decide upon any Business except that which has been specified in the Requisition aforesaid, nor any Business whatever which shall have been previously decided at any General Annual Meeting; and in the event of the Office of Clerk being vacant by Death or otherwise, then and in such Case any Two Trustees themselves, or their Treasurer, may call such Meeting as aforesaid.

Principal
Clerk to call
a Special
General
Meeting up-
on Requisi-
tion.

XII. And be it further enacted, That the Trustees shall at their Spring General Annual Meetings, or any Adjournment thereof, elect and appoint fit Persons to be their Treasurers, Collectors, Surveyors, Superintendents, and Engineers, and such other Officers as they may see necessary, for a Term not exceeding One Year; and

Spring Ge-
neral Annual
Meetings to
appoint
Clerks and
other Officers
and allow
the

them Salaries.

the Trustees shall at the same Time elect and appoint a proper Person to be their principal Clerk for the whole Stewartry, for the Purposes herein directed, for a Period not exceeding the Year then ensuing; and the Trustees shall, out of the Monies to be raised in virtue of this Act upon the Assessments or Conversion in lieu of Statute Labour, and by Tolls, pay or cause to be paid to the Officers so to be elected, or any other Person who shall have assisted in the Execution of this Act, such Salaries and Allowances as to the Trustees at any General Annual Meeting may appear reasonable; and the Trustees are hereby authorized and directed at any General Annual Meeting to fix and ascertain what Part of the Salaries and Allowances shall be paid yearly out of such Assessment or Conversion in lieu of Statute Labour, and what Part thereof shall be paid from the Tolls, in such Manner as to them shall seem just.

Trustees may remove Officers and appoint others.

XIII. Provided always, and be it enacted, That the Trustees may at any General Annual Meeting remove any of their Officers, and elect and appoint others in their Room, or in the Room of any Person who shall have died or otherwise vacated his Office, such Election to continue in force for any Period not longer than until the First General Annual Meeting which shall thereafter take place; but it shall not be lawful for the Person holding the Office of Clerk to act as Treasurer for the Purposes of this Act, unless specially authorized by the Trustees so to do, agreeable to the Powers contained in the said secondly recited Act.

Contracts, Proceedings, &c. to be recorded, otherwise not binding.

XIV. And be it further enacted, That Minutes of all the Proceedings of the Trustees, as well in their General and District Meetings as in their Committees, shall be recorded in Books to be kept by the Clerks of General and District Meetings respectively; and also that no Proceedings, Contracts, or Agreements shall be binding, except upon the Trustees entering into the same, unless the same shall be so recorded, and shall have been delivered to the respective Clerks for that Purpose within Thirty Days after such Proceedings were held or such Contracts made; and all the original Minutes, Reports, Petitions, Deliverances, and other Documents on which Proceedings or Resolutions have been founded shall be deposited with the Clerks respectively.

Surveys of Roads to be recorded in a Book.

XV. And be it further enacted, That the Surveys of all Roads to be made by the Authority of General or District Meetings shall, by the Engineer making such Surveys, be entered in a Book to be kept by the principal Clerk for that Purpose within the Space of Two Months after the Date of such Surveys respectively.

Power to levy Tolls.

XVI. And be it further enacted, That from and after the passing of this Act the said Trustees, or any Person or Persons duly authorized by them, shall be and they are hereby authorized and empowered to demand and take, or cause to be demanded and taken, at each of the Gates or Turnpikes or Side Bars which have been already erected or which may be hereafter erected upon the several Roads herein-before described, or at any Bridge which may be erected across the *Dee* near *Kirkcudbright*, the Tolls and Duties following, or such other
Sum

Sum or Sums as the said Trustees shall from Time to Time determine, not exceeding the Rates after specified; that is to say,

- For every Horse or other Beast of Draught drawing any Stage Coach, Coach, Berlin, Barouche, Landau, Chariot, Chaise, Calash, Hearse, Chair, or other such Carriage, the Sum of Sixpence Sterling: Stage Coaches, &c.
- And for every Horse or other Beast of Draught drawing any Waggon, Wain, Cart, Sledge, or other such Carriage not on Springs, with more than Two Wheels, used for the Purposes of Trade, Commerce, or Husbandry or like Purpose, the Sum of Sixpence Sterling: Carts, Waggon, &c. with more than Two Wheels.
- And for every Horse or other Beast of Draught drawing any Waggon, Wain, Cart, Sledge, or other such Carriage not on Springs with Two Wheels, the Sum of Three-pence Sterling: Carts, &c. with Two Wheels.
- And for every Horse or Mule laden or unladen, or whereon any Person shall ride, and not drawing, the Sum of Two-pence Sterling: Horses, &c.
- And for every Ass laden or unladen, and not drawing, the Sum of One Penny Sterling: Asses.
- And for every Ox, Bull, Cow, Heifer, or Neat Cattle, the Sum of One Penny Sterling: Oxen, &c.
- And for every Hog, Calf, Sheep, Lamb, or Goat, the Sum of One Farthing Sterling: Sheep, &c.
- And for every Carriage worked, moved, drawn, or propelled by Steam, the Sum of Two Shillings Sterling: Steam Carriages.
- And for every Truck or Carriage drawn or propelled by Hand, which with its Loading shall exceed the Weight of Three Hundred Weight, the Sum of One Penny Sterling: Trucks, &c.
- And for every Foot Passenger crossing any Bridge which may be erected across the River *Dee*, near *Kirkcudbright*, the Sum of One Halfpenny every Time of passing. Foot Passengers.

XVII. And be it enacted, That in all Cases where there shall be a fractional Part of a Halfpenny in the Calculation of the Amount of the Tolls hereby granted and authorized to be taken, or any of them, the Sum of One Halfpenny shall be demanded and taken in lieu of such fractional Part. Fractional Part of a Halfpenny in Toll.

XVIII. And be it further enacted, That the said Trustees may cause Weighing Machines to be erected upon such Parts of the said Roads as they shall think fit, for weighing all Waggon, Carts, or other such Carriages that shall pass along the said Roads, and may demand and take, at the several Turnpike Gates on the said Roads, or any of them, for and in respect of all Waggon, Carts, or other such Carriages, the additional Tolls and Duties following; that is to say, if the Carriage and its Loading shall exceed Twenty-five Hundred Weight, and shall be under Thirty Hundred Weight, One Fourth more than the Tolls and Duties before authorized by this Act to be levied; and if the said Carriage and its Loading shall be Thirty Hundred Weight or upwards, One Half more than the said Tolls and Duties; and if the said Carriage and its Loading shall be Thirty-six Hundred Weight or upwards, Double the said Tolls and Duties; which additional Tolls and Duties so authorized to be levied shall not be held to be Penalties, but the just and fair Tolls and Duties payable for such Carriage. Power to erect Weighing Machines. Tolls for increased Weights.

[Local.]

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XIX. Pro-

Assignments
or Approp-
riation of
Toll Duties
under pre-
vious Acts
preferable to
this.

XIX. Provided also, and be it further enacted, That Assignments or Appropriations of the Tolls leviable at any Gate or Gates, for the Security of Creditors who have advanced or lent any Sum or Sums of Money thereon, under the Authority of any of the aforesaid recited Acts of Their late Majesties King *George* the Third and King *William* the Fourth, shall be preferable to any Assignments or Appropriations of Tolls leviable at such Gate or Gates hereafter to be made in consequence of this Act.

Side Gates
may be
erected, &c.

XX. And be it further enacted, That it shall and may be lawful for the said Trustees, at any General Meeting assembled, to erect or cause to be erected One or more Gate or Gates, or to affix a Chain or Chains ~~on or across the Side or Sides~~ of any of the Roads aforesaid, and there to take and receive such Tolls as are by this Act granted and made payable; and it shall be lawful for the said Trustees to build Fences, to prevent any Person or Persons travelling the said Roads from evading the Payments of any of the Tolls or Duties granted by this Act.

Persons pay-
ing Toll to
be offered
Tickets,
which shall
be a Pass for
the Day, and
for any Gate
within Six
Miles.

XXI. And be it further enacted, That every Person paying Toll shall be offered by and be entitled to receive from the Toll Gatherer a Note or Ticket denoting such Payment, and which Note or Ticket shall be provided by the said Trustees, and which shall specify the several or respective Gates which such Note shall free, and which under the Provisions of this Act ought to be passed free from One Payment of Toll, and which shall authorize the Carriage, Horse, or other Cattle for which the said Toll was paid to repass at any Time before Twelve o'Clock at Night of that same Day, without again paying Toll at that same Gate, or at any other Gate or Pass Bar within Six Miles thereof, whether upon the same or any other Line of Road, except in Cases whereby the said recited Act of the First and Second Years of the Reign of His late Majesty King *William* the Fourth Tolls are directed to be paid for every Time of passing and repassing; provided always, that no Pass Ticket which shall be given at any Gate within Half a Mile of any Bridge which shall after the passing of this Act be built, at an Expence exceeding Five hundred Pounds, out of the Tolls to be levied and raised in virtue of this Act, shall be an Exemption in the Payment of Toll, unless so far as such Exemption shall be specially ordered by a General Annual Meeting; provided always, that no Pass Ticket received at any Toll Bar where a lower Rate of Toll is payable shall exempt any Person or Persons, Carriages, Horses, or Cattle, passing any Bar where a higher Rate of Toll is payable, from paying the Excess of the Rate of Toll exigible at the Bar where the higher Rate is payable.

Exceptions.

Exemptions
from Toll.

XXII. And be it enacted, That no Toll Duties shall be levied for and in respect of any Horse, Mule, or other Cattle drawing any Carriage, Cart, or Waggon conveying or going to convey, or returning empty after having conveyed, Vagrants or Criminals under legal Passes or Warrants, within the said Stewartry.

Produce of
Road appro-
priated to

XXIII. And be it enacted, That whenever Authority is given by any General Meeting for making any of the Turnpike Roads authorized by

by this Act with Money borrowed on the Credit of the Tolls, the particular Line of Road on the Credit of the Toll Duties of which the Loan is to be made shall be specified in the Minutes of such Meeting, and their Produce assigned and appropriated to the Subscribers for such Road, for the Purpose, first, of making and keeping the Road in repair, secondly, of paying the Interest of the Money borrowed for making the Road, and, thirdly, the Surplus to be applied as a Sinking Fund for paying off the Debt; provided always, that every such Appropriation shall be subject to its Share of the general Expences of Management of the Turnpike Roads.

pay Interest
of Money
borrowed.

XXIV. And be it further enacted, That whenever any Money shall be borrowed on Credit of the Tolls of any of the Turnpike Roads authorized by this Act, it shall be declared, and entered upon the Minutes of the Proceedings of the Trustees, and in the Record Book of Loans, for what Line of Road or for what Bridge the same is borrowed, and whether for repairing or altering or making new the same; and that such Money shall be laid out no otherwise than for the Line of Road, or the Bridge for which it was borrowed, and shall be expended in conformity to the Purpose for which the Loan was procured and made; and that the Trustees shall not authorize any Work to be done, and declare the Cost or any Part of the Cost thereof a Debt on the Tolls, until the Amount of such Cost shall have been first fixed and ascertained.

Money
borrowed
for a specific
Purpose to
be applied
accordingly.

XXV. And be it enacted, That before any Money shall be borrowed upon the Credit of the Tolls to be levied at any Toll Gate, the Trustees, at any General Annual Meeting, and upon Examination of Evidence upon Oath, by any Committee of Trustees to be by them appointed for that Purpose (in case such Examination shall be judged necessary), shall give their deliberate Opinion what Proportion of the Money leviable at such Toll Gate is likely to be paid by Persons travelling on each Line of Road therewith connected, and shall in conformity thereto fix and determine what particular Proportion of the Money to be levied at such Gate shall be the Quota to be appropriated to each of the Lines of Road; and when Money is borrowed on the Credit of the Tolls the Payment of the Principal Sum and Interest, and the Assignment or Appropriation in security thereof, shall be made out of and upon the Quota only of the Tolls appertaining to the Road for which the Loan was made; provided always, that the Declaration of the Quotas appertaining to different Lines of Road may be altered by any General Annual Meeting, but such Alteration shall not prejudice the Security previously given to any Creditor; and if any other Gate shall be afterwards erected, and any Part of the Money levied thereat shall be found to belong as the Quota of any Piece of Road whereon Money has been borrowed, the Creditor shall be entitled to a collateral Security on the Quota of the new Gate which belongs to that Road on which he lent his Money.

Money
levied at
each Gate to
be propor-
tioned in
Quotas
among its
various
Roads.

Quotas may
be altered,
but so as not
to injure
Creditors.

XXVI. And be it enacted, That Money borrowed on the Credit of the Tolls leviable at any particular Toll Gate, and for any particular Line of Road, shall, as well as the Tolls themselves, be applied to that

Money bor-
rowed on
Tolls at any
Gate to be
that

applied to that particular Road. Parts of Roads on which no Bars are placed to be repaired out of the Conversion Money.

that particular Line of Road; and where the Trustees do not find it expedient to levy Tolls on the whole of any particular Road on which Toll Bars may by this Act be erected, by placing Toll Bars on every Six Miles as hereby authorized, the Trustees for the Management of the Statute Labour Money in their respective Districts shall have the Power, if they shall judge it expedient, to make or repair the Part or Parts on which Tolls shall not be levied, out of the Conversion Money in lieu of Statute Labour in the Parish or District through which such Road runs, in the same Manner as if there were no Toll Bars on any Part of such Road.

Toll Duties and Loans vested in Trustees; Application thereof.

XXVII. And be it enacted, That the Money to be levied in Name of Tolls, and the Money to be borrowed on the Credit thereof, in consequence of the Powers hereby given, shall be vested in the said Trustees, and shall be applied in paying the Money borrowed upon the Credit of the Tolls authorized to be levied by the said Act of the Fifty-eighth Year of the Reign of His late Majesty King *George* the Third, hereby repealed, with the Interest of the same, and in paying the Money to be borrowed upon the Credit of the Tolls by this Act authorized to be levied, and the Interest thereof, and in defraying such Part of the Expences of passing this Act, and the previous and preparatory Expences as herein-after mentioned, and the Charges attending the Execution of this Act, and in making and repairing and keeping in repair the respective Lines of Roads and the Bridges on which Turnpike Gates or Toll Bars are hereby authorized to be continued or placed, and to no other Purpose.

Weighing Machines vested in Trustees.

XXVIII. And be it enacted, That the Property of the Engines for weighing Carriages shall be fully and completely vested in the said Trustees, and that the Houses and Gardens for the Engine Keepers shall also be vested in them for the Period of the Leases thereof respectively.

No Encroachments to be made on certain Property.

XXIX. Provided always, and be it enacted, That in making, repairing, altering, widening, and keeping in repair all or any of the Roads or Highways hereby authorized to be made, maintained, or repaired, and Bridges thereon, or in digging and taking Materials for the same, or in taking or setting apart Ground for Landing Places, and for laying down Lime, Shells, Coals, or other Goods under the Powers and Authorities herein contained, no Encroachment whatever shall be made without the Consent of the Proprietor on any Garden, Orchard, Lawn, Avenue, or Policy appertaining to a Mansion House or Place, or any House or Building, in the Country, the Side Walls of which are above Twelve Feet high, or any House or Building in any Town or Village the Side Walls of which are above Twenty Feet high.

The Repeal of the Act of the Second Parliament of Car. 2. respecting Bridge Money confirmed.

XXX. And be it further enacted, That so much of the Sixteenth Act of the Second Parliament of King *Charles* the Second as authorized a Stent or Assessment not exceeding Ten Shillings *Scots* upon each Hundred Pounds of valued Rent in One Year for the Purpose therein mentioned, and which was repealed as respects the Stewartry by a certain Act of the Thirty-seventh Year of His late Majesty King *George* the Third, shall, in so far as the same extends to the said Stewartry,

Stewartry, not be revised, but the Trustees under this Act, or a Quorum of them, at their Autumn General Annual Meeting, yearly shall and may, in lieu of the said Stent or Assessment, assess the whole Heritors of the said Stewartry at a Rate not exceeding the Sum of Four Shillings and Twopence Sterling upon every One hundred Pounds *Scots* of valued Rent yearly, which Assessment shall become due upon the Twenty-fifth Day of *March* in every Year, and shall be levied in such Manner as the Trustees under this Act shall direct, and shall be by and under their Authority applied towards building, making, repairing, and upholding the Bridges within the said Stewartry upon Roads whereon Turnpike Gates or Toll Bars shall not be continued or placed in virtue of this Act; and the said Rate or Assessment, if not paid on the Twenty-fifth Day of *March* yearly to the Collector appointed by the said Trustees to receive the same, shall, upon Complaint made by such Collector, be recovered in like Manner and by the same Authority that the Land Tax for the said Stewartry is recoverable, together with the necessary Expence of recovering the same, or upon Complaint by such Collector it shall be lawful for the Steward or any of his Substitutes, or for any Two or more Justices of the Peace for the said Stewartry, and he or they respectively are hereby required to grant Warrant for pouding the Effects of the Deficients respectively in a summary Manner, to appraise them on the Spot where found, and if not redeemed by the Owner within Six Days thereafter to sell the same by Auction (after due Advertisement on a *Sunday* at the Church Door of the Parish in which they are found at least Two free Days previous to the Sale) for Payment of such Assessment, together with full Charges of Recovery thereof, and the Overplus, if any, shall be paid, when demanded, to the Person or Persons respectively whose Effects shall have been so pouded.

Trustees to raise Assessment in lieu thereof.

Application thereof.

How to be recovered.

XXXI. And be it enacted, That no Money authorized to be levied by this Act shall be applied towards making or erecting any new Bridge or Bridges within the said Stewartry, unless such Bridge or Bridges shall be made on a Line of Road approved of in manner herein mentioned; and that the said Trustees shall cause to be pulled down any old Bridge that shall be useless, and cause the Materials thereof to be used in making or repairing Roads or other Bridges, or to be sold.

No new Bridges to be erected but on approved Lines.

Old Bridges.

XXXII. And be it further enacted, That the said Bridge Money Assessments, when so collected, shall yearly be paid over to the Trustees appointed by this Act, or to the Treasurer, Collector, or other Persons appointed by them to receive the same.

Application of Bridge Money Assessment.

XXXIII. And be it further enacted, That all Occupiers of Land, whether Proprietors or Tenants, within the said Stewartry, shall pay a Conversion in Money or Composition in lieu of Statute Labour at a Rate not less than Fifteen Shillings and not exceeding Thirty Shillings Sterling yearly (except in the Case herein-after mentioned) for every One hundred Pounds *Scots* of the valued Rent of the Lands occupied by them respectively, as the same stand in the Tax Roll or Valuation Books of the Stewartry: Provided always, nevertheless, that it shall

Conversion Money in lieu of Statute Labour.

[*Local.*]

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be

be lawful for the said Trustees at the Time of imposing the Conversion Money yearly as after mentioned to extend the said Maximum of Thirty Shillings Sterling to a Rate not exceeding Forty Shillings Sterling yearly for every One hundred Pounds Scots of such valued Rent in any Parish or Parishes of the said Stewartry, in case the Circumstances of such Parish or Parishes shall appear to the said Trustees to render such Extension necessary, and in case Three Fourths of the Trustees of such Parish or Parishes shall agree thereto; and in all such Cases the Proprietors only, and not the Tenants and Occupiers of the Land, shall be liable to and shall pay such Extension beyond the said Rate of Thirty Shillings.

Clerk of
Supply to
produce Va-
luation Roll,
&c.

XXXIV. And be it further enacted, That the Clerk of Supply, or Clerk to the Commissioners of the Land Tax for the said Stewartry, shall, at the First Meeting of the Trustees under this Act to be held in manner herein-before mentioned, exhibit and produce a full and complete Extract of the Valuation Roll of the said Stewartry, distinguishing the Valuation of each Parish therein, and he shall thereafter, on or before the Day of the Spring General Annual Meeting, yearly produce and lodge with the principal Clerk to the said Trustees an Extract of all the Alterations, Variations, and Divisions of Valuation that may have been made in each Parish in the said Stewartry by the Commissioners of the Land Tax for the Year preceding, on pain of forfeiting any Sum not exceeding Five Pounds for each Offence; and all such Extracts as aforesaid shall be so exhibited, produced, and lodged as aforesaid by the said Clerk of Supply without Fee or Reward.

Proprietors
and Factors
to make out
Lists, &c.

XXXV. And be it further enacted, That the Proprietor or Proprietors of Lands, and his, her, or their Factor or Factors, or his, her, or their Trustee or Trustees, or their Tutors or Curators, shall, and he, she, or they are hereby required, yearly, on or before the First Day of *November* after the passing of this Act, to make out and lodge in the Hands of the Collector or Collectors of the respective Districts or Parishes a complete List of the Tenants and Occupiers of Lands in their several Estates, and of the Names and the Extent of the Valuation of the Lands so occupied by such Tenants respectively, with the Parishes in which such Lands severally lie: Provided always, that in all Cases where any Lands rated at a cumulo Valuation in the Tax Roll or Valuation Books of the Stewartry are or shall be occupied in separate Possessions, the Proprietor or Proprietors of such Lands, or his, her, or their Factor or Factors, or his, her, or their Trustee or Trustees, or one of his, her, or their Tutors or Curators, shall, and he, she, or they are hereby required to divide such cumulo Valuations among such separate Possessions in an equitable Manner, in proportion to the real Rents payable for the same respectively, declaring that any such Division shall not in any Instance be under Sixpence Sterling; and failing thereof, such Proprietor or Proprietors shall be held and considered as the Occupier or Occupiers, and shall be assessed for and pay the whole Conversion in lieu of Statute Labour hereby authorized to be charged upon and levied from the same.

XXXVI. Pro-

XXXVI. Provided also, and be it enacted, That any Proprietor or Proprietors failing to make out Lists, or to divide a cumulo Valuation as aforesaid, and to lodge such Lists and Divisions with the Names of the Occupiers of the separate Possessions thereof, the Proportion of the Valuation falling upon each, and the Name of the Parish in which they lie, in the Hands of the Collector or Collectors aforesaid, in manner before expressed, shall, notwithstanding thereof, be entitled to recover from such Occupier or Occupiers the fair and equitable Sum paid or advanced for him, her, or them, in lieu of Statute Labour, and that by any Action or Process before any competent Court, or in the same Manner as the Conversion Money in lieu of Statute Labour is authorized to be recovered and levied in virtue of this Act.

Proprietors having failed to make out Lists may, notwithstanding, recover from Occupiers.

XXXVII. And be it enacted, That the whole of the aforesaid Assessment or Conversion Money in lieu of Statute Labour shall be paid yearly to the respective Collectors to be appointed to receive the same in manner herein-after mentioned, at two Terms in the Year, *Martinmas* and *Whitsunday*, in equal Portions, and for which Receipts shall be given, if demanded, the Person or Persons demanding such Receipts paying the Stamp Duty in every Case where a Stamp is necessary.

Assessment to be paid yearly.

XXXVIII. And be it enacted, That if any Person liable as aforesaid shall refuse or neglect, at the Terms herein-after specified, to pay the Assessment or Conversion in lieu of the Statute Labour, it shall be lawful for the Stewart of the said Stewartry of *Kirkcudbright* or his Substitute, or for any Two or more of the Justices of the Peace of the said Stewartry, and they are hereby required, to grant summary Warrants for pointing the Effects of the Deficient, and to appraise them on the Spot where found, and if not redeemed within Three Days thereafter to sell the same by Auction, after due Advertisement to be made on a *Sunday* at the Church Door of the Parish in which the said Effects are found, at least Two free Days previous to the Sale, for Payment of the said Assessment or Conversion Money, together with the full Charges attending the Recovery thereof; and after such Payment the Overplus, if any, shall be paid, when demanded, to the Person or Persons respectively whose Effects shall have been so pointed; which Warrants are to be so granted by the Stewart, or any of his Substitutes, or by any Two or more Justices of the Peace aforesaid, upon Application for that Purpose, and Attestation subscribed by the Collector or Collectors respectively, certifying that the Person or Persons complained of has or have been deficient in paying the Assessment or Conversion Money due by him or them, and expressing the Arrear of such Person or Persons, and the same summary Recourse shall be competent to the Proprietors of Land who may be obliged to pay the Assessment or Conversion Money for their Tenant or Tenants, in case the Tenant or Tenants shall not repay his or their Landlord within Ten Days after he or they shall be required by him so to do.

If Persons fail to pay the Assessments, their Effects may be pointed.

XXXIX. Provided always, and it is hereby expressly provided and declared, That it shall and may be lawful for the Stewart or his Substitute, or the Justices of the Peace aforesaid, to award Damages to be paid to the Persons aggrieved by such Warrants by the Collectors

Penalty against Collectors on wrong Complaint.

lectors or Overseers, if they shall find that the Collectors or Overseers have made a false or improper Complaint against any Person liable as aforesaid.

Stewartry
arranged
into Divi-
sions for
managing
Assessments,
&c.

XL. And be it further enacted, That for the Purpose of more effectually managing and applying the Assessment or Conversion in lieu of Statute Labour, and for the better making, repairing, and keeping in repair the High Roads within the Stewartry (upon which Turnpike Gates or Toll Bars shall not be continued or placed in virtue of this Act), the said Stewartry shall be classed and arranged into Eight Divisions or Districts; that is to say, the First Division or District shall consist of the Parishes of *Kirkcudbright, Rerrick, Borgue, and Twynholm*; the Second Division or District shall consist of the Parishes of *Tongland, Balmaghie, and Kelton*; the Third Division or District shall consist of the Parishes of *Girthon, Anworth, Kirkmabreck, and Minningaff*; the Fourth Division or District shall consist of the Parishes of *Kells, Carpsavin, Dalry, and Balmacinnellan*; the Fifth Division or District shall consist of the Parishes of *Parton, Kirkpatrick Durham, and Crossmichael*; the Sixth Division or District shall consist of the Parishes of *Urr, Buittle, and Kirkgunzeon*; the Seventh Division or District shall consist of the Parishes of *Colvend, Kirkbean, and Newabbey*; and the Eighth Division or District shall consist of the Parishes of *Troqueer, Kirkpatrick Irongray, Terregles, and Lochrutton*.

Conveners of
Divisions to
be appointed.

Time and
Places of
their Meet-
ings to be
fixed.

Their Duty.

XLI. And be it enacted, That the Trustees shall, at their First General Annual Meeting to be holden after the passing of this Act, or at the Adjournment thereof, appoint a Convener for each of the said Eight Divisions or Districts, who shall continue in Office until the next Spring General Annual Meeting then ensuing; and the Trustees shall also at their Spring General Annual Meetings in every Year, or at the Adjournment thereof, appoint a Convener for each of the said Eight Divisions or Districts, who shall continue in Office One Year, and shall also appoint and fix annually the Places and Days of Meetings of each of the said Eight Divisions or Districts, which Meetings shall be held not later than Forty Days after the Meeting which appointed the Conveners; and the Trustees within each of the said Divisions or Districts respectively shall be Committees to have the general Oversight and Direction of the Repairs of the Roads within each such Division, and shall proceed to execute the Instructions that shall be given to them by the General Annual Meetings, and shall ascertain the Highways to which the Assessment or Conversion in lieu of Statute Labour is by this Act applicable, and shall contract with proper Persons for executing the same, and shall also appropriate the aforesaid Assessments, and draw on the Collector or Collectors for the Sums so appropriated in favour of the Contractor or Contractors, such Drafts giving a Specification of the Extent of the Work, and settle the Accounts of the Collectors, and direct all other Business within their respective Divisions; but the said Trustees or Committees shall be obliged to report their Minutes, as also their Collector or Collectors Accounts, to the next General Annual Meeting, and to lodge the same, previous to such General Annual Meeting, with the Vouchers thereof, in the
Hands

Hands of the principal Clerk, under a Penalty not exceeding Five Pounds Sterling annually, until reported; and at all Meetings of such Divisions or Districts Three of the said Trustees shall be a Quorum, and be competent to act in the Business thereof.

XLII. And be it further enacted, That the said Trustees, assembled at the First Meeting held annually for each Division or District respectively, shall appoint a Collector for collecting and receiving the Assessment or Conversion in lieu of Statute Labour in each Division or District for which he is appointed; and every such Collector shall find Caution for the faithful Execution of the Trust reposed in him, and shall account faithfully to the Trustees in each Division or District for the whole Conversion Money thereof, and the same shall be regularly entered in the Books to be kept by him for that Purpose, and every such Collector shall so account and produce his Accounts and Vouchers to the said First Meeting or oftener, if the Trustees at a General Annual Meeting shall so appoint; and in case any Collector, after Ten Days Notice being given to him for that Purpose in Writing, by the Convener and Three or more of the Trustees of his Division or District, shall refuse to give in such Account or Accounts, or refuse to pay the Balance due thereon to the Person appointed by the Trustees of the District or Division to receive the same, then and in such Cases it shall be lawful for the Stewart or his Substitute, or any Two Justices of the Peace of the Stewartry, on an Application being made to them by the principal Clerk to the said Trustees, to ordain Production of said Accounts, and failing their being immediately produced to commit the Offender to the County Gaol, therein to remain until such Accounts shall be made forthcoming, and all the Expences attending the Recovery of the same, saving and reserving Action against the Cautioner of the said Collector according to Law: Provided always, that it shall be lawful for the Trustees under this Act, at any of their Spring General Annual Meetings, if they shall think proper, to elect One fit Person as Collector of the Conversion Money for the whole of the said Stewartry for the Year then ensuing, with such Allowance for his Trouble as they shall think proper, not exceeding Five *per Cent.*, which Collector shall be subject and liable to all the Rules, Regulations, and Penalties herein mentioned with respect to Division or District Collectors; and in case of One Collector being so appointed, then, during the Existence of such Appointment, the Power hereinbefore given to the Division or District Meetings to appoint Division Collectors shall be suspended.

Collectors to be appointed for receiving Assessments;

to find Caution;

to account to Trustees;

Penalty on refusing to account.

Power to elect One General Collector for the whole Stewartry.

XLIII. Provided always, and be it further enacted, That if any necessary Business shall occur in any of the said Districts or Divisions between the Annual Meeting of the Trustees of such District or Division hereby appointed and any Adjournment thereof, or the next succeeding Annual Meeting, in case no such Adjournment shall have been made, it shall be lawful for the Convener of such District or Division, or principal Clerk, upon a Requisition, signed by any Two Trustees residing therein, specifying such necessary Business, to call a Special Meeting of the Trustees of the same (by Advertisement in the Newspapers as aforesaid, or by a Letter sent

Conveners or principal Clerk to call a Special General Meeting upon Requisition.

to each Trustee in said District, stating the necessary Business as specified in the said Requisition), to be holden upon some convenient Day, and at some convenient Place within the District, to take into consideration and decide upon such Business; and such Special Meeting shall have Power to consider and decide upon such Business in the same Manner as could have been done by an Annual Meeting of the Trustees of the said District or Division, or any Adjournment thereof, provided the said Advertisement be published, or the said Letters be written and dispatched, at least Ten Days before such Special Meeting; and at such Special Meeting no Business whatever shall be taken up except what shall have been specified in the said Requisition, nor any Business whatever which shall have been previously decided by a District Meeting.

Trustees in Parishes to make up a particular State of the Roads, &c. in each Parish, which shall be reported to the Spring General Meeting.

Copy to be lodged previously with Collector of District.

Parishes failing to give in States to be assessed in maximum.

General Annual Meeting to fix Assessments.

How such Assessment to be applied.

XLIV. And be it further enacted, That the Trustees in the several Parishes, or any Two or more of them, shall, when they meet at the Time and Place to be fixed by the General Meeting as aforesaid, make up a particular State of the different Roads and Bridges within each of the said Parishes upon which Toll Bars shall not be placed under the Authority of this Act, and Estimates of the Sums necessary for making, widening, and repairing or altering the same for the Year ensuing, and shall also make up an Account of the Application of the Assessment or Conversions in lieu of Statute Labour theretofore levied, and of the Debts theretofore contracted upon the same (both Principal and Interest), whether by way of Loan or otherwise, either under the said Acts hereby repealed or under the Authority of this Act, which States, Estimates, and Accounts shall be reported to the Spring General Annual Meeting yearly, a Copy of them being previously lodged with the Collector of the District or Division within which the Parish is situated, or with the general Collector of the said Stewartry as aforesaid, to be at all Times open to the Inspection of the Trustees of the District or Division to which the Parish belongs, *gratis*, and such States shall also be lodged with the principal Clerk, to be by him kept amongst the Records of the General Meetings: Provided always, that if the Trustees of any Parish shall neglect to make up and report yearly States, Estimates, and Accounts in manner before directed, then and in such Case the Trustees hereby appointed shall fix and impose the Assessment or Conversion Money for such Parish at the maximum Rate allowed by this Act, or at the Rate of the preceding Year.

XLV. And be it enacted, That it shall and may be lawful for the Trustees hereby appointed, and they are hereby authorized and required, at the First General Meeting to be held under the Authority of this Act, or at the Adjournment thereof, and at every Spring General Annual Meeting thereafter, to fix and impose the Assessment or Conversion in lieu of Statute Labour to be paid upon the Valuation of Lands and other Subjects, either by the whole Stewartry or by each of the Districts or Divisions, or by each Parish, at such Rate as to them shall seem requisite, upon due Consideration, for the Year then ensuing; and the whole of the Money raised by the aforesaid Conversion in each Parish shall be applied, in the first place, in repairing Roads within the same, and to the Payment of the Debts contracted

contracted upon the Assessment of such Parish, either in virtue of the Act hereby repealed or of this present Act, and afterwards in making new Roads in the same, excepting the necessary Expences of Management, and Salaries to Clerks, Collectors, Overseers, Superintendents, and other Officers, which Expences of Management, and Salaries to Clerks and Collectors, as well those of the General as of the District Meetings, shall not in the whole, except as after mentioned, exceed Seven and a Half *per Centum per Annum* of the Amount of the highest Rate of Conversion Money by this Act authorized to be levied and taken: Provided always, that no Part of the said Conversion Money shall be applied in making or repairing any Road out of the Parish, or upon which Toll Bars are erected, except as herein-after mentioned.

XLVI. And be it further enacted, That it shall be in the Power of the said Trustees, with the Consent of the Heritors possessing Four Fifths of the valued Rent of any Parish, to apply to the Extent of One Fourth Part of the Assessments arising therefrom to such Roads within other Parishes of the Division, or within the Parishes of another Division lying contiguous thereto, as they may judge most proper and expedient, such Road having no Turnpike Gate or Toll Bar erected thereon, or to apply and lay out a Portion or Share of the Conversion Money of any Parish, not exceeding One Half thereof, to the repairing of any Turnpike Road running through such Parish included in this Act; provided always, that the Trustees are satisfied in this latter Case that the Tolls collected thereon are not adequate for the keeping of the said Road in repair.

Part of Assessment of Parish may be applied out of Parish and to Toll Roads.

XLVII. Provided always, and be it enacted, That the whole Proceedings of the Trustees at their Division or District Meetings shall be subject to the Review and Control of the General Annual Meetings.

District Meetings to be under Control of Annual Meetings.

XLVIII. And be it further enacted, That when a Majority of the Trustees of any Parish or Parishes shall resolve to commit the Management of the Repairs of the Roads to a Surveyor or Surveyors, such Intention shall be intimated to the principal Clerk to the Trustees, who shall thereafter submit the same to the First Spring General Annual Meeting of Trustees, and the Meeting shall have the Power to class such Parishes into One or more Districts, and to appoint for the then ensuing Year a Surveyor or Surveyors to superintend the Repairs of the Roads in such Parishes, with such Instructions and such Salaries as the General Meeting may think proper; the Salaries to be either paid out of the Conversion Money, or out of an extra Assessment not exceeding Five Shillings on the One hundred Pounds Scots of Valuation, to be paid by the Proprietors of Lands in the Parishes who had so intimated their Wish to have the Roads repaired under the Appointment of a Surveyor or Surveyors, and for these Purposes the said General Meeting of Road Trustees are hereby empowered to assess and levy such Assessment in the same Manner as the Conversion Money in lieu of Statute Labour.

Appointment of Surveyors.

XLIX. And be it enacted, That it shall be lawful for the said Trustees and they are hereby authorized, at any of their aforesaid District Meetings

Trustees at District Meetings or

of Money shall not be lowered until the whole Loan or Loans upon the Credit of such Assessment or Conversion shall have been paid off, unless with the Consent of the Creditor or Creditors who may have lent the same: Provided also, that the Sums to be borrowed on the Credit of such Assessment or Conversion Money shall never exceed in the whole such a Sum as the One Third of the Conversion Money of the Parish or Parishes borrowing the same, taken at the Maximum hereby authorized, will be sufficient to pay the legal Interest of; and that no Sum or Sums of Money shall be so borrowed unless the Trustees of the respective Districts shall have been previously authorized by a General Annual Meeting to procure such Loans, and to pledge and appropriate the Assessment or Conversion Money to the Lender or Lenders in manner herein-before mentioned.

diminished until Loans are paid off.

Limitation as to borrowing.

Loans and Assignments to be previously authorized.

LIII. Provided always, and be it enacted, That all and every Sum or Sums of Money heretofore lent or advanced upon the Credit of the Assessment or Conversion Money of any Parish or Place leviable by the Act hereby repealed shall be preferable upon the Assessment or Conversion Money hereby authorized to be levied upon such Parish or Place to all Sums which shall be hereafter borrowed or advanced on the Credit of such Assessment or Conversion in virtue of this Act; and that all existing Preferences among the Creditors upon the Assessment or Conversion Money leviable under the Act hereby repealed shall remain in equal Force as if the said Act had not been repealed.

Sums lent or advanced under repealed Acts preferable to this Act.

Preferences among Creditors under repealed Acts to remain.

LIV. And be it enacted, That all Balances or Sums of Money now due for Assessment or Conversions in lieu of Statute Labour, under or by virtue of the Act hereby repealed, whether by the Persons liable in Payment thereof or by the Collectors appointed to receive the same, shall be paid and accounted for to the Trustees under this Act, or to the Collectors to be by them appointed, and shall, after deducting all Expences of Management and other Charges thereon, be applied in manner following; that is to say, in the first place, in Payment of all Assignments or Appropriations thereof heretofore made, and in the next place towards making and repairing the Roads and Bridges to which the same are applicable by the Acts hereby repealed.

Balances for Sums due for Assessment under repealed Act to be accounted for and paid.

LV. And be it further enacted, That the Trustees under this Act shall have the same and the like Powers to compel the several Collectors appointed under the said Act hereby repealed to do their Duty, and account for and pay the Balances or Sums of Money now due in respect of the said Assessment or Conversion Money, as the Trustees thereby appointed had or would have had if the said Act had still remained in full Force.

Trustees may compel Collectors under repealed Acts to account, &c.

LVI. And be it enacted, That all the Powers, Authorities, Penalties, Matters, and Things contained in this Act, and the recited Act of the First and Second Year of the Reign of His late Majesty King *William* the Fourth, which respect or are applicable to the making, repairing, widening, and altering the Turnpike Roads or Bridges in the said Stewartry of *Kirkcudbright*, or any of them, to digging for,

Certain Provisions of the Act 1 & 2 W. 4. to extend to other Roads.

[Local.]

26 A

taking,

3° & 4° VICTORIA, Cap. cii.

taking, and carrying away of Materials for the Use of the said Roads or Bridges, and ascertaining Damages for the same, to removing Nuisances from the said Roads or any of them, and preventing Obstructions therein, to erecting Buildings along or near the Sides of the Roads, laying down Materials for Buildings or Bridges thereon, shutting up old Roads, making Drains or Ditches, watering Roads, and appointing Officers, and for regulating the Drivers of Carts, Waggon, and other Carriages, and also which relate to the Consents of Creditors, or to the prohibiting and preventing any Injury from being done to the said Roads or any of them, shall be and they are hereby extended to the Statute Labour and all other public Roads in the said Stewartry which are not Turnpike.

No Building to be erected within Fifteen Feet of the Centre of the Road.

LVII. And be it further enacted, That no Houses or other Buildings shall after the passing of this Act be built on the Sides of the said Parish Roads within Fifteen Feet from the Centre thereof, under a Penalty not exceeding Twenty Pounds Sterling for every Offence, over and above the Expence of pulling down such House or Building.

This Act not to extend to the Road from Maxwelltown to the Bridge at Clouden.

LVIII. Provided always, and be it further enacted, That nothing in this Act contained shall be deemed or taken to extend to that Part of the Road betwixt Glasgow Street of the Burgh of Maxwelltown and the Bridge over the Cairn at Clouden; and that no Toll levied upon the Road down the Cairn Water shall exempt from or interfere with any Toll which the Dumfriesshire Trustees may be found entitled to levy upon the Road first above described.

Roads to Sea Ports, &c. under Act of 20G. 3. c. 24.

LIX. And whereas by a certain Act of the Twentieth Year of the Reign of His late Majesty King George the Third, intituled *An Act for converting into Money the Statute Labour for the Stewartry of Kirkcudbright, for the Purpose of repairing the Highways, Bridges, and Ferries within the said Stewartry*, it was enacted, that it should be in the Power of the Trustees thereby appointed at their General Annual Meetings to order and cause any Roads to be made within the Limits of the Stewartry, in the nearest and most convenient Direction from the great Roads, not only to the different Ports or Places within the Stewartry mentioned in the Book of Rates, but also towards the Places therein-after mentioned: And whereas it will be beneficial to the Public that the Trustees under this Act should have sufficient Power to carry into effect the Purposes of the said Act, so far as not already done; be it therefore enacted, That the Trustees hereby appointed shall have full Power, at any of their General Annual Meetings, to order and cause Roads to be made within the Limits of the said Stewartry, in the nearest and most convenient Direction from the great Roads, not only to the Ports and Places within the said Stewartry mentioned in the Book of Rates, but also to the following Places, in so far as not already done under the Authority of the said Act of the Twentieth Year of the Reign of His late Majesty King George the Third; that is to say, Carnshaw Park, Mc Churg, Palneur Bridge, Skyreburn, Fleetbridge, the Isle Mouth of Knockbrex, Kirk Andrews, Brighthousebay, Balmanganbay, Tongland, Tarff Bridge, Mankmanslake, Mullockbay, Netherlawburnfoot, Auchencairn, Gardenden

Trustees under this Act to have Power to make Roads in so far as not already done.

den Creek, Dub of Hass or Dalbeaty Burn, Southwick Burn, Southernness Point, New Abbey Burn; Laghall, and Orchardtown Burn; and also towards the following Places on the Loch of Kenn and the River Dee, that is to say, at and opposite to the Boat Croft of Livingston, on both Sides of the River Dee at Little Kenmore, on the West Side of the Loch Kenn, and at and opposite to the Place called Cubbox Isle, on both Sides of the Kenn.

LX. And be it further enacted, That the Trustees shall, at any of their General Annual Meetings, have Power to order and direct a Piece of Ground the most convenient, and not exceeding One Acre, to be taken off and set apart at or near to all or any of the said Places, for a Landing Place, and for the Purpose of laying down Lime, Shells, Coals, or other Goods, for the Accommodation of the Public, until the same can be conveniently taken away, and which Piece of Ground shall be marked off by any Committee or Committees to be appointed so to do by a General Annual Meeting of Trustees, and shall thereafter be vested in the Trustees under this Act, for the Purpose aforesaid, who shall have full Power to regulate or cause to be regulated the Mode in which it is to be occupied in every respect.

Ground to be taken for Landing Places;

to be vested in Trustees.

LXI. Provided always, and be it enacted, That Six Months previous Notice at the least be given to the several Proprietors of the Lands through which such Roads shall pass, and from whom such Pieces of Ground shall be taken as aforesaid respectively, and that Payment be previously made to such Proprietors respectively of the Value of the Land to be used for such Roads, and the Fences on both Sides thereof, and of the Pieces of Ground to be taken off in manner and for the Purpose aforesaid, by an Assessment to be made upon the said Stewartry.

Notice to be previously given, and Payment made to Proprietors.

LXII. Provided always, and be it enacted, That no Warehouse or other Building whatever shall be erected in any of the said Pieces of Ground, or upon any of the Roads leading to the same, whether taken off and made under the Authority of the said Act of the Twentieth Year of the Reign of His late Majesty King *George* the Third, or to be taken off and made in virtue of this Act; and that in case an Agreement cannot be made for the Values of the Land to be used for such Roads, and the Fences on both Sides thereof, or for the Value of the Pieces of Ground to be taken, as before mentioned, for the Purpose before expressed, such Values respectively shall be ascertained by a Jury in manner authorized by the said recited Act of the First and Second Years of the Reign of His late Majesty King *William* the Fourth.

No Building to be erected on such Ground.

If Parties cannot agree, a Jury to determine the Value of the Ground.

LXIII. And be it enacted, That the Expence of passing this Act, including all previous and preparatory Expences relative thereto, shall be paid one Half by an Assessment on the said Stewartry of *Kirkcudbright*, to be levied with the Bridge Money, and the other Half out of the first of the Tolls collected or to be collected, or Money borrowed thereon.

Expences of Act.

LXIV. And

Public Act.

LXIV. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

Commencement and Continuance of Act.

LXV. And be it enacted, That this Act shall take place from and after the passing thereof, and in so far as it relates to Turnpike Roads shall have Continuance thenceforth and during the Term of Thirty-one Years, and from thence to the End of the next Session of Parliament, and in so far as it relates to other Matters shall have Continuance in all Time coming.

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