

8/3/1a

# GORDON DISTRICT COUNCIL

ALAN C. KENNEDY, B.L.  
Chief Executive

Telephone No. 20981

Your Ref.

Our Ref. CC/18 ACK/JAC



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AB5 9QA

If telephoning or calling please ask for

20th March, 1979

Mr. Kennedy

Mr. Alexander H. Watson,  
Chairman,  
West Garioch Community Council,  
Springbank,  
OYNE,  
Aberdeenshire.

Dear Mr. Watson,

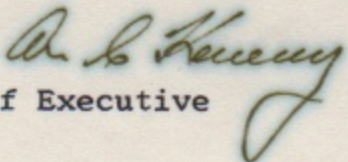
I have studied carefully the statement received by you from Mr. R. E. Reilly narrating in detail the circumstances of an incident which took place between inter alia the owner occupier of the subjects Hillfoot Cottage, Oyne and Mr. Reilly.

There have been faults on the part of all parties involved in this incident. Mr. Reilly had no right to interfere with the railway sleepers, let alone remove one and place it across the footpath in question. In addition, common sense suggests that he should have followed the terms of the Country Code and kept the dog on a lead, and therefore under control at all times.

On the other hand, the man who Mr. Reilly alleges came from behind a car, if conducting himself in a proper manner, was surely not acting unreasonably in asking Mr. Reilly to put the dog on a lead it was, after all, his livestock that was at risk. The situation thereafter deteriorated and it is a pity that the matter was not the subject of a formal complaint to the Police as it is impossible without conducting, as it were, a trial observing all the rules of evidence and procedure, to know with a degree of certainty where truth lies or apportion blame. Notwithstanding that view, however, I shall, if you can produce evidence which beyond reasonable doubt can identify the other man in question, be prepared to write emphasizing the right of the public to unrestricted and unhindered use of the right of way in question.

I shall be glad to hear from you.

Yours sincerely,

  
Chief Executive

8/3/10

PUBLIC FOOTPATH  
NO VEHICLES BEYOND  
THIS POINT

