ANNO SECUNDO

GULIELMI IV. REGIS.

****

Cap. c.

An Act for amending and enlarging the Powers and renewing the Term granted by certain Acts passed for improving the Communication between the City of *Glasgow* and the City of *Carlisle*.

[23d *June* 1832.]

WHEREAS an Act was passed in the Fifty-sixth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for improving the Road from the City of* 56 G.3. c.83.
Glasgow *to the City of* Carlisle: And whereas another Act was passed in the Fifty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to alter the Application of Part* 58G.3.c.144.
of the Sum of Fifty thousand Pounds Sterling granted by an Act passed in the Fifty-sixth Year of the Reign of His present Majesty, intituled 'An Act for improving the Road from the City of Glasgow *to 'the City of* Carlisle:' And whereas another Act was passed in the Fifty-ninth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for altering and amending Two Acts passed* 59 G.3. c.90.
in the Fifty-sixth and Fifty-eighth Years of the Reign of His present Majesty, for improving the Road from the City of Glasgow *to the City of* Carlisle: And whereas another Act was passed in the First and Second Years of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for enlarging, explaining, and amending the* 1 & 2 G.4.
Powers granted by certain Acts passed for improving the Road from c.127.
the City of Glasgow *to the City of* Carlisle: And whereas the various Sums of Money received by the Commissioners appointed to act in the Execution of the said recited Acts have been expended pursuant to their Directions in making various important and necessary Improvements on different Parts of the said Road from the City of *Glasgow* to the City of *Carlisle*: And whereas various further Sums have also been expended by the Trustees acting in the Execution of the said recited Acts out of the Tolls thereby granted, in making sundry further necessary and important Improvements on the said Road, whereby the Funds that would otherwise have been applied to pay Interest upon Money advanced by various Subscribers have been exhausted, and such Interest has been allowed to remain unpaid, to

the Benefit of the said Road: And whereas it is necessary and expedient that various further Improvements and Alterations should be made on the said Road; and to provide Funds for that Purpose it is expedient and just that Provision should be made for the Conversion into Capital Sums of the Interest at present due to the different Creditors of the said Trusts, and for the better securing Payment thereof to all the said Creditors, conform to their respective Rights and Interests, without Prejudice to the Execution of the said further Improvements: And whereas for these Purposes, and for the proper Maintenance and Repair of the said Road, it is necessary that the Powers granted by the said recited Acts should be amended, altered, and enlarged, and the Terms thereof renewed: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King'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 it shall and may be lawful for the Trustees acting in execution of the said recited Acts, by and with the Advice and Consent of any Three or more of the Creditors on the said Road whose Debts or Obligations on account of the same shall together amount to the Sum of Six thousand Pounds of Principal Money, to borrow and take up at Interest, upon the Credit of the Tolls leviable in *Scotland*, any such Sum or Sums of Money as may from Time to Time be required for the Purpose of executing such further, necessary, and proper Improvements on the said Communication between *Glasgow* and *Carlisle*, or any Part thereof, as shall or may from Time to Time be determined upon and authorized by the Commissioners appointed by or pursuant to an Act passed in the Forty-third Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for granting to His Majesty the Sum of Twenty thousand Pounds, to be issued and applied towards making Roads and building Bridges in the Highlands of* Scotland, *and for enabling the Proprietors of Land in* Scotland *to charge their Estates with a Proportion of the Expence of making and keeping in repair Roads and Bridges in the Highlands of* Scotland, to whose Order and Determination all the Alterations and Improvements on the said Road from the City of *Glasgow* to the City of *Carlisle*, and in what Line or Direction every or any Part of such Road should be made, were by the aforesaid Act passed in the Fifty-sixth Year of the Reign of His late Majesty King *George* the Third specially committed and referred; and the said Tolls shall be applied to the Repayment of all Sums so to be borrowed as the same were directed to be applied to the Payment of Five thousand Pounds authorized to be borrowed by the said recited Act, passed in the First and Second Years of the Reign of His said late Majesty King *George* the Fourth, for the Purpose of erecting Bridges upon the said Road in *Scotland*.

Trustees may borrow Money for executing whatever new Improvements may be directed by the Highland Roads and Bridges Commissioners, having Consent of Creditors to the Extent of Three in Number and Six thousand Pounds in Value.

Improvements in Town of Hamilton may be executed agreeably to former Acts, on Advance of Funds by

II. And whereas by the said Act first above recited, passed in the Fifty-sixth Year of the Reign of His late Majesty King *George* the Third, it is enacted, that if the Trustees appointed by an Act passed in the Fifty-fourth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for repealing several Acts passed for making and repairing the Road from* Livingstone, *by the Kirk of* Shotts, *to the City of* Glasgow, *and certain Roads connected therewith, and for making further and other Provision for maintaining the said*

Roads, should think fit to make or cause to be made such Alterations and Improvements between the City of *Glasgow* and the West End of the Town of *Hamilton* as should be settled and determined by the said Commissioners, then and in such Case the said recited Act passed in the Fifty-fourth Year of the Reign of His late Majesty King *George* the Third should be continued and put in force during the Term granted by the said first-recited Act, in so far as relates to so much of the said Road as is situated between the East End of the City of *Glasgow* and the West End of the Town of *Hamilton*; and upon such Alterations and Improvements being made the said Trustees appointed by the said recited Act of the Fifty-fourth Year of the Reign of His said late Majesty King *George* the Third were thereby empowered to levy the Tolls and Duties granted by the said recited Act passed in the Fifty-sixth Year of the Reign of His late Majesty King *George* the Third upon such Part of the said Road: And whereas it was also by the said recited Act, passed in the Fifty-sixth Year of the Reign of His late Majesty King *George* the Third, enacted, that if the Trustees appointed by another Act passed in the Fifty-fourth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for altering, amending, and enlarging an Act passed in the Tenth Year of the Reign of His present Majesty, intituled* 'An Act for building a Bridge over the River Clyde *near the Town of* Hamilton *in the County of* Lanark, *and for making and repairing certain Roads and Avenues leading to the same, and for building and maintaining in place thereof another Bridge over the said River* Clyde *further up the River, and a Bridge over the River* Avon *near its Junction with the said River* Clyde, *with the necessary Roads and Avenues to and from both Bridges*,' should think fit, out of the Monies authorized to be raised by virtue of the said last-recited Act, to make or cause to be made such Alterations and Improvements in and through the said Town of *Hamilton* as should be settled and determined by the said Commissioners, the said last-recited Act of the Fifty-fourth Year of the Reign of His late Majesty King *George* the Third should in that Case be continued and put in force during the Term granted by the said first-recited Act passed in the Fifty-sixth Year of the Reign of His late Majesty King *George* the Third; and upon such Alterations and Improvements being made the said Trustees appointed by the said last-recited Act passed in the Fifty-fourth Year of the Reign of His said late Majesty King *George* the Third should be and they were thereby empowered to levy the Tolls and Duties granted by the said first-recited Act: And whereas all the said Improvements have not yet been made; and if the several Tolls granted and authorized upon the making thereof to be levied and taken by the said first-recited Act passed in the Fifty-sixth Year of the Reign of His late Majesty King *George* the Third were to be levied and taken, as thereby authorized, upon any improved Part of the said Road between *Glasgow* and *Hamilton*, and also on the said new or proposed Improvement or Road in and through the Town of *Hamilton*, or either of them, in addition to the Tolls leviable and at present levied under the said first-recited Act passed in the Fifty-sixth Year of the Reign of His late Majesty King *George* the Third at a Bar called *Avon Bridge*, at the East End of the Town of *Hamilton*, the same would cease to be productive of any adequate Revenue; and it is therefore expedient, during the Continuance of this Act, to make further and other Provision to ensure the Execution of

any Trustees or Persons interested.

of such Parts of the said Improvements in and through the Town of *Hamilton*, or betwixt the East and the West Ends thereof as are nevertheless especially called for and required for the Improvement and Safety of the general Communication between *Glasgow* and *Carlisle*; be it therefore enacted, That it shall and may be lawful for the Trustees acting under any or either of the foresaid Two several Acts of the Fifty-fourth Year of the Reign of His late Majesty King *George* the Third, or of this Act, pursuant to the Resolutions of a General Meeting respectively called for that Purpose, or to any other Person or Persons who shall be willing to advance such Sums as may be requisite, to apply to the foresaid Commissioners of *Highland* Roads and Bridges, setting forth their Readiness to advance all the Sums requisite for executing the foresaid Improvements remaining to be made from the East to the West End of the Town of *Hamilton*, as authorized by the foresaid Act of the Fifty-sixth Year of the Reign of His late Majesty King *George* the Third, which shall be approved by the said Commissioners, together with all the relative and contingent Charges and Expences that may be incurred in the Premises, and upon such Application the said Commissioners shall and are hereby authorized to make such Order thereupon as they shall see fit for enabling the Trustees or other Person or Persons so applying to carry into execution the foresaid Improvements or any of them, pursuant to the Powers granted for that Purpose by the said recited Act passed in the Fifty-sixth Year of the Reign of His late Majesty King *George* the Third, as amended and continued by this Act.

Certain Tolls to be taken at Hamilton, which shall entitle the Payer to pass Toll-free at any Bars within Five Miles East or West of Hamilton.

III. Provided always, and be it further enacted, That such and the same Rate of Tolls as are granted by the foresaid first-recited Act passed in the Fifty-sixth Year of the Reign of His late Majesty King *George* the Third, payable at One Bar, but no more, shall and may be levied and taken at any Bar or Bars which it is hereby provided shall be erected at both or either End or any more convenient Place or Places across the said Road to be improved between the East and West End of the Town of *Hamilton*; but such Bar or Bars shall be placed upon the said new Road between the East and the West Ends of the Town of *Hamilton*, and not upon any Part of the present Road: Provided further, that any Person paying Toll at the said Bar or Bars to be erected on the said improved Piece of Road shall be entitled to receive a Ticket, which shall enable such Person to pass Toll-free the same Day, with the same Horse or Horses, or Cattle, at any other Toll Bar or Bars within Five Miles of the East End or within Five Miles of the West End of the Town of *Hamilton* on the foresaid Road between the City of *Glasgow* and the City of *Carlisle*.

Contingent Exemptions in case of Hamilton Statute Labour Trust contributing to Improvement.

IV. And be it further enacted, That in the Event that the Trustees of the Statute Labour Conversion of the Burgh or Parish of *Hamilton* shall contribute to the Maintenance of the said new Piece of Road or Improvement in and through the said Town such Sum or Sums of Money, either at Once or from Time to Time, as shall be deemed adequate and approved of by the foresaid Commissioners, and shall be agreed to by the Creditors upon the said Roads, then and in that Case all Burgesses or other Inhabitants of the said Town shall pass along the said new Piece of Road or Improvement,

Improvement, or through any Toll Bars erected thereon, without paying Toll thereat; but shall pay Toll at any Bar or Bars within Five Miles of the East or within Five Miles of the West End of the said Town of *Hamilton*.

Providing for any Deficiency of Tolls at Hamilton.

V. And be it further enacted, That the said Tolls to be levied and taken on the foresaid Piece of Road within the Town of *Hamilton* shall be applied in and towards the Expences of repairing the said Piece of Road, and executing this Act, so far as relative thereto, and thereafter in paying the Sums raised or borrowed for and expended in making the same, with the Interest due thereon: Provided always, that if at any Time a Deficiency shall arise in the said Tolls for answering the Purposes to which they are applicable, such Deficiency may in the meantime be supplied and made good out of the other Tolls belonging to the Trustees who shall borrow or advance or become bound or responsible for the Expence of the said Improvements, to be afterwards repaid when the said Tolls leviable on the said new Piece of Road shall be sufficient for the Repayment thereof.

Trustees to purchase Toll House, Toll Bar, and Portion of Road from the Longtown Road Trust, and same to become vested in them.

VI. And whereas the Road leading from the new *Glasgow* and *Carlisle* Road near *Allison's Bank*, by a Place called *Snab Creek*, forms Part of the Trust Property of the Trustees appointed by and acting under and in execution of an Act passed in the Eleventh Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for more effectually repairing the Roads to and from* Longtown, *and certain other Roads communicating therewith, in the County of* Cumberland: And whereas the Necessity of the said Road by *Snab Creek* is superseded by the shorter and more commodious Road made, in virtue of the said Acts first above recited, from *Allison's Bank* towards *Carlisle* by the new Bridge over the *Esk*, which has been erected at a great Expence, whereby the Necessity of fording the said River at various Places in the Neighbourhood thereof, which are often impassable, has been also superseded, and the Tacksmen of the Tolls leviable at *Allison's Bank* have been frequently in use, in order to prevent Evasion, and for the better collecting of the Revenue of the said Bar at *Allison's Bank*, of taking the Tolls leviable at the Place or Bar called the *Snab*, on the said Road, of which the Tolls or Revenues arose from Travellers or Articles that would have taken the more direct Course by *Allison's Bank* Bar, and have paid Tolls there, unless where Inducements by lower Tolls or otherwise were given them to pass by *Snab* Toll, so that in all Cases where the said Tolls leviable at *Snab* and at *Allison's Bank* were in the Hands or Possession of the same Person, they were much more easy of Collection, and hurtful Competition was prevented, and great Advantage thereby arose to the said *Glasgow* and *Carlisle* Trust, and the Use of the said other Roads was then entirely superseded, excepting for certain local Purposes: And whereas the Trustees of the said *Glasgow* and *Carlisle* Road have agreed to purchase from the Trustees of the said *Longtown Roads* all their Right and Interest as such Trustees in and to the Toll House and Toll Bar called *Snab* Toll Bar, and the Portion of Road herein-after described, for the Price or Sum of Six hundred Pounds Sterling, being the Proportion of Debt affecting the said Toll Bar and Portion of Road under and by virtue of the aforesaid Act of the Eleventh Year of the Reign of His late Majesty King

George the Fourth; be it therefore enacted, That it shall be lawful for the Trustees acting in the Execution of the herein-before recited Acts and of this Act, and they are hereby authorized and required, to pay to the Trustees acting in execution of the aforesaid Act of the Eleventh Year of the Reign of His late Majesty King *George* the Fourth the Sum of Six hundred Pounds out of the Monies hereby authorized to be raised and borrowed, and that from and after the passing of this Act the said Toll House and Toll Bar called *Snab* Toll Bar, and all that Piece of Road between the *Snab Creek* opposite *Allison's Bank* and the Junction of the said Road with the *Glasgow* and *Carlisle Road* near the Farm of *Guards*, shall cease to be Part of the Roads comprised in the said *Longtown* Road Trust, and shall become and be vested in the Trustees of the said *Glasgow* and *Carlisle* Road, as Part of the Road comprized in the said *Glasgow* and *Carlisle* Road Trust, to all Intents and Purposes whatsoever.

Old Road leading to Guards Mill to cease to be used in consideration of certain Exemptions from Toll.

VII. And whereas frequent Evasions of the Tolls leviable at the Toll Bar at *Allison's Bank* have been practised by Persons using the ancient Mill Road of the *Guards Mill* in the Parish of *Kirkandrews* upon *Esk* in the County of *Cumberland*, leading from the West Side of the said *Glasgow* and *Carlisle* Road, down the South Side of the River *Sark*, to the Ford across the said River *Sark*, and thence towards *Allison's Bank*, and the Proprietor of the said Mill and Mill Road has agreed to cease from using that Part of the said Mill Road for the future, in consideration of the Exemption from Toll herein-after contained; be it therefore enacted, That from and after the passing of this Act no Toll shall be demanded or payable at the said Toll Bar at *Allison's Bank*, or at any Toll Bar hereafter to be erected upon the said *Glasgow* and *Carlisle* Road within Two Miles of the said *Guards Mill*, for or in respect of any Horse, Beast, Cart, or Carriage passing or repassing through the same, whilst employed solely in going for or in carrying or conveying, or in returning empty after carrying or conveying to the said *Guards Mill*, any Corn, Grain, Meal, or Flour, ground or to be ground there.

Trustees may also treat with Evan Water Road Trustees for Transfer of their Rights, &c.

VIII. And whereas the Road between *Elvanfoot* and *Beattack*, commonly called the *Evan Water* Road, which was made and maintained in virtue of an Act passed in the Thirty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for making and maintaining a Road from near* Dinwoodie Green *in the County of* Dumfries *to or near* Elvanfoot *in the County of* Lanark, as continued and extended by the foresaid recited Acts of the Fifty-sixth and Fifty-ninth Years of the Reign of His late Majesty King *George* the Third, now forms an interjected Part of the said improved Road between *Glasgow* and *Carlisle*, the Consolidation of which Trust with the general Trust created by the Four Acts first herein recited has been heretofore prevented, by reason of the Amount of the Debts affecting the said *Evan Water* Road, and it is expedient, more effectually to secure and provide for the Repair or rebuilding of various Bridges, and the Execution of other necessary Improvements on the said *Evan Water* Road, contemplated and referred to in the foresaid first-recited Act passed in the Fifty-sixth Year of the Reign of His late Majesty King *George* the Third; be it therefore enacted, That it shall and may be lawful for the Trustees acting in the Execution of this Act, in case of any Failure on the

Part of the said *Evan Water* Road Trustees, to enter upon the Management and Direction of the said Road, and to levy the Tolls, and execute all the necessary Repairs and Improvements thereon, conform to the proper Act or Acts of Parliament relative to the said *Evan Water* Road, and the foresaid Four Acts herein first recited, and this Act; and it also shall and may be lawful for the Trustees acting in the Execution of this Act, from Time to Time and at any Time, to transact, compound, and agree with the Creditors thereon for the ranking or Payment of their several Debts and Interest thereon, or such Portion thereof as may be mutually agreed on for the Consolidation of the said Trusts into one and the same Trust, and for the Payment or ranking of the Creditors in the same Way and Manner as is provided by the foresaid Act herein third before recited, with regard to the Debt on any other Portion of Road which may be retained for the Purposes of the said first-recited Act of the Fifty-sixth Year of the Reign of His late Majesty, and in that Case the said *Evan Water* Road Acts shall be and the same are hereby extended and continued during the Term and Period of this Act.

Carts carrying Coal and Lime not to pay Toll at Elvanfoot Bar in certain Cases.

IX. And whereas from the Position of the Toll Bars between *Abingdon* and *Moffat* Carts conveying Coal and Lime to the District around *Moffat* are subjected in the Payment of a heavier Toll than on any other Portion of the Road; be it therefore enacted, That from and after the First Term of *Whitsunday*, old Style, ensuing the passing of this Act no Toll shall be levied on such Carriages of Coal and Lime at *Elvanfoot* Bar as shall have to pay Toll at any other Bar within Two Miles thereof.

For Reduction of Tolls on general Line.

X. And whereas by the Four Acts herein first recited the Trustees are required to levy the highest Rates of Tolls thereby granted, excepting in the Cases therein set forth; but it is conceived that the Revenues of the said Road may be increased by lessening the Rate of Tolls levied on Parts thereof, and it is expedient that the Trustees should be enabled to try the Effect of such Reduction for a limited Period or Periods; be it therefore enacted, That it shall and may be lawful for the said Trustees to give Notice of their Intention to reduce the Tolls upon all or any Part or Parts of the said Road for One Year ensuing the Period of letting after such Notice, which shall be inserted at least Ten Days before the letting of such Tolls in at least One Newspaper published in each of the Counties of *Lanark*, *Dumfries*, and *Cumberland* respectively; and, provided the said Trustees shall receive the Consent in Writing of Creditors upon the said Tolls to the Extent of at least Six thousand Pounds, it shall and may be lawful for the said Trustees from Time to Time to reduce the Tolls on all or such Part or Parts of the said Road for One Year ensuing the Period of letting after such Notice, if no other Creditor shall object thereto; but if any other Creditor shall object thereto, or if the said Trustees shall not obtain the Consent in Writing of Creditors on the said Tolls to the Amount of at least Six thousand Pounds in every Year in which it is proposed to make such Reduction, it shall not be lawful for the said Trustees to make the said Reduction, or to take other or lesser Tolls than those directed by the said recited Acts.

Provision for Debt of late

XI. And whereas the deceased *William* late Duke of *Queensberry* was a Creditor upon the Tolls of a Part of the said Road in the County

Duke of Queensberry.

County of *Dumfries* to an Amount which the said Tolls were unequal to pay: And whereas the Trustees acting in the Execution of the said recited Acts are directed by the said first-recited Act, passed in the Fifty-sixth Year of the Reign of His late Majesty King *George* the Third, not to pay the Principal of any Debt, but only the Interest thereof, until the Monies expended in making the Improvements thereby contemplated should be paid in the Manner thereby directed: And whereas the Trustees and Executors appointed by the said *William* Duke of *Queensberry* are willing to accept the Sum of Five hundred Pounds, with the Interest thereof, at the Rate of Four Pounds *per Centum per Annum*, from the First Day of *June* One thousand eight hundred and twenty-eight, in Payment of the said Debt, which the Trustees acting in the Execution of the said recited Acts deem it expedient to pay in discharge thereof; be it therefore enacted, That it shall and may be lawful for the Trustees acting in the Execution of this Act to pay, out of any Monies coming to their Hands by virtue of this and the said recited Acts, to the Trustees and Executors of the said *William* Duke of *Queensberry*, and for the said Trustees and Executors to receive, the said Sum of Five hundred Pounds, with Interest, at the Rate aforesaid, from the First Day of *June* One thousand eight hundred and twenty-eight, upon their discharging the said Debt; any thing in the said recited Act of the Fifty-sixth Year of the Reign of His said late Majesty King *George* the Third, or otherwise, to the contrary notwithstanding.

Trustees may pay other Creditors willing to compound.

XII. And whereas there are or may be other Creditors upon the Tolls of the said Road, in the County of *Dumfries*, willing to compound with the Trustees acting in the Execution of this Act, upon receiving a present Payment in discharge thereof; be it further enacted, That it shall and may be lawful for the said Trustees, out of any Monies coming to their Hands by virtue of this and the said recited Acts, to pay to any and every Creditor on the said Tolls such Sum as the said Trustees may deem it expedient to pay, and any such Creditor may be willing to receive, in discharge of his or her Debts; any thing in the said recited Acts to the contrary notwithstanding.

Saving of Rights and Preferences of Subscribers and Creditors.

XIII. Provided always, and be it further enacted, That nothing herein contained shall affect or alter the Rights or Preferences given or agreed to by and among the Subscribers or other Creditors themselves to each other or any of them respectively, all which are hereby saved and reserved entire, as accords.

Continuance of Acts.

XIV. And be it enacted, That the said Four Acts herein first-recited, and this Act, shall be construed together, and the same shall be put in force and continue from and after the passing of this Act for the Space of Thirty-one Years, and from thence to the End of the then next Session of Parliament.

Public Act.

XV. 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.

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