



ANNO QUINQUAGESIMO NONO

GEORGIUM III. REGIS.

Cap. xc.

An Act for altering and amending Two Acts passed 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*. [14th June 1819.]

WHEREAS 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*, certain Alterations and Improvements were authorized to be made on the said Road, and a Sum of Fifty thousand Pounds Sterling, for the Purpose of making the same, was appointed to be issued by the Barons of His Majesty's Exchequer in *Scotland*, in manner therein mentioned: And whereas by another Act passed in the Fifty-eighth Year of the Reign of His present Majesty, intituled *An Act to alter the Application of Part 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'*, it was enacted, that Twenty-two thousand Pounds of the said Sum of Fifty thousand Pounds should be applied by the Commissioners therein mentioned for making the said Road from *Carlisle* to *Alison's Bank*; and it was thereby provided, that before applying any Part of the said Sum of Twenty-two thousand Pounds to the making of the said Part of the said Road from *Carlisle* to *Alison's Bank*, Security should be given

[Local.]

27 N

to

56G.3. c.lxxxiii.
58G.3.c.xliv.

43 G.3.c.80.

Provision that Tolls shall not be levied within Two Miles of the East End of Hamilton repealed; but no Toll to be levied from Persons going to or returning from Clyde Bridge.

Trustees to levy the full Amount of Tolls authorized to be levied in Scotland; but may diminish the same with Consent of the Subscribers and Creditors.

to the Satisfaction of the Commissioners appointed by or pursuant to an Act passed in the Forty-third Year of the Reign of His present Majesty, intituled *An Act for granting a Sum of Twenty thousand Pounds to be issued 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*, that the Improvements directed by them to be made upon the Remainder of the said Road, *videlicet*, from *Alison's Bank* to the East End of the Town of *Hamilton*, should be completed in the Manner required by the said recited Act passed in the Fifty-sixth Year of the Reign of His present Majesty: And whereas great Improvements have been made on the said Road, so far as the same is situated in *Scotland*; but, in order to secure the making of certain further necessary Improvements on the Road from the Town of *Hamilton* to the River *Sark*, it is necessary that certain Alterations should be made respecting the Power to levy Tolls under the said first-mentioned Act, and to enlarge the Powers and Authorities of the Trustees therein named: 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 from and after the passing of this Act the Provision in the said first-mentioned Act, that no Toll shall be levied within Two Miles of the East End of the Town of *Hamilton*, shall be and the same is hereby repealed; but it is hereby provided, that no Toll or Duty shall be levied or taken at the Toll Bar to be erected at or near the East End of the Town of *Hamilton*, for Carts, Carriages, Horses, Cattle, Asses, Mules, Hogs, or Sheep passing from or to *Hamilton* by *Clyde Bridge* in the Neighbourhood of the said Town.

II. And be it further enacted, That the Trustees appointed by the said first-recited Act shall be and they are hereby required and obliged to levy, or cause to be levied, the full Amount of the Tolls and Duties authorized to be levied by the said first-recited Act and this present Act, between the Town of *Hamilton* and the River *Sark*, unless after the said Road shall have been made and repaired the said Trustees shall receive the Consent in Writing of Three-fourths in Value of the Subscribers to and Creditors upon the same, to diminish the said Tolls and Duties: Provided always, that upon receiving such Consent in Writing, it shall and may be lawful for the said Trustees, from Time to Time after the said Road shall have been made and repaired, to diminish and again to increase the said Tolls and Duties to a Sum not exceeding the Amount granted by the said recited Act, as the Situation of the said Road may require: Provided nevertheless, that before diminishing the said Tolls and Duties pursuant to any such Consent, the Approbation of the Barons of Exchequer in *Scotland* shall be obtained thereto by the said Trustees, upon an Application to be made for that Purpose; and provided further, that the Tolls and Duties to be levied upon the Road between *Carlisle* and *Alison's Bank* shall always be to such and the same Amount as those levied upon the said Road between the Town of *Hamilton* and the River *Sark*.

III. And be it further enacted, That at least once in every Three Years an Account, verified by the Oath of the Clerk of the said Trustees, shewing the Receipt and Application of the Tolls and Duties levied upon the said Road from *Carlisle* to *Alison's Bank*, shall be exhibited to the Barons of the Exchequer in *Scotland*.

Account of Road between *Carlisle* and *Alison's Bank* to be exhibited in Exchequer.

IV. And be it further enacted, That from and after the passing of this Act, the Trustees on that Part of the said Road which lies betwixt *Elvanfoot* and *Beatoock Bridge*, which Road has been wholly made and repaired by Money advanced by Individuals, shall be entitled to levy the Tolls and Duties authorized to be levied on the said Road by the said first-mentioned Act at Two Places; *videlicet*, at or near *Elyanfoot*, and at or near *Raeleugh*, where Tolls are at present levied, instead of at or near *Longbeddon*, as is provided by the said first-mentioned Act; but the said Trustees shall apply the said Tolls and Duties, first, in keeping the Road in Repair betwixt *Elvanfoot* and *Beatoock Bridge*, as the same shall be directed by the Trustees named in the said herein first-recited Act, and in the next Place, to the other Ends and Purposes directed by an Act passed in the Thirty-eighth Year of the Reign of His present Majesty, intituled *An Act for making and maintaining a Road from near Dinwiddie Green, in the County of Dumfries, to or near Elyanfoot, in the County of Lanark*, under the Powers and Authorities of which the said Road was originally made.

Beatoock Road Tolls, how to be applied.

V. And be it further enacted, That from and after the passing of this Act, all the Powers and Authorities of the several Acts passed in the Fifty-fourth Year of the Reign of His present Majesty, recited in the said herein first-recited Act, respecting the Road from *Hamilton* to, at, or near *Abingdon*, and from thence to *Elvanfoot*, or from *Beatoock Bridge* to the River *Sark*, so far as respects the said Line of Road from *Hamilton* to the River *Sark*, shall be and the same are hereby repealed, except in so far as respects the Road at or near the Lime Kilns South of *Douglas Mill* to *Dunetan*, and from thence to the Junction with the new Road near *Abingdon*, and the Road from *Moffat* to its Junction with the new Road near *Lockerby*, which Parts of the present Line it is still necessary to uphold for the public Accommodation: Provided always, that so much of the Debt at present existing upon so much of the said Roads, the Trusts whereof are hereby in part repealed, as has been contracted upon the Road West of *Castlemilk* to *Ecclefechan*, shall remain a Burthen upon the Tolls and Duties levied on this last-mentioned Road, and shall be paid in manner therein and herein directed, or in manner directed by the said herein first-recited Act passed in the Fifty-sixth Year of the Reign of His present Majesty, and this present Act; and the Remainder of the Debt at present existing upon the Roads, the Trusts whereof are hereby in part repealed, shall become a Burthen upon the Tolls and Duties granted by the said recited Act passed in the Fifty-sixth Year of the Reign of His present Majesty, as amended by this Act; provided always, that if after applying the Tolls and Duties to be levied on the said Portions of the said Roads respectively hereby directed to be upheld for the public Accommodation in keeping such Portions of the said Road in Repair, there shall be any Surplus of such Tolls and Duties, then such Surplus, as often as it shall arise in any Year, shall be paid to the Trustees acting in the Execution of the said recited Acts passed in the

Former Acts repealed, except with regard to Portions of the Road necessary to be upheld for the public Accommodation.

Fifty-

Fifty-sixth and Fifty-eighth Years of the Reign of His present Majesty, in Aid of the Payment of the Interest of the said Debt hereby made a Burthen on the Tolls and Duties granted by the said recited Act of the Fifty-sixth Year of the Reign of His present Majesty, as amended by this Act.

Power as to
Tolls from
Hamilton to
Elvanfoot,
and from
Beatoch to
Alison's Bank.

Tolls how to
be applied.

VI. And be it enacted, That the Trustees appointed by the said herein first-recited Act, passed in the Fifty-sixth Year of His present Majesty, shall from and after the passing of this Act, be entitled to put into Execution the whole Powers and Authorities, and to levy the Tolls and Duties thereby granted upon the whole Road from *Hamilton* to *Elvanfoot*, and from, at, or near *Beatoch* to *Alison's Bank*, and from thence to *Carlisle*, and the Road to *Springfield* from the Point where the Road to *Alison's Bank* branches off the same at or near *Gretna*; and the said Tolls and Duties shall be applied by them in Manner following; *videlicet*, the Tolls and Duties levied on the said Road betwixt *Hamilton* and *Elvanfoot*, and *Beatoch Bridge* and the *River Sark*, shall be applied, in the First Place, in keeping in Repair the whole of the said Road from *Hamilton* to *Elvanfoot*, and from *Beatoch* to the *River Sark*, and from, at, or near *Gretna* to *Springfield*, and such Parts of the present Road as it may be necessary to uphold for the public Accommodation, until the new Line of Road shall be made or repaired under the Direction of the said Commissioners; in the Second Place, in paying the Interest of the Sums subscribed and paid by Individuals towards the Purposes of the said herein first-recited Act of the Fifty-sixth Year of the Reign of His present Majesty, Regard being had to the Direction therein given with respect to the Debt on the Portion of the said Road situated between the East End of the said Town of *Hamilton* and *Elvanfoot*, and any other Debt on any other Portion of the said Road which may be retained for the Purposes of the said herein first-recited Act of the Fifty-sixth Year of the Reign of His present Majesty, the Interest of all which Debts it is hereby directed shall be paid rateably and proportionally along with the Interest of the Sums subscribed and paid by Individuals for the Purposes of the said herein first-recited Act of the Fifty-sixth Year of the Reign of His present Majesty; in the Third Place, in paying the Interest of the Money issued by the Order of the Barons of Exchequer in *Scotland*, towards making the Alterations and Improvements directed by the said first-recited Act, between the East End of the Town of *Hamilton* and the *River Sark*, which Interest shall be paid to the Receiver General of *Scotland*, and be accounted for by him with the Public Monies which come to his Hands; and after these Purposes shall be satisfied, if there shall be any Surplus of the said Tolls and Duties, such Surplus, as often as it shall arise in any Year, shall be deposited with the Bank of *Scotland*, or the Royal Bank of *Scotland*, or the *British Linen Company*, upon an Account to be opened in the Books of some one of such Banks, to be described, 'The Sinking Fund established 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*,' upon which the highest Interest shall be paid that is allowed by such Banks; and the Interest so allowed shall be added to the Principal of all Monies so deposited, at least once in every Year, so as to accumulate Principal and Interest into an Account, bearing Interest at least once in every Year, until a Sum shall have been thus raised sufficient to pay off the Principal of all the Money

Money subscribed and paid for the Purposes of the said herein first-recited Act of the Fifty-sixth Year of the Reign of His present Majesty, together with the Debt on the said Portion of the said Road between the East End of the Town of *Hamilton* and *Elvanfoot Bridge*, and any Debt on any Portion of any Road which may be retained for the Purposes of the said herein first-recited Act of the Fifty-sixth Year of the Reign of His present Majesty, and also the Money issued by the Order of the Barons of Exchequer in *Scotland* for the Purposes of the said Road from *Hamilton* to *Elvanfoot*, and from *Beatoch* to *Sark*; the Principal of all which Sums shall be paid rateably and proportionally out of such Sinking Fund, upon the Order of the Barons of Exchequer in *Scotland*; and it shall and may be lawful for such Barons, from Time to Time as they shall think proper, to order and direct so much of the said Sinking Fund to be applied in Payment of the Principal of the said Sum, rateably and proportionally as aforesaid; and all Monies so directed to be paid in Repayment of the Sums issued by the Order of the Barons of Exchequer aforesaid shall be paid to the Receiver General of *Scotland*, and be accounted for by him with other Public Monies which shall come into his Hands; and the Tolls and Duties appointed to be levied on the said Road from *Sark* to *Carlisle* shall be applied in manner specified in the said Act second herein mentioned, passed in the Fifty-eighth Year of the Reign of His present Majesty.

VII. And be it enacted, That all Meetings held in the County of *Dumfries*, for putting this and the said Two herein recited Acts into Execution, shall be held at such Place on said Line of Road as the said Trustees shall appoint and determine at their First General Meeting, which shall be held at *Lockerby*.

Meetings in Dumfries-shire, where to be held.

VIII. And be it enacted, That if after the Application of the said Sum of Twenty-two thousand Pounds in the Manner directed by the said recited Act passed in the Fifty-eighth Year of the Reign of His present Majesty, said Sum shall not prove sufficient for making the said Road between the City of *Carlisle* and the River *Sark*, and Bridges thereon, and the said Bridge over the said River *Sark* at *Alison's Bank*, the Deficiency, if there is any, shall be provided and paid for in the same Way and Manner as is directed with regard to the other Parts of the said Road by the said herein first-recited Act of the Fifty-sixth Year of the Reign of His present Majesty.

Provision in case the Sum of £22,000 shall not be sufficient to complete the Improvement between *Carlisle* and *Alison's Bank*.

IX. And whereas certain Parts of the present Road from *Carlisle* to *Gretna* will be retained, and make Part of the Road from *Carlisle* to *Alison's Bank*, as directed to be made pursuant to the said recited Act passed in the Fifty-eighth Year of the Reign of His present Majesty, and it is reasonable that the Trustees upon the said Road to *Gretna* should be indemnified for a proportional Part of the Expence incurred in making so much of the said Road; be it therefore enacted, That so soon as the said Road from *Carlisle* to *Alison's Bank* shall be made and opened for the Use of the Public, it shall and may be lawful for the Commissioners appointed by or pursuant to the said Act passed in the Forty-third Year of the Reign of His present Majesty, to apply to the Barons of the Court of Exchequer in *Scotland*, and upon such Application the said Barons are hereby directed to issue their Warrant to the Receiver General of *Scotland*, for Payment

Indemnity to the Trustees on the Road from *Carlisle* to *Gretna*.

out of any Public Money then in his Hands of the Sum of One thousand two hundred and fifty Pounds, Part of the said Sum of Fifty thousand Pounds granted by the said recited Act passed in the Fifty-sixth Year of the Reign of His present Majesty; and such Sum so received upon such Warrant, shall be paid to the Trustees acting in the Execution of an Act passed in the Forty-sixth Year of the Reign of His present Majesty, intituled *An Act for amending and keeping in Repair the Road leading from the Guide Post at the Top of Stanwix Bank near the City of Carlisle, to West Linton Bridge, in the County of Cumberland*, to be by them applied for the Purposes mentioned in the said last-mentioned Act; and in another Act passed in the Thirty-fourth Year of the Reign of His present Majesty, intituled *An Act for amending and keeping in Repair the Road leading from Lyne Bridge through Longtown to the Scotch Dyke, and from Longtown to the Bridge over the River of Sark, in the County of Northumberland*; and in another Act passed in the Forty-fourth Year of the Reign of His present Majesty, for enlarging the Term and Powers of the last-mentioned Act.

So much of the old Road as is retained for the new Road to be kept in Repair by the Trustees of this last.

X. And be it enacted, That from and after the Time that the said Road from *Carlisle to Alison's Bank* shall be made and opened to the Public, so much of the said Road as is situated between the said Guide Post at the Top of *Stanwix Bank* to the Point where the said Road shall separate from the present Road leading to *Gretna*, shall be repaired and kept in Repair at all Times thereafter by the Trustees acting in the Execution of the said recited Act passed in the Fifty-sixth Year of the Reign of His present Majesty, out of the Tolls levied upon the said Road from *Carlisle to Alison's Bank*.

Gates to be erected between *Carlisle and Alison's Bank*, and Application of the Tolls thereof.

XI. And be it enacted, That Turnpike Gates shall be erected upon the said Road between the City of *Carlisle* and *Alison's Bank*, in Manner following, and no otherwise; *videlicet*, one at the Point of Separation from the present Road, about Two Miles from the City of *Carlisle*, and the other at *Alison's Bank*, on the North Side of the Bridge to be built over the River *Sark*; and the Tolls to be collected at such Gates shall be applied as follows; that is to say, after paying the Interest of the Money authorized to be borrowed for the Purposes of this Act from the Tolls levied at both Gates equally, the Tolls to be levied at the Gate next to *Carlisle* shall be applied in the Manner directed by the said recited Act passed in the Fifty-eighth Year of the Reign of His present Majesty; and if such Tolls shall not be sufficient for the Repair of the said Road between *Carlisle* and *Alison's Bank*, with the Bridges thereon, any Deficiency that may arise in any Year shall be supplied from the Tolls levied at the Gate at *Alison's Bank*; and the Balance of such last-mentioned Tolls, after making good such Deficiencies, or the whole of such last-mentioned Tolls, in case there shall be no Deficiency, shall be applied for the Purposes to which the Tolls levied upon the said Road from *Hamilton to Alison's Bank* are directed to be applied.

Power to borrow Money for the Repair of the Bridges over *Sark and Esk*.

XII. And be it enacted, That it shall and may be lawful for the said Trustees appointed by the said recited Act passed in the Fifty-sixth Year of the Reign of His present Majesty to borrow, upon the Credit of the Tolls and Duties payable on the said Road from *Carlisle to Alison's Bank*, any Sum of Money not exceeding in the whole the Sum of Five thousand Pounds, as the same shall or may be required, for repairing and

keeping

keeping in Repair the Bridge to be erected over the River *Sark*, and also the Bridge to be erected over the River *Eske* at or near to *Garriston*, and to assign the said Tolls and Duties in Security of the Payment thereof.

XIII. And be it enacted, That it also shall and may be lawful for the said Trustees appointed by the said recited Act passed in the Fifty-sixth Year of the Reign of His present Majesty to borrow, upon the Credit of the Tolls and Duties paid or payable on the said Road from *Hamilton* to the River *Sark*, any Sum of Money not exceeding in the whole the Sum of Ten thousand Pounds, as the same shall or may be required, for repairing and keeping in Repair any Bridge or Bridges erected thereon, and to assign such Tolls and Duties in Security of the Payment thereof.

Power to borrow Money for the Repair of other Bridges.

XIV. And be it enacted, That the said Two Acts herein recited, passed in the Fifty-sixth and Fifty-eighth Years of the Reign of His present Majesty, shall continue to receive Effect in all other Respects; and the same and this Act shall be construed together for the Purposes of this Act and of the said Two recited Acts.

Recited Acts to remain in force with this Act.

XV. And be it enacted, That the Expences of this Act, as well as of the said herein second-recited Act passed in the Fifty-eighth Year of the Reign of His present Majesty, shall be paid and defrayed out of the Tolls and Duties levied upon the said Road between *Carlisle* and *Alison's Bank*.

Expences of this Act.

XVI. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded.

Public Act.

