



ANNO PRIMO

GULIELMI IV. REGIS.

Cap. cxxxviii.

An Act for amending and continuing an Act for repairing Roads in the County of *Renfrew*, and for altering the Line of Road between *Glasgow* and *Kilmarnock* in the said County.

[16th July 1830.]

WHEREAS an Act was passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for amending and continuing several Acts for repairing Roads in the County of Renfrew*, whereby, with the View of ensuring an Improvement between *Glasgow* and *Floakside*, certain Commissioners were authorized to execute the same as therein mentioned; and it was provided that the Expence to a certain Amount should be repaid out of certain Tolls in manner therein directed; but the Powers and Provisions of the said Act have been found inadequate for the Purposes aforesaid: And whereas it is necessary and expedient that the Communication between *Glasgow* and *Floakside* should be executed in a more commodious Line, and that additional Provision should be made for effecting that Purpose: 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 the said recited Act of the Sixth Year of the Reign of His late Majesty, and all

6 Geo.4.
c. 108.

[Local.]

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Powers of
recited Act
extended to
this Act.

and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, save and except such as are varied, altered, or repealed, shall be as good, valid, and effectual for carrying this Act into execution as if the same had been repeated and re-enacted in the Body of this Act.

Trustees under the recited Act authorized to borrow 12,000*l.* and make the Road herein described.

II. And be it further enacted, That it shall be lawful to and for the Trustees appointed by the said recited Act of the Sixth Year of the Reign of His late Majesty, or, in case they fail or decline to act, to and for the Commissioners acting under or in execution of the same, to receive Subscriptions or borrow Money to any Extent not exceeding the Sum of Twelve thousand Pounds, and therewith, by themselves, their Contractors or Servants, Surveyors or proper Officers respectively, to make, amend, alter, and maintain a Road leading from *Glasgow* towards *Pollockshaws* by the Village of *Crossmyloof* or *Westfield*, and after crossing the River *Cart* by a Bridge at or near *Coustonholm* or Eastwards of *Pollockshaws*, thence by or near the Farm of *Dovehill* or *Newlands*, and by or near the Farms of *Giffnock*, *Orchard*, and *Mains*, and others, and by or near the Farms of *Netherton*, *Broom*, *Riseland*, and others, and the Village of *Newton*, and by or near the Farms of *Fallside*, *Maidenhill*, *Southhillhead*, and others, thence by or near *Black Dubb*, *Graham's Gate*, and North of *Logan's Well* Inn, and the Hut called *Turf* Inn, and by or near the Hut of *Broomside*, and thence by or near the Inn of *Floakside*, to the Confines of the County of *Ayr* at *Floakside Burn*; and which new Road is intended to be made and pass from, through, or into the Parishes of *Cathcart* and of *Polloc* commonly called *Eastwood*, and of *Mearns*, in the County of *Renfrew* aforesaid: Provided always, that the Sum to be raised and to be laid out in making the said Line of Road shall not exceed the said Sum of Twelve thousand Pounds.

Plan and Book of Reference to remain with the Clerk of the Peace.

III. And whereas a Map or Plan describing the said intended Road, with a Book of Reference thereto containing the Names of the Owners and Occupiers of the Lands through which such Road or Improvements are to be made, have been deposited with the Clerk of the Peace for the said County of *Renfrew*; be it enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the said Clerk of the Peace, to the end that all Persons may be permitted to see and take Extracts from or Copies of the same, on paying to such Clerk the Sum of Two Shillings and Sixpence for such Inspection, and at the Rate of Sixpence for every Seventy-two Words of such Extract or Copies of the said Book of Reference; and the said Map, or Plan and Book of Reference, or true Copies thereof, attested by the said Clerk of the Peace, shall be good Evidence in all Courts of Law or elsewhere: Provided always, that it shall and may be lawful to make, alter, or vary the said Road on, into, through, across, or over the several Lands, Grounds, or Tenements of any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, who is or are or shall be Owner or Owners of Land over, in, or through which the same is set out and described in the said Map or Plan, although the Name or Names of such Person or Persons may happen to be erroneously set forth or omitted in

Proviso for Errors in the said Book.

the said Book of Reference, in case it shall be made to appear to any Two Justices of the Peace of the said County (not being Proprietors of Land through which the said Road is to pass), and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

IV. And be it further enacted, That it shall not be lawful to the said Trustees, in making the said Road or altering the Course of the same, to deviate over any inclosed Lands or Grounds more than One hundred Yards from the Line of the said Road as laid down on the said Map or Plan, or to take down or remove any Dwelling House or other Building the Side Walls of which exceed Eighteen Feet in Height, or take in or make use of any Policy, Orchard, or Garden, or any Lawn, planted Walk, or Avenue to a House, or any inclosed Ground planted as an Ornament or Shelter to any House, without the Consent in Writing of the Owner thereof, or of his Agent or Factor, save and except such as are specified in the Schedule annexed to this Act.

Trustees not to deviate above 100 Yards, or to take down Houses not specified in the Schedule.

V. Provided always, and be it enacted, That in case the said Trustees shall not purchase or acquire the said Lands, Tenements, or Grounds within the Space of Five Years from the passing of this Act, then and in such Case all the Powers hereby granted for purchasing and acquiring the same shall from thenceforth cease and determine, save and except with the Consent of the Owners thereof.

Lands to be purchased within Five Years.

VI. And for the Purpose of providing for the earliest Payment possible of the Expence of the said Improvements, be it enacted, That the whole Tolls leviabie at any Bar or Bars erected or to be erected on the said hereinbefore described Line of Road or Communication between *Glasgow* and *Floakside* shall, from and after the completing of the said Road, be set aside for the exclusive Purpose of raising, providing, or securing the Payment of the said Sum of Twelve thousand Pounds, and defraying the Expences connected with obtaining and executing this Act, in preference to all the existing Debts and Engagements: Provided always, that after paying or sufficiently securing the said Sum the said Tolls are and shall be burdened with and applied, after maintaining and keeping in repair the said Road, to the Payment and Liquidation of the other Debts under the foresaid Acts, or existing Debts and Engagements of the said Trustees, in the same Way as the other Tolls leviabie by the said Act shall and may be applied.

Tolls taken on the new Line to be first applied to the Payment of the Money hereby borrowed.

VII. And be it further enacted, That the whole Powers and Provisions as to the levying and Application of Tolls contained or referred to in the said recited Act of the Sixth Year of the Reign of His late Majesty, are and shall be applicable and extend to the Road to be made or improved in virtue of this Act; and the said Trustees shall and may also erect on the said new Road such and the same Number of Toll Bars, and take such and the same Tolls, Rates, and Duties thereat, as they are authorized to erect or take on the like Distance of any other Road contained in the said Act: Provided always, that the said Trustees shall never levy Tolls at more than Three

Powers of recited Act as to levying of Tolls to apply to this Act.

Restrictions as to

Toll

Toll Bars shall upon the said Line of Road (being the Number of Bars present ~~between~~ *Glasgow and Floakside*), although more than Three Bars should be erected thereon.

Powers of Commissioners to remain in force.

Security for the 12,000*l.* to be raised limited to the Tolls on the new Line.

VIII. Provided always and be it enacted, That nothing herein contained shall infringe, alter, or abridge all or any of the Powers, Jurisdictions, or Authorities whatsoever of the Commissioners acting under the said recited Act of the Sixth Year of the Reign of His late Majesty; neither shall any of the Bonds or Securities to be granted for the aforesaid Sum of Twelve Thousand Pounds, or any Part thereof, to be raised as aforesaid, be granted over the Tolls, Rates, or Duties leviabie by the said Trustees at the Bars called *Gorbals Bar* or *Clarkston Bar*, or any other Bar or Bars not situated upon the Line or Lines of Road between *Glasgow* and *Floakside*, as the same shall or may be made, altered, or improved in virtue of this Act; nor shall any such Tolls on the other Lines be applicable at any Time to the Payment of all or any Part of the said Sum of Twelve Thousand Pounds.

Saving the Rights of Creditors.

IX. And be it enacted, That nothing herein contained, or to be done in virtue hereof, shall injure or be construed to injure or impair all or any of the Rights of all or any of the Creditors under the said recited Act of the Sixth Year of the Reign of His late Majesty, or the Acts therein referred to, saving and excepting always to the Extent of the Sums before mentioned to be raised or borrowed in virtue of this Act for making the said Road, and for obtaining and carrying this Act into execution, and until the Sums hereby authorized to be raised and borrowed for the Purposes of this Act shall be paid off, without the express Consent of the said Creditors.

Additional Trustees.

Qualifications.

X. And be it further enacted, That every Person who shall have advanced, or be in right of or who is personally and directly bound and responsible for, Two thousand Pounds of the Debts or Engagements of the Roads contained in the said recited Act of the Sixth Year of the Reign of His late Majesty, shall be and is hereby nominated and appointed a Trustee, along with the other Trustees appointed by the said Act, for carrying the said recited Acts and this Act into execution: Provided always, that every such Person be and continue to be, in his own Right or in the Right of his Wife, in the Possession and Enjoyment of the *Dominium utile* of Lands lying in the said County of *Renfrew* of One hundred Pounds Sterling of yearly Rent; and that the eldest Son of every such Person, being the Heir Apparent of such Land, and responsible for such Debt, shall also be a Trustee for the Purposes aforesaid.

Debtors not to act as Trustees.

XI. And be it further enacted, That no Person or Persons, although possessing the requisite Qualification in Land, in Terms of the Act before recited, who shall have failed in the Payment or Performance to the said Trustees of any Debt or Engagement come under by him or them respectively, nor the Heirs at Law or legal Representative of any such Persons, shall be entitled to act as Trustees in Terms of the said recited Acts or this Act, until the said Trustees shall have been fully satisfied and indemnified of and for such Engagement or Failure.

XII. And