ANNO PRIMO

VICTORIÆ REGINÆ.

****

Cap. xlvii.

An Act to repeal as much of an Act, intituled *An Act for making and maintaining the Road from* Glasgow *to* Redburn Bridge, *and certain other Roads, in the Counties of* Stirling, Dumbarton, *and* Lanark, as relates to the *Balmore* Road; and to improve and make and maintain the said Road, and certain other Roads connected therewith, in the Parishes of *Campsie* and *Baldernock* and County of *Stirling* aforesaid.

[11th *June* 1838.]

WHEREAS an Act was passed in the Sixth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for making and maintaining the Road from* Glasgow *to* Redburn Bridge, *and certain other Roads, in the Counties of* Stirling, Dumbarton, *and* Lanark: And whereas it is expedient that the said recited Act, so far as the same relates to that Portion of the said Roads called the *Balmore* Road, leading from or from near to the Bridge across the River *Allander* at *Langbank* 6 G. 4. c. 191.

Langbank Farm till it join the Turnpike Road from *Glasgow* to *Inchbelly Bridge* and to *Strathblane*, should (except in so far as the same repeals the Act therein recited) be repealed, and that the Trustees herein-after appointed should be authorized and empowered to improve, repair, and maintain that Portion of the said *Balmore* Road after described, and to assume and make Turnpike, improve, repair, and maintain the Statute Labour Roads herein-after described, and to make and maintain the new Portions of Road after described in connexion with the said *Balmore* Road and Statute Labour Roads; but these Objects cannot be accomplished without the Authority of Parliament: And whereas an Act was passed in the Second Year of the Reign of His 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 the said first-recited Act, so far as the same relates to that Portion of the *Balmore* Road leading from or from near to the Bridge across the River *Allander* at *Langbank Farm* till it join the Turnpike Road from *Glasgow* to *Inchbelly Bridge* and to *Strathblane*, shall be and the same is hereby repealed, save and except in as far as the said first-recited Act repeals the Act therein recited.

1 & 2 W. 4. c. 43.

Recited Act 6 G. 4. c. 191. in part repeale.

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

II. And be it further enacted, That the said recited Act of the First and Second Years of the Reign of His Majesty King *William* the Fourth, and all and every the Powers, Provisions, Exemptions, Penalties, Matters, and Things therein contained, (save and except such Parts thereof as are hereby 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 appointed.

III. And be it further enacted, That every Person who is or shall be infeft and possessed as Proprietor or Life-renter, or by Courtesy in right of his Wife, of the *Dominium utile* of Lands situated within either of the Parishes of *Baldernock* or *Campsie* in the County of *Stirling*, valued in the Cess Books of the said County at One hundred Pounds *Scots* or upwards of valued Rent; and the eldest Sons of Persons having Property situated as aforesaid of the Valuation of Two hundred Pounds *Scots* or upwards, such eldest Sons being Heirs Apparent of such Property; the Proprietor of the Estate of *Cadder*, and his Commissioner or Factor in the Absence of his Constituent; the Commissioner or Factor upon the Estate of *Dougalston*, and the Commissioner or Factor upon the Estate of *Woodhead*, in the Absence of their respective Constituents; and one of the Guardians or Trustees of Minors having Property situated as aforesaid of the Valuation of Two hundred Pounds *Scots* and upwards, shall be and they are hereby appointed Trustees for the Purpose of carrying this Act into execution.

Further Qualification of certain Trustees.

IV. Provided always, and be it enacted, That no Factor, and no Guardian or Trustee of Minors, shall be capable of acting as a Trustee in the Execution

Execution of this Act unless he shall be, in his own Right or in the Right of his Wife, in the actual Possession or Receipt of the Rents and Profits of Lands or Heritages of the clear yearly Value of Fifty Pounds Sterling, or be possessed of or entitled to a Personal Estate alone, or a Real and Personal Estate together, of the Amount or Value of Five hundred Pounds Sterling.

Tolls and Duties owing under former Act exigible under this Act.

V. And be it further enacted, That all Tolls and Duties due and Penalties and Forfeitures incurred in virtue of the said first-recited Act, in so far as that Act relates to the said Portion of the said *Balmore* Road leading from or from near to the Bridge across the River *Allander* at *Langbank Farm* till it join the Turnpike Road from *Glasgow* to *Inchbelly Bridge* and to *Strathblane*, shall be held to be due and incurred to and shall be exigible and recoverable by the Trustees acting under the Authority of this Act.

Covenants and Agreements under former Act to be good.

VI. And be it further enacted, That all Bonds, Covenants, Agreements, and Securities made or entered into under the Powers and Provisions of the said first-recited Act by any Person or Persons to or with the Trustees appointed by the said first-recited Act, in so far as such Bonds, Covenants, Agreements, and Securities relate to the foresaid Portion of the said *Balmore* Road leading from or from near to the Bridge across the River *Allander* at *Langbank Farm* till it join the Turnpike Road from *Glasgow* to *Inchbelly Bridge* and to *Strathblane*, shall remain in full Force, and shall be and continue available to and in favour of the Trustees hereby appointed, in all Courts of Law and Equity, until the same are fully satisfied and performed; and all such Contracts, Agreements, Bonds, Assignments, and Securities, duly made or entered into by the Trustees for executing the said first-recited Act, so far as the same relate to the said Portion of the said *Balmore* Road above described, to or with any Person or Persons, shall remain in full Force and Effect, and shall be binding on the Trustees for executing this Act, and be observed and kept by them according to the Terms, Stipulations, and Tenor thereof.

Roads to be made, improved, and maintained.

VII. And be it further enacted, That the Trustees herein-before appointed shall be and they are hereby authorized and empowered to alter, improve, widen, straighten, repair, and maintain that Portion of the *Balmore* Road before described which lies between the Bridge or a Point near to the Bridge across the River *Allander* at *Langbank Farm* aforesaid and the Road leading from *Glasgow* to *Campsie* at or near to *Torrance* Toll Bar; as also to make and maintain a new Road from or from near to the said Bridge over the River *Allander*, by or through or near to *Langbank*, *Bardowie Loch*, Lands of *Jaw*, *Dowan*, *Kettlehill*, *Baldernock* Mill, *Baldernock* Church, and Lands of *Bankell*, to a Point on the Turnpike Road leading from *Glasgow* to *Strathblane* at or near to the Road leading to the Farm of *Craigash*; as also to make Turnpike, and to improve, widen, straighten, alter, repair, and maintain the Statute Labour Road leading from the *Balmore* Turnpike Road aforesaid between *Torrance* Toll Bar and *Redbog*, by *Hill Head* and *Borrowstown*, towards *Baldernock* Church, to a Point near to the Road leading to *Blochairn*; as

as also to make and maintain a new Piece or Line of Road from the said Statute Labour Road near to the said Road leading to *Blochairn*, by or through or near to the Lands of *Kirkton* and *Kettlehill*, to join the intended new Road above described at or near to *Baldernock Mill*, and another new Piece or Line of Road from the foresaid Statute Labour Road above described at or near to *Borrowstown*, by or through or near to *Leechbank*, *Drumbain*, and *East* and *West Balgrochan*, to a Point on the Turnpike Road leading from *Glasgow* by *Torrance* to *Campsie* at or near to *Ferrie Mill* or *Carlston*; as also to make and maintain such Bridges, Arches, Sewers, Drains, and other Outlets, and such other Works as the said Trustees may think necessary or convenient for the proper making, improving, maintaining, and keeping in repair the said Roads herein-after described.

Map to remain with the Sheriff Clerk.

VIII. And whereas a Map or Plan of the said Roads, and of the Lands through which the same do or are intended to pass, has been deposited at the Office of the principal Sheriff Clerk of the County of *Stirling*, together with a Book of Reference showing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the said Lands; be it enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the principal Sheriff Clerk of the said County; and it shall and may be lawful for any and every Person at all reasonable Times to inspect and examine the same, paying not more than One Shilling for each Inspection, and also to take Extracts or Copies therefrom, paying at the Rate of not more than Sixpence for every Seventy-two Words of such Extracts or Copies.

Not to deviate more than One hundred Yards from Plan.

IX. And be it enacted, That the said Trustees, in making, improving, or altering the said Roads, may deviate from the Lines described on the said Map or Plan, provided that no such Deviation shall extend more than One hundred Yards on either Side of the Lines so described without the Consent and Approbation in Writing of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, through whose Lands such Deviation shall be made.

Road may be made notwithstanding Error in Description of Owners or Occupiers.

X. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Trustees to make the said Roads into, through, across, or over the Lands of any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, who is or are or shall be Owner or Owners, Occupier or Occupiers of Lands over, in, or through which the same is set out and described on the said Map or Plan, although the Name or Names of such Person or Persons, Body or Bodies, may happen to be omitted in the said Book of Reference, in case it shall be made to appear to any Two or more Justices of the Peace for the County of *Stirling*, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

Width of Roads.

XI. And be it further enacted, That the said Trustees, in making or improving any Part of the said Roads, shall be and they are hereby empowered to widen the same to such Breadth as shall appear to them

to be expedient, not exceeding Sixty Feet, exclusive of the Ditches on both Sides thereof.

No Building or Plantation allowed within Thirty Feet of the Centre of the Roads.

XII. And be it further enacted, That no House or other Building, except Fences or Walls not exceeding Six Feet in Height, shall be erected, without the Consent of the said Trustees previously obtained in Writing, and no new Inclosure or Plantation shall be made within Thirty Feet from the Centre of the said Roads, without the previous Consent in Writing of the said Trustees; and the Sheriff or Justices of the Peace of the County of *Stirling* are hereby authorized and empowered, on Application by any one of the Trustees or their Clerk, to order such House, Building, Inclosure, or Plantation to be taken down and removed at the Expence of the Person erecting or making the same.

First General Meeting of Trustees.

XIII. And be it further enacted, That the Trustees hereby appointed shall meet at *Glasgow* at Twelve of the Clock, Noon, on a Day within Fourteen Days after the passing of this Act, or as soon thereafter as conveniently may be, and proceed to put this Act into execution; and at all Meetings of said Trustees Three Trustees shall be a Quorum.

Meetings may be adjourned.

XIV. Provided always, and be it enacted, That if at any Time a Quorum of said Trustees shall not attend any Meeting or adjourned Meeting of Trustees regularly called under Authority of this Act it shall be competent to and in the Power of the Trustee or Trustees present, though less than a Quorum, and he or they are hereby empowered and authorized, if they should think fit, to adjourn every such Meeting or adjourned Meeting to be held upon such future Day and at such Hour as may appear to him or them to be most expedient and proper.

Present Tolls to be levied on Balmore Road till 15th of May 1839.

XV. And be it further enacted, That until the Fifteenth Day of *May* in the Year One thousand eight hundred and thirty-nine the Tolls at present levied under the Authority of the said first-recited Act on that Part of the said *Balmore* Road hereby authorized to be improved and maintained shall continue to be levied on the said Portion of the said Road by the Trustees hereby appointed, who are hereby authorized to levy and recover the same under the Authority of this Act; provided always, that the Tolls and Duties herein-after granted on Steam Carriages shall commence and become payable on the said Portion of the said Road from and after the passing of this Act.

Tolls to be taken.

XVI. And be it further enacted, That (subject to the Provision herein-before made with regard to the said Portion of the said *Balmore* Road) the Trustees hereby appointed, or any Person or Persons authorized by them, shall be and they are hereby authorized and empowered to demand and take or cause to be demanded and taken at the several and respective Gates or Turnpikes already erected or which may hereafter be erected on the said several Roads a Sum not exceeding the Rates and Duties after specified, before any Horse, Mule, Ass, Cattle, great or small, Coach, Landau, Chariot, Berlin, Chaise, Hearse, Chair, Calash, Litter, Waggon, Wain, Cart, Sledge, Hurley, Wheelbarrow, Carriage propelled

by Steam or otherwise than by Animal Power, or any Carriage whatsoever, shall be permitted to pass through any Gate or Turnpike continued or erected or to be erected on the said Roads; that is to say,

For every Horse or Beast of Draught drawing any Coach, Barouche, Berlin, Chariot, Landau, Chaise, Curricle, Calash, Chair, Hearse, or other such Carriage, or any Stage Coach, Long Coach, or Diligence, or Carriage of the like Kind, Nine-pence; and if the said Trustees shall think proper, for every Horse or Beast of Draught drawing any Stage Coach, Long Coach, Diligence, or Carriage of the like Kind, any Sum in addition to the aforesaid Rates not exceeding One Half more thereof; and for One Horse or Beast of Draught drawing a Taxed Cart, not containing Goods for Sale, the Sum of Sixpence:

For every Horse or Beast of Draught drawing any Van, Caravan, Waggon, Wain, Cart, or other such Carriage, where One only is drawing, and where any such Carriage and the Loading thereof taken together shall not exceed Twenty Hundred Weight, Sixpence:

And for every Hundred Weight which such Carriage with the Loading thereof shall weigh above Twenty Hundred Weight and not exceeding Twenty-five Hundred Weight, the additional Sum of One Halfpenny:

And for every Hundred Weight which such Carriage with the Loading thereof shall weigh above Twenty-five Hundred Weight and not exceeding Thirty hundred Weight, the additional Sum of One Penny:

And for every Hundred Weight which such Carriage with the Loading thereof shall weigh above Thirty Hundred Weight and not exceeding Thirty-five Hundred Weight, the additional Sum of Two-pence:

And for every Hundred Weight which such Carriage with the Loading thereof shall weigh above Thirty-five Hundred Weight and not exceeding Forty Hundred Weight, the additional Sum of Three-pence:

And for every Hundred Weight which such Carriage with the Loading thereof shall weigh above Forty Hundred Weight and not exceeding Forty-five Hundred Weight, the additional Sum of Four-pence:

And for every additional Hundred Weight which such Carriage with the Loading thereof shall weigh above Forty-five Hundred Weight, the additional Sum of Sixpence:

And for every Horse or Beast of Draught that shall be employed in drawing any such Van, Caravan, Waggon, Wain, Cart, or other like Carriage, more than One, for each such additional Horse or Beast of Draught, Three-pence:

For every Coach, Barouche, Berlin, Chariot, Landau, Chaise, or other such Carriage, or any Stage Coach, Long Coach, Diligence, or other Carriage of the like Kind, drawn or propelled otherwise than by Animal Power, when such Carriage and the Loading thereof taken together shall not exceed Twenty Hundred Weight, Two Shillings:

And for every Hundred Weight which such Carriage with the Loading thereof shall weigh above Twenty Hundred Weight and not exceeding Twenty-five Hundred Weight, the additional Sum of One Halfpenny:

And for every Hundred Weight which such Carriage with the Loading thereof shall weigh above Twenty-five Hundred Weight and not exceeding Thirty Hundred Weight, the additional Sum of One Penny:

And for every Hundred Weight which such Carriage with the Loading thereof shall weigh above Thirty Hundred Weight and not exceeding Thirty-five Hundred Weight, the additional Sum of Two-pence:

And for every Hundred Weight which such Carriage with the Loading thereof shall weigh above Thirty-five Hundred Weight and not exceeding Forty Hundred Weight, the additional Sum of Three-pence:

And for every Hundred Weight which such Carriage with the Loading thereof shall weigh above Forty Hundred Weight and not exceeding Forty-five Hundred Weight, the additional Sum of Four-pence:

And for every additional Hundred Weight which such Carriage with the Loading thereof shall weigh above Forty-five Hundred Weight, the additional Sum of Sixpence:

For every Van, Caravan, Waggon, Wain, Cart, or other such Carriage drawn or propelled otherwise than by Animal Power, when such Carriage and the Loading thereof taken together shall not exceed Twenty Hundred Weight, One Shilling:

And for every Hundred Weight which such Carriage with the Loading thereof shall weigh above Twenty Hundred Weight and not exceeding Twenty-five Hundred Weight, the additional Sum of One Halfpenny:

And for every Hundred Weight which such Carriage with the Loading thereof shall weigh above Twenty-five Hundred Weight and not exceeding Thirty Hundred Weight, the additional Sum of One Penny:

And for every Hundred Weight which such Carriage with the Loading thereof shall weigh above Thirty Hundred Weight and not exceeding Thirty-five Hundred Weight, the additional Sum of Two-pence:

And for every Hundred Weight which such Carriage with the Loading thereof shall weigh above Thirty-five Hundred Weight and not exceeding Forty Hundred Weight, the additional Sum of Three-pence:

And for every Hundred Weight which such Carriage with the Loading thereof shall weigh above Forty Hundred Weight and not exceeding Forty-five Hundred Weight, the additional Sum of Four-pence:

And for every additional Hundred Weight which such Carriage with the Loading thereof shall weigh above Forty-five Hundred Weight, the additional Sum of Sixpence:

For every Hurley, Wheelbarrow, or other Carriage of that Description, drawn or propelled by Man or Beast, when such Carriage with its Loading shall not exceed One Hundred Weight, One Halfpenny:

For every additional Hundred Weight, when such Carriage with the Loading thereof shall weigh above One Hundred Weight, One Halfpenny:

For every Horse or Mule whereon any Person shall ride, the Sum of Four-pence:

For every other Horse or Mule, laden or unladen, and not drawing, Three-pence:

For every Ass, laden or unladen, and not drawing, Two-pence:

For every Score of Oxen or Neat Cattle, the Sum of One Shilling and Eight-pence, and so in proportion for any greater or less Number:

For every Score of Calves, Hogs, Sheep, Lambs, or Goats, the Sum of Ten-pence, and so in proportion for any greater or less Number:

For every Drove of Horses or Fillies unshod, the Sum of One Shilling and Eight-pence *per* Score, and so in proportion for any greater or less Number.

For ascertaining Weight.

XVII. And be it further enacted, That in all Cases under this Act a Hundred Weight shall be deemed and taken to be One hundred and twelve Pounds Imperial Weight.

Tolls to be paid only once a Day with the same Loading.

XVIII. And be it further enacted, That if any Tolls or Duties shall be once paid for any Horse or Horses or other Cattle, drawing or not drawing, passing through any of the Gates continued or to be erected by virtue of this Act, the same shall be entitled to repass and again to pass and repass the same Gate or Turnpike during the same Day, with the same Coach, Cart, or other Carriage, Toll-free, and without being liable in Payment of Toll for such first repassing or for such second passing and repassing, the Day to be computed from Twelve of the Clock at Night to the same Hour on the succeeding Night; but in case the same Horse, Horses, or other Cattle shall repass once or oftener with the same Waggon, Cart, or other such Carriage, with a new Loading, Toll Duty shall be paid for the same for each Time of passing, in the same Manner as for the first Time: Provided always, that nothing herein contained shall be held to affect the Provisions of the said second-recited Act regarding the Tolls payable in respect of Horses or Beasts of Draught drawing any Stage Coach or other Stage Carriage conveying Passengers or Goods, and in respect of Horses or Beasts of Draught let out to Hire drawing any Post Chaise or other Carriage.

Trustees may appoint Constables for protecting Roads.

XIX. And be it enacted, That the said Trustees in General or adjourned General Meetings assembled (Three of the Trustees present being Justices of the Peace) shall be and they are hereby empowered to appoint the several Persons employed upon the Roads, or such Number of them as they may see to be necessary, to be Constables, for the Purpose of the more readily detecting and bringing to Punishment Persons who shall in anywise be guilty of contravening the Provisions of the said second-recited Act or this Act,

XX. And

Toll Gatherer may give Evidence.

XX. And be it enacted, That in all Cases where any Dispute, Suit, or Litigation shall arise touching or in any ways relating to the said Tolls and Duties, the Person or Persons appointed to collect the same, or any other Person or Persons acting by or under the Authority of the said Trustees, shall not by reason thereof be disqualified from giving Evidence in any such Dispute, Suit, or Litigation.

Liability of Trustees, &c.

XXI. And be it further enacted, That every Person or Persons, Trustee or Trustees, who shall thereafter become bound for the Repayment of any Money borrowed, or Interest thereof, for behoof of the said Turnpike Roads, by granting and subscribing any Obligation, binding himself and his Heirs or other Representatives for the Payment of such Money, shall, with such Heirs or other Representatives, continue personally liable for the same, while unpaid, although such Person or Persons may also have been bound, or described himself or themselves in such Obligation as a Trustee or Trustees; any thing contained in the said second-recited Act notwithstanding.

Application of Money.

XXII. And be it further enacted, That the said Trustees in General Meeting assembled shall, out of the Monies to be raised in virtue of the said Act of the First and Second of His late Majesty *William* the Fourth, and of this Act, and the Tolls to arise at the Gates or Turnpikes already erected or to be erected on the said Roads, direct the Costs and Expences relative to the obtaining of this Act to be paid; and the Remainder of all such Monies to be applied, first, towards the improving, making, completing, maintaining, repairing, and keeping in repair the several Roads herein-before described, or such Part or Parts of the said several Roads as the said Trustees shall from Time to Time think fit to make, assume, improve, and maintain under the Authority of this Act, and towards the other necessary Purposes of this Act in relation to the same; and, secondly, towards the Payment of the Interest of the Sums already borrowed and advanced in virtue of the said recited Act for the Purposes of that Portion of the Roads described in the said first-recited Act from or from near to the Bridge across the River *Allander* at *Langbank Farm* till it join the Turnpike Road from *Glasgow* to *Inchbelly Bridge* and to *Strathblane*, or to be borrowed and raised by virtue of this Act; and thereafter to the Repayment of the Principal Sums so borrowed and advanced as aforesaid; and the Clerk to the said Trustees shall be and he is hereby authorized and required to record and enter all such Orders and Directions as regard the Application of such Money in the Book to be kept for that Purpose.

Power to repair Branch Roads.

XXIII. And be it enacted, That it shall be lawful to and in the Power of the said Trustees, or any Three or more of them, at a General Meeting assembled from Time, to Time to direct such Part of the Tolls and Duties by this Act granted as they shall think proper, not exceeding One Third of the annual Produce thereof in One Year, to be laid out and applied for the repairing other Roads branching out of or leading into the said Roads.

Public Act.

XXIV. 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.

XXV. And be it enacted, That the Powers by this Act granted shall commence from and after the passing of this Act, and shall continue from thence during the Term of Thirty-one Years, and thereafter to the End of the then next Session of Parliament.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1838.