ANNO SEPTIMO

GEORGII IV. REGIS.

Cap. cxxxiii.

An Act for making a Road from the Foot of the *Salt Market* of *Glasgow* to the *Kilmarnock* or *Cathcart* Turnpike Road, and for building a Bridge in the Line thereof across the River *Clyde* from *Glasgow* to *Hutchisontown*.

[26th *May* 1826.]

WHEREAS it would be attended with great Advantage to the Public in general, and to the Proprietors of Lands in the Barony of *Gorbals*, on the South Side of the River *Clyde*, if a Communication were made and maintained by a Bridge from the City of *Glasgow* across the River *Clyde*, at or near the Foot of the *Salt Market*, and a Road through the Lands of *Gorbals* and others, to the *Glasgow* and *Cathcart* Turnpike Road: And whereas an Act was passed in the Forty-sixth Year of the Reign of His late Majesty, intituled *An Act for maintaining a Wooden Bridge over the River* Clyde, *from the City of* Glasgow *to* Hutchisontown *in the County of* Lanark; in virtue of which a Wooden Bridge for Foot Passengers, which had been previously erected over the River *Clyde* near the Situation of the said intended Bridge, has been from Time to Time repaired, but the same is now in a State of Decay, and which Bridge it will be expedient to pull down; but these Purposes cannot be accomplished without the Aid and Au- 46 G. 3. c. 58.

thority of Parliament: And whereas an Act was passed in the Fourth Year of the Reign of His Majesty King *George* the Fourth, intituled 4 G. 4. c. 49. *An Act for regulating Turnpike Roads in that Part of* Great Britain *called* Scotland: 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, passed in the Fourth Year of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, save and except such Parts thereof as are expressly varied, altered, or repealed by this Act, shall be as good, valid, and effectual for carrying this Act into Execution, as if the same had been repeated and re-enacted in the Body of this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.

Recited Act of 4 G.4. applied to this Act.

Trustees for executing the Act.

II. And be it further enacted, That the Lord Provost and Magistrates of *Glasgow*, the Preceptor and Patrons of *Hutchison*'s Hospital in the City of *Glasgow*, and also every Person who shall have already subscribed or may hereafter subscribe or acquire Right to the Sum of One hundred Pounds of the Monies hereby authorized to be raised, every such Person being in his own Right, or in the Right of his Wife, possessed of a real or personal Property of the Value of Two thousand Pounds, shall be, and he and they is and are hereby appointed a Trustee and Trustees for the Purpose of obtaining Specifications and Estimates, and contracting for the proper Execution of the said Undertaking, and making, maintaining, and keeping in repair the said Road and Bridge, and executing the Powers and Purposes of this Act, and of the said recited Act, as hereby extended to the Purposes of this Act.

Meetings and Powers of Trustees.

III. And be it further enacted, That the said Trustees shall meet in *Glasgow* on the Second *Friday* after passing of this Act, and also annually on the Second *Friday* of *June*, for exercising and taking Measures to execute and enforce the Powers of this Act; and at these and all other General Meetings of the said Trustees, the Majority of Trustees assembled, the Number present not being less than Three, shall be and they are hereby authorized to do, order, and perform all Acts, Matters, and Things which the Trustees appointed by this Act are by the said recited Act and this Act authorized to do, order, and perform, and all such Acts, Matters, and Things so done shall be as good, valid, and effectual as if the same were done by the Whole of the said Trustees; and at all such Meetings the said Trustees shall choose a Chairman, who in case of Equality of Votes on any occasion, shall, in addition to his own Vote, have the decisive or casting Vote.

Turnpikes to be erected.

IV. And be it further enacted, That the said Trustees at a General Meeting assembled shall and may erect or cause to be erected, on and across any Part of the Road to be formed by them South of *Rutherglen Loan*, or at and beside any Bridge necessary to be erected by them over the River *Clyde* for completing such Communication,

such Number of Gates or Turnpikes, and such Number of Toll Houses, with proper Stables and Gardens adjoining to such Toll Houses, as to them shall appear to be expedient, (the Site of each such Toll House, Stable, and Garden not exceeding the Extent or Dimensions after mentioned,) and from Time to Time to alter the Situation of such Gates or Turnpikes, and Toll Houses, Stables and Gardens; and the said Road and Bridge, Gates, Toll Houses, Stables and Gardens, are and shall be vested in the said Trustees for the Purposes of this Act; and the said Trustees, or any Person or Persons by them to be appointed, shall be and they are hereby authorized and empowered to demand and take, or cause to be demanded and taken, before Passage be permitted, the aggregate Tolls hereinafter mentioned, and to apportion the same as they find expedient at the said several Bars; that is to say,

Tolls.

For every Horse or Beast of Draught, drawing any Coach, Barouche, Chariot, Landau, Chaise, Calash, Chair, Hearse, or other Carriage, Two Shillings and Sixpence:

For every Horse, Ox, or Beast of Draught, drawing any Waggon, Wain, or Cart, or other such Carriage, Two Shillings:

For every Saddle Horse or Mule, with or without a Rider, Four-pence:

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

For every Ass, loaded or unloaded, Two-pence:

For every Score of Horses or Fillies unshod, or of Oxen or Neat Cattle, Three Shillings and Four-pence; and so in proportion for any greater or less Number:

For every Score of Calves, Hogs, Sheep, Lambs, or Goats, Two Shillings and Sixpence; and so in proportion for any greater or less Number:

For every Hurley or Wheel Carriage or Barrow, passing without any Beast of Draught or Horse thereto, One Shilling:

For every Person passing along or going upon the said Bridge, not being the proper Rider or Driver of any such Horses or Beasts, as aforesaid, and not travelling in any Coach, Barouche, or other such Carriage, One Halfpenny:

Full Toll to be paid only once a Day.

Provided always, that in case there shall be erected more than One Gate or Turnpike by the said Trustees, then any Person or Persons producing a Ticket to shew that the full Amount of the Toll Duty hereby authorized to be levied has been paid at any One of such Gates, shall not for the same Horse or other Cattle, on the same Day, pay any Toll at any other Gate erected by the said Trustees: And provided further, that it shall not be lawful to or in the Power of the said Trustees to take the said Toll of One Halfpenny from Persons passing on foot along the said Bridge oftener than upon Fifty-two Days in the Space of every Twelve Calendar Months, save and except in the Event of the said Bridge being broken down, damaged, or rendered impassable to Foot Passengers, when it shall be lawful to the said Trustees, and they are hereby empowered, after

Foot Passengers to pay Pontage only Fifty-two times in the Year.

repairing

repairing the said Damage, to levy the said Halfpenny Toll every Day until the Expence thereby incurred shall be thereby defrayed.

Weighing Engines to be erected.

V. And be it further enacted, That the said Trustees shall, if they find it necessary, cause Weighing Engines to be erected upon such Parts of the said Road as they shall think fit, and at the said Bridge, for weighing all Waggons, Wains, Carts, and other Carriages which shall pass along the said Road or along the said Bridge, and receive and take (before any such Carriage shall respectively be permitted to pass any Gate or Turnpike to be erected on the said Road or Bridge) over and above the other Tolls and Duties hereby granted, the following Sums of Money as additional Toll for every Hundred Weight, of One hundred and twelve Pounds to the Hundred, which any Waggon, Wain, Cart, or any such Carriage, together with its Loading, shall weigh at any of the said Weighing Engines, over and above the first Fifteen Hundred Weight; that is to say,

Additional Tolls and Pontage on Heavy Carriages.

For the First and Second Hundred Weight of such Overweight, the Sum of Nine-pence for each Hundred Weight:

For every Hundred Weight of such Overweight above Two Hundred Weight, and not exceeding Five Hundred Weight, the Sum of One Shilling and Sixpence:

For every Hundred Weight of such Overweight above Five Hundred Weight, and not exceeding Ten Hundred Weight, the Sum of Two Shillings and Sixpence:

For every Hundred Weight of such Overweight above Ten Hundred Weight, and not exceeding Fifteen Hundred Weight, the Sum of Three Shillings and Sixpence:

For every Hundred Weight of such Overweight above Fifteen Hundred Weight, the Sum of Five Shillings.

Pontage to be paid although the Carriage shall not pass 100 Yards on the Road.

VI. And be it further enacted, That nothing in the said Act of the Fourth Year of the Reign of His present Majesty shall be construed to prevent the said Trustees from levying Toll upon Carts, Carriages, Horses, or others, passing along the said Bridge, although such Cart, Carriage, or others, do not pass One hundred Yards along the said Turnpike Road, any thing in the said recited Act to the contrary notwithstanding.

Application of the Tolls.

VII. And be it further enacted, That the Money arising from the Tolls hereby granted shall be applied, in the first Instance, in defraying the Expences incurred in relation to the applying for and obtaining this Act, and thereafter in defraying the Annual Expence of maintaining and repairing the said Bridge and Road and the Footpaths along the same, and the Expence of collecting the said Tolls, and putting the Powers and Purposes of this Act into Execution, and in the second Place, to the Payment of the Money to be subscribed, borrowed, or advanced for the Purposes or towards the making of the said Bridge and Road, and the Interest thereon.

Provision for future Maintenance of Bridge.

VIII. And be it further enacted, That after the aforesaid Monies, Principal and Interest, are satisfied and paid, it shall be lawful to the said Trustees either to reduce the Tolls and Duties to such Amount

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as shall be necessary for the aforesaid annual Expenditure necessary for maintaining and repairing the said Bridge and Road and Foot-paths, and collecting the said Tolls, or to continue the same, and to pay over the Surplus annually into the Bank of *Scotland*, Royal Bank of *Scotland*, or the Bank of the *British* Linen Company, at the best Rate of Interest that can be obtained for the same, and to accumulate the Amount thereof in an Account in their Names, until a sufficient Sum of Money, but not exceeding Ten thousand Pounds, shall be raised as a Fund for the future Maintenance of the said Bridge, or for building another in lieu thereof when the same shall go into Decay.

Trustees may shut up and remove present Wooden Bridge and Fords.

IX. And be it enacted, That it shall and may be lawful to and for the said Trustees at a General Meeting assembled, or such other Person or Persons as they shall appoint, after the said Bridge shall be passable for Foot Passengers, to take down and remove the present Wooden Bridge over *Clyde* for Foot Passengers, and also to destroy or shut up any Ford or Fords across the River *Clyde*, and any Access to and from the same, as they shall think necessary, so as effectually to prevent the Evasion of any of the Tolls at the said Bridge: Provided always, that nothing in this Act contained shall extend to empower the said Trustees to destroy or shut up any Ford at any greater Distance than Five hundred Yards, according to the Course of the River, above or below the said Bridge.

Subscriptions.

X. And be it further enacted, That it shall and may be lawful for all or any Person or Persons, Body or Bodies Politic or Corporate, who may or shall have engaged to advance, or who shall advance any Sum or Sums of Money on account of the said Road or Bridge, to borrow or raise the Amount of all or any part of his, her, or their Subscriptions or Advances by Loan or Annuity, as he, she, or they shall see fit, and to assign, transfer, or indorse the whole or any Part of his, her, or their Interest in the aforesaid Tolls or Duties in Security for the Sums so to be borrowed; and that all or any Sum or Sums for which any Person or Persons, Body or Bodies Politic or Corporate, may have already or hereafter shall or may become bound for or subscribe to the Purposes of this Act, shall be a real Charge and Burden upon his, her, or their heritable Estates respectively whatsoever, within the Parish of *Govan* or *Gorbals*, until paid and finally discharged, and the Amount thereof shall be recoverable by real or personal Diligence: Provided always, that the Deed of Subscription or Obligation for the said Sums be duly recorded in the General Register of Sasines, or the particular Register thereof for the District.

Trustees may borrow Money for the Purposes of this Act.

XI. And be it further enacted, That it shall and may be lawful for the said Trustees, at any General Meeting assembled, to borrow or take up by way of Loan, at any Rate of Interest not exceeding Five *per Cent. per Annum*, or by way of Annuity, upon joint or single Lives, and with or without the Benefit of Survivorship, upon such Terms as the Trustees shall see fit, upon the Security of the said Tolls and Subscriptions, any Principal Sum or Sums of Money for the Purposes, in the Manner directed by and under the Authority of the said recited Act and this Act.

Rates of Annuities to be made according to Acts of 48 and 52 G. 3.

XII. And for preventing any improvident Grant of Annuities, be it further enacted, That the Amount of every Annuity to be granted by virtue of this Act shall be regulated according to the Price of the Three Pounds *per Centum* Consolidated Bank Annuities at the Time of granting the same, and according to the Rate prescribed by Two several Acts, one made in the Forty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to enable the Commissioners for the Reduction of the National Debt to grant Life Annuities*, and the other made in the Fifty-second Year of His said Majesty, intituled *An Act for amending Two Acts passed in the Forty-eighth and Forty-ninth Years of His present Majesty, for enabling the Commissioners for the Reduction of the National Debt to grant Life Annuities.*

Form of Security.

XIII. And be it further enacted, That the Securities to be granted for the Money to be raised, subscribed, or borrowed, for the Purposes of this Act, shall or may be in the Words or Form following, or others to that Effect; *videlicet*,

No. £ *Date of Meeting.*

'THE *Hutchisontown* Road and Bridge Trustees, and the Indivi-
' duals or others hereto subscribing [*where any collateral Obliga-*
' *tion is to be given*], hereby promise to pay to *A. B.*
' Pounds Sterling, with Interest at [*the Interest not*
' *exceeding the legal Rate, and any further Conditions of the Loan*
' *may, if desired, be here shortly specified*].

' By Order of the Trustees.

' Collateral Obligants. (Signed) *C.* Preses.

A. Registered per *D.*

B.'

And every such Bond shall be transferable by blank Indorsation, but without inferring any Recourse upon the Indorser; and being signed at any Time by Order or Authority of any Meeting of Trustees, whereof the Bond may bear the Date, and being duly entered or registered in their Books, and at any Time whatsoever thereafter presented and protested for Nonpayment of the Principal and Interest, at the Office of the Clerk or Accountant of the said Trustees, all such summary Diligence shall be competent, and may immediately pass and be directed thereon against the Trust Funds, and against the Personal or Collateral Obligants or Securities who may sign the same, or authorize a Commissioner to sign for them and their Heirs, for the Principal Sum and Interest, or either of them, as is competent to pass upon any ordinary Promissory Note whatever by the Law of *Scotland*; provided always, that nothing herein contained shall authorize or be construed to authorize any Evasion of the Stamp Duties.

Penalty for injuring or obstructing the Passage of the Bridge.

XIV. And be it enacted, That if any Person or Persons shall unnecessarily obstruct the Passage of the said Bridge to be erected by the said Trustees, or shall sit, stand, or trespass upon any of the Parapets, Stays, or Rails of the same, or shall in any ways destroy, cut, injure, or remove any Part of the Work thereof, or of any Work or Property of the said Trustees whatsoever, every Person offending in any of these

Particulars shall forfeit and pay a Sum not exceeding the Sum of Five Pounds Sterling to the said Trustees; and it shall and may be lawful to the said Trustees, or any Person acting under their Authority, to seize every such offending Person or Persons *brevi manu*, and carry him, her, or them before the nearest Magistrate, who shall hear and determine the Matter, and detain or cause to be detained such Offender or Offenders, until Security be given for the Payment of the said Penalty, as accords.

Toll may be taken at the Bridge on Carts laden with Road Materials.

XV. And be it enacted, That it shall and may be lawful to the said Trustees to take the same Rate of Tolls upon all such Horses or Beasts as shall be drawing any Cart or Waggon laden with or carrying any Road Materials, which are and may be taken by them upon Horses or Beasts drawing Carts carrying any other Articles for passing along the said Bridge; any thing in the said Act of the Fourth Year of the Reign of His present Majesty to the contrary notwithstanding.

Provision for Protection of Navigation.

XVI. And whereas an Act was passed in the Sixth Year of the Reign of His present Majesty, intituled *An Act for amending Three Acts for enlarging the Harbour of* Glasgow, *and improving the Navigation of the River* Clyde *to the said City, and for other Purposes therein mentioned;* and the Trustees thereby appointed are authorized and empowered to carry on certain Operations requisite for opening and maintaining a Communication and safe and easy Navigation for Vessels loaded with Coals or other Commodities passing from the higher Parts of the said River *Clyde* to the Harbour at the *Broomielaw;* be it therefore enacted, That any Bridge to be erected by the Trustees acting in the Execution of this Act, shall be so constructed as not to present any Obstruction to such safe and easy Communication; and in the Event of any Difference of Opinion in this respect between the said Trustees hereby appointed and those appointed by the said Act, such Difference of Opinion shall be referred to the Decision of Two eminent Civil Engineers, One to be chosen by each Party, whom the said several Trustees are hereby empowered and required respectively to name, and who shall have Power to choose an Oversman; and the said Engineers or Oversman shall, on considering the Nature of the Traffic or Vessels in Use of plying, or most likely to be in Use of plying on the said Upper Navigation, and such relevant Matter as shall be laid before them, have Power, and are and is hereby authorised to order and adjudge all or any Part of the Plan of the said Bridge, or of the said Bridge itself, as they may find Occasion, to be altered or removed, in such Way as they or he shall be satisfied is necessary and proper to be done in the whole Circumstance of the Case.

Further Provision as to Protection of Navigation.

XVII. Provided always, and be it enacted, That nothing herein contained shall diminish or abridge, or be construed to diminish or abridge the Rights or Privileges of the Community and of the Magistrates and Town Council of the Royal Burgh of *Rutherglen*, or their Successors in Office, or the Right or Privilege of any Person or Persons whomsoever, to the Use and Navigation of the said River upwards from the Harbour at the *Broomielaw* of *Glasgow;* and that any Bridge

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to be erected by the Trustees acting in the Execution of this Act, shall be so founded and constructed as to admit the safe, easy, and convenient Passage under the same of Barges and of Steam Boats with folding Flues or Funnels, and the safe, easy, and convenient Navigation of the said River by such Barges and Steam Boats.

Bridge to be deemed within the Burgh of Glasgow.

XVIII. And be it further enacted, That in all Questions whatsoever occurring under this Act, or in any way in regard to the said Bridge, the same shall be wholly deemed to be within the Parish of *Saint James's* in the City of *Glasgow*, and within the Royalty of the Burgh of *Glasgow*, and the Jurisdiction of the Magistrates of the said Burgh is hereby declared to extend over the whole thereof, in the same way as if the same had been wholly within the said Burgh.

Public Act.

XIX. And be it further 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, without being specially pleaded.

Commencement and Continuance of Act.

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

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