ANNO QUINTO

VICTORIÆ REGINÆ.

Sess. 2.

****

Cap. XXV.

An Act for maintaining and repairing the Road from *Glasgow* to *Redburn Bridge*, and a Branch Road leading therefrom. [13th *May* 1842.]

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 6 G. 4. c. 191.
to Redburn Bridge, *and certain other Roads, in the Counties of* Stirling, Dumbarton, *and* Lanark: And whereas an Act was passed in the First and Second Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for amending and making more effectual* 1 & 2 W. 4.
the Laws concerning Turnpike Roads in Scotland: And whereas in pur- c. 43.
suance of the said first-recited Act the Trustees acting by virtue thereof have maintained and improved the said Road from the City of *Glasgow* to *Redburn Bridge* and *Bonnywater*, and from thence to or near *Loanhead* in the County of *Stirling*, and have also made and completed the Road branching from the original Turnpike Road from *Glasgow* to *Redburn Bridge* about One Half Mile East of *Cumbernauld* Inn, and leading in a Southern Direction by *Fannyside Loch* till it joins the Parish Road from *New Monkland* to *Slamannan* near *East Glentore:* And whereas considerable Sums of Money have been

advanced upon the Credit of the Tolls authorized to be taken by the said Act and the Act thereby repealed, which Money still remains owing, together with an Arrear of Interest thereon, and such Money cannot be paid off, nor the Interest thereof discharged, nor can the said Roads be effectually improved and kept in repair, unless further Powers are granted, and the Term of the said Act further continued: And whereas it is expedient that the said first-recited Act should be repealed, and that further and more effectual Powers should be granted for repairing and maintaining the said Roads; but the Purposes aforesaid cannot be effected without the Authority of Parliament: 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 from and after the passing of this Act the said recited Act of the Sixth Year of the Reign of His Majesty King *George* the Fourth shall be repealed, and that this Act shall thereafter be put into execution during the Term and for the Purposes herein-after mentioned.

First-recited Act repealed, and this Act to be put in force.

Powers of second-recited Act to apply to this Act.

II. And be it enacted, That the said recited Act of the First and Second Year of the Reign of His late Majesty King *William* the Fourth, 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,) 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.

All Arrears of Tolls and Monies due under first-recited Act vested in the Trustees under this Act.

III. And be it enacted, That all Monies due to, and all Property, heritable and moveable, vested in the Trustees under the Act hereby repealed, shall, immediately on the Commencement of this Act, be vested in the Trustees for executing this Act; and such last-mentioned Trustees may sue for and recover the same, and act in respect thereof, as effectually as if the same had been vested in them under the said first-recited Act, and they shall be liable to all the Debts and Engagements to which the Trustees under the first-recited Act were liable at the Repeal thereof.

Trustees appointed.

IV. And be it enacted, That *John Fleeming* of *Biggar* and *Cumbernauld*, the Right Honourable *John* Lord *Elphinstone*, *John Fullarton Elphinstone* of *Carberry*, Major General *William Keith Elphinstone*, Colonel *James Drummond Buller Elphinstone*, *John Murray Gartshore* of *Gartshore*, Sir *Archibold Edmonstone* of *Duntreath*, Baronet, *Alexander Graham Speirs* of *Culcreuch*, *Robert Brown*, Factor to his Grace the Duke of *Hamilton*, *David Erskine* of *Cardross*, *George Miller* of *Gartcraig*, *Alexander Campbell* of *Bedlay*, *Walter Duncan* of *Bogedge*, *George Shaw* of *Balloch*, *James Gray* of *Auchengeich*, and *William Wallace* of *Auchinvole*, and 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 valued in the Cess Books of the respective Counties through which the said Roads or any of them pass at One hundred Pounds *Scots*

or

or upwards of valued Rent, and situated within One or more of the Parishes after mentioned, (*videlicet,*) *Denny* in the County of *Stirling*, *Kirkintilloch* and *Cumbernauld* in the County of *Dumbarton*, Barony of *Glasgow* and *Cadder* in the County of *Lanark*, and the eldest Sons of such Persons, being Heirs Apparent of such Property, in the Absence of their Fathers, and the Trustee or any One of the Trustees of Heritors of Lands situated as aforesaid, valued as aforesaid at Four hundred Pounds *Scots*, or the Commissioner or any One of the Commissioners or the Factor of such Heritors, or of such Trustee or Trustees, Commissioner or Commissioners, in the Absence of their respective Constituents, shall be and they are hereby appointed Trustees for putting this Act into execution.

First Meeting of Trustees.

V. And be it enacted, That the said Trustees shall hold their First Meeting at *Cumbernauld* Inn on the Twenty-eighth Day of *May* One thousand eight hundred and forty-two, at One o'Clock Afternoon, and shall then, and from Time to Time thereafter, adjourn to and meet at such Times, and at such Places in the Neighbourhood of the said Roads, as they shall think proper; and at such Meeting, and all other Meetings of the said Trustees, Three shall be a Quorum.

Roads to which this Act is applicable.

VI. And be it enacted, That this Act shall be put in execution for the Purpose of improving, maintaining, and keeping in repair the present Turnpike Road leading from the City of *Glasgow* to *Redburn Bridge* and *Bonnywater*, and from thence to or near *Loanhead* in the County of *Stirling*, and the Road branching from the said Turnpike Road about One Half Mile East of *Cumbernauld* Inn, and leading in a Southern Direction by *Fannyside Loch* till it joins the Parish Road from *New Monkland* to *Slamannan* near *East Glentore*.

Trustees to pay 1,500*l.* of Monies now in hand in reducing the Debts.

VII. And whereas the said Trustees have now in hand a Sum of Two thousand and fifty Pounds, and have also Power, under a Cash Credit Bond, and Assignation of Part of the preferable Debt, to draw the Sum of Two thousand five hundred Pounds from the Royal Bank of *Scotland*; be it therefore enacted, That the said Trustees shall pay and apply the Sum of Fifteen hundred Pounds, Part of the said Sum of Two thousand and fifty Pounds, and the said Sum of Two thousand five hundred Pounds, if the said Cash Credit is operated on, to the Discharge of the Debts now due by the said Trustees, and to no other Purposes.

Present Tolls continued until May 16, 1843.

VIII. And be it enacted, That, notwithstanding the Repeal of the said first-recited Act, the several Tolls thereby granted and made payable shall continue to be paid at the Toll Gates or Toll Bars to be continued or erected on or on the Sides of the said Roads until the Sixteenth Day of *May* next One thousand eight hundred and forty-three.

Tolls to be taken.

IX. And be it enacted, That upon and after the said Sixteenth Day of *May* One thousand eight hundred and forty-three it shall be lawful for the said Trustees to demand and take, at the several and respective Toll Gates or Toll Bars which shall by virtue of this Act be upon or on the Sides of the said Roads, such Tolls as the said Trustees

Trustees at any of their Meetings shall direct, not exceeding the Sums following; (that is to say,)

For every Horse, Mule, or other Beast, drawing any Coach, Landau, Chaise, Calash, Chair, Taxed Cart, Hearse, or other such Carriage, or any Stage Coach, Long Coach, Omnibus, or Diligence, or Carriage of the like Kind, One Shilling; and for any Number of Horses or Beasts of Draught exceeding Five, drawing any such Carriage, Six Shillings; and if the said Trustees shall think proper, for every Horse or Beast of Draught not more than Six in Number, drawing any Stage Coach, Long Coach, Omnibus, or Diligence, or Carriage of the like Kind, any Sum in addition to the foresaid Rates not exceeeding One Half more thereof:

For every Horse, Ox, or Beast of Draught, if more than Three in Number, drawing any Waggon, Wain, or Cart, or other such Carriage, One Shilling:

For every Horse, Ox, or Beast of Draught, if not more or less than Three in Number, drawing any Waggon, Wain, or Cart, or other such Carriage, Ten-pence:

For every Horse, Ox, or Beast of Draught, if not more or less than Two in Number, drawing any Waggon, Wain, or Cart, or other such Carriage, Sixpence:

For every Horse, Ox, or Beast of Draught, where not more than One is drawing any Waggon, Wain, or Cart, or other such Carriage, Eight-pence:

For every Horse, Mule, or other Beast not drawing, laden or unladen, the Sum of Four-pence:

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

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Two Shillings and Sixpence *per* Score, and so in proportion for any greater or lesser Number:

For every Drove of Calves, Swine, Sheep, Lambs, or Goats, the Sum of Ten-pence *per* Score, and so in proportion for any greater or lesser Number:

For every Drove of Horses or Fillies unshod the Sum of Two Shillings and Sixpence Sterling *per* Score, and so in proportion for any greater or lesser Number:

For every Carriage propelled or drawn by Steam or other Power than Animal Power, the Sum of Sixpence *per* Ton for every Ton which such Carriage, with its Loading, and the Engine or other Power drawing or propelling the same, shall weigh:

Which said Tolls shall be taken before any Horse, Mule, Ass, Beast, or other Cattle, or Carriage whatsoever, shall be permitted to pass through any Toll Gate or Bar which shall be by virtue of this Act upon or across the said Roads or on the Sides thereof.

Fraction of a Halfpenny in Tolls.

X. And be it enacted, That in all Cases in which there shall be a fractional Part of a Halfpenny in the Amount of the Tolls by this Act authorized to be collected the Sum of One Halfpenny shall be payable in lieu of such fractional Part.

Tolls to be paid only once in Four Miles.

XI. And be it enacted, That upon Payment of the Tolls hereby granted at any Toll Gate or Toll Bar which shall be upon or on the

Sides of the said Roads, the Person paying the same shall be entitled, with the same Carriages or Horses or other Cattle, to pass through any other Toll Gate or Toll Bar placed upon or on the Sides of the said Roads, at a Distance not exceeding Four Miles from the Toll Gate or Toll Bar where such Payment was made, without being liable to pay the said Tolls more than once for passing through such Toll Gate or Toll Bar, and returning the same Day before Twelve of the Clock at Night, with the same Carriages or Horses or other Cattle.

New Loading to pay Toll.

XII. Provided always, and be it enacted, That in case any Waggon, Wain, Cart, or Carriage of the like Description shall pass through such Turnpike Gate or Turnpike Gates with a new Loading a Second or more Times on the same Day, the Tolls by this Act granted shall be paid for each Time they shall so pass, in the same Manner as for the first Time; provided always, that nothing under One Hundred Weight shall be reckoned a new Loading in any such Carriage.

Power to erect Weighing Machines, and take additional Toll on Overweights.

XIII. And be it enacted, That the said Trustees shall, if they find it necessary, cause Weighing Engines to be erected upon such Part of the said Roads as they shall think fit, for weighing all Waggons, Wains, Carts, and other Carriages which shall pass along the said Roads, and receive and take, over and above the Tolls hereby granted, the following Sums of Money as additional Toll, (excepting only in the Case of Carriages propelled or drawn by Steam or other Power than Animal Power,) 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 Weights which such Waggon, Wain, Cart, or other such Carriage is allowed to weigh, without paying additional Toll; (that is to say,)

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

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

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

For every Hundred of such Overweight above One thousand and not exceeding One thousand five hundred, the Sum of Five Shillings:

For every Hundred of such Overweight above One thousand five hundred, the Sum of Twenty Shillings:

And that before they respectively shall be permitted to pass through such Toll Gate or Toll Bar.

Exemptions from additional Toll.

XIV. And be it enacted, That every Waggon, Wain, Cart, or other such Carriage shall be allowed to pass without paying any additional Toll, provided the same, with its Loading, does not weigh more than the Weight following; (*videlicet,*)

Every Waggon, Wain, Cart, or other such Carriage drawn by One Horse, Ox, or Beast of Draught, One Ton Five hundred Weight; and drawn by Two Horses, Oxen, or Beasts of Draught, One Ton and a Half; and drawn by Three Horses, Oxen, or Beasts of Draught, One Ton One thousand five hundred Weight; and drawn by Four Horses, Oxen, or Beasts of Draught, Two Tons; and drawn by Five Horses, Oxen, or Beasts of Draught, Two Tons One thousand five hundred Weight; and drawn by Six Horses, Oxen, or Beasts of Draught, Three Tons Five hundred Weight; and drawn by Seven Horses, Oxen, or Beasts of Draught, Three Tons One thousand five hundred Weight; and drawn by Eight Horses, Oxen, or Beasts of Draught, Four Tons Five hundred Weight.

Tolls not to be charged at a higher Rate at Castlecary Bar than at any other Bar;

and Composition to be made on similar Terms with all Persons.

XV. Provided always, That the said Trustees shall not be entitled to demand or take any greater Toll or Sum at the *Castlecary* Bar, or any other Bar between the Station of the *Edinburgh* and *Glasgow* Railway and the Northern Extremity of the said Road, in respect of any Horse or other Beast of Draught drawing any Description of Carriage, than they shall demand and take at any of the other Toll Gates or Bars on the said Road in respect of Horses or other Beasts of Draught drawing the same Class or Description of Carriage; and if the said Trustees shall at any Time after the Twentieth Day of *April* One thousand eight hundred and forty-two compound with any Person or Persons, or Company or Companies, for the Passage of any Horses or other Beasts of Draught drawing any Class or Description of Carriage, or for any Cattle or Carriage, through all or any of the Toll Gates or Bars on the said Road, the said Trustees shall compound or agree at a Rate or Proportion not higher than such Composition, and on similar Terms with any other Person or Company who may have Occasion to pass with any Horses or other Beasts of Draught, or Cattle or Carriage, through the said *Castlecary* Bar, or such other Toll Gate or Bar as aforesaid, in going to or from the said Railway Station, and who shall require them so to do.

Limiting Height of Erections near the Road.

XVI. And be it enacted, That from and after the passing of this Act no House or other Building exceeding Ten Feet in Height shall be erected within Thirty Feet of the Centre of any of the said Roads.

Toll Gates.

XVII. And be it enacted, That the several Toll Gates, Bars, and Toll Houses now standing or being upon the said Turnpike Roads or on the Sides thereof shall be continued until removed by any Order of the said Trustees; and it shall be lawful for the said Trustees to order and cause to be set up in or across the said Turnpike Roads any Toll Gate or Bar, and to remove the present or any future Toll Gate or Bar, as they shall think proper.

Application of Monies.

XVIII. And be it enacted, That all Monies which shall be received by the said Trustees by virtue of this Act upon the said Roads shall be applied as follows; (that is to say,)

First, in paying and discharging the Expences of obtaining and passing this Act, or incident thereto:

Second,

Second, in paying the Expences of maintaining, improving, and keeping in repair the said Roads, and in putting this Act into execution:

Third, in paying the Interest and Capital of the Sums borrowed under the said recited Acts or either of them, according to the respective Rights of Priority and Preference possessed by the Creditors thereof:

Fourth, in thereafter paying the Interest and Capital of any Sums which may be borrowed under the Powers of this Act.

Trustee or Clerk competent Witnesses in Actions.

XIX. And be it enacted, That no Trustee or Clerk, or other Persons acting under the Authority of this Act, if not otherwise interested, shall be deemed incompetent to give Evidence, or shall be disqualified from giving Evidence, in any Action, Suit, or other Proceeding brought by or against him in such his Capacity of Trustee or Clerk, by reason of his being Pursuer or Defender in such Action, Suit, or Proceeding.

Trustees to render an annual Account.

XX. And be it enacted, That the said Trustees shall once in each Year cause to be prepared an Account in Abstract of the total Receipts and Expenditure of all Funds levied by virtue of this Act for the Year preceding, under the several distinct Heads of Receipts and Expenditure, with a Statement of the Balance of the said Account duly attested and certified by the Clerk to the said Trustees, and shall cause a Copy of such annual Account to be transmitted free of Charge to the Sheriff Clerk at *Glasgow* of the County of *Lanark*, on or before the First Day of *Jannary* in each Year, under a Penalty of Twenty Pounds in case of Default, to be levied by summary Process in the same Manner as Penalties are authorized by the said recited Act of the First and Second Year of the Reign of His said late Majesty King *William* to be levied, and which Penalty shall be sued for at the Instance of any Person authorized by the said last-recited Act to prosecute for Tolls and Penalties, in the same Manner as Penalties are thereby authorized to be recovered, and shall be applied in the Manner in which Penalties not otherwise directed to be applied are thereby directed to be applied; and such Account shall be open at all seasonable Hours to the Inspection of the Public, upon Payment of One Shilling for such Inspection, or if written Extracts are required therefrom, at the Rate of Sixpence for each Folio of Seventy-two Words.

This Act not to exempt the Roads from any general Act.

XXI. And be it enacted, That nothing herein contained shall be deemed to exempt the Roads comprised in this Act from the Provisions of any general Act relating to the Consolidation or other improved Arrangement of Turnpike Roads which may pass during the present or any future Session of Parliament.

Interpretation of Act.

XXII. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

The Word "Person" shall be understood to include Corporation: Words importing the Masculine Gender shall include Females.

Term of Act. XXIII. And be it enacted, That this Act shall commence on the passing thereof, and shall continue in force for the Term of Thirty-one Years, and from thence to the End of the Session of Parliament which shall then next follow.

Public Act. XXIV. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

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