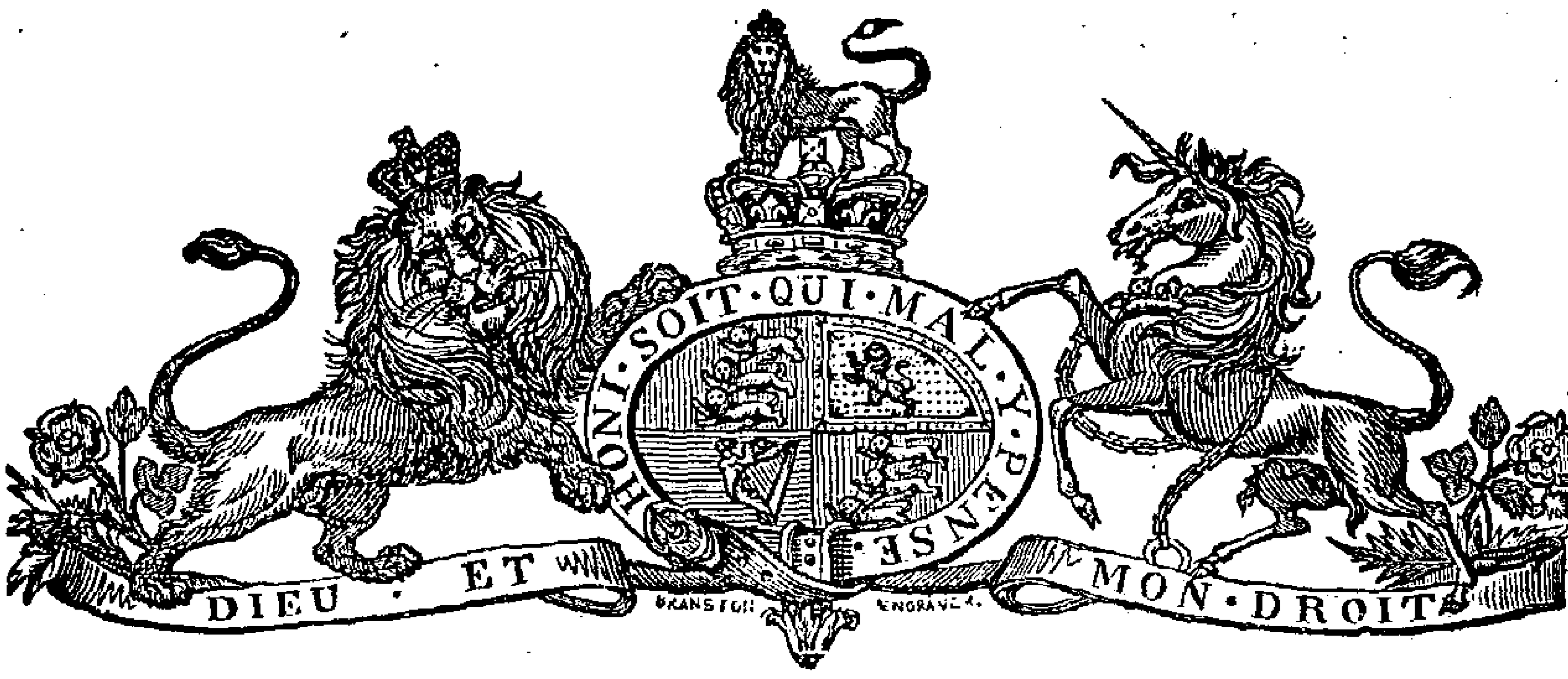


ANNO SEXTO & SEPTIMO

VICTORIÆ REGINÆ.

****

Cap. lxxx.

An Act to improve, repair, and maintain the Road from *Inchbelly* Bridge to *Glasgow,* and to make and maintain certain Branch Roads therefrom.

[28th *July* 1843.]

WHEREAS an Act was passed in the Thirty-fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for enlarging the Term and Powers of an* 35 G.3. c.155
Act passed in the Twenty-sixth Year of the Reign of His late Majesty King George *the Second, for repairing several Roads leading into the City of* Glasgow; *and of another Act passed in the Twenty-seventh Year of the Reign of His said late Majesty, to explain, amend, and render more effectual the said Act; and of another Act passed in the Sixth Year of the Reign of His present Majesty, to enlarge the Term and Powers of an Act made in the Twenty-sixth Year of the Reign of King* George *the Second, for repairing several Roads leading into the City of* Glasgow, *so far as the same relates to the District of Roads from* Inchbelly Bridge *to* Glasgow, *and from* Glasgow *to* Redburn Bridge; *and for altering and ascertaining the Course of the last-mentioned District of Road, so far as the same relate to the said Road from* Inchbelly Bridge *to* Glasgow; *and for more effectually making, repairing, widening, and keeping in repair the said Road, and the Road branching*

from the aforesaid Road from Inchbelly Bridge *to* Glasgow, *and leading to* Calder Bridge, *and from thence by or near* Balmore *to or near the Church of* New Kilpatrick, *and from thence by or near* Lawmuir *to the Town of* Old Kilpatrick, *beginning at the Bridge across the* Allander *on the Road from* Longbank Farm, *by* Balmulie Bridge, *to* Glasgow *on the East, and ending at the said Town of* Old Kilpatrick *on the West, and the Road branching from the aforesaid Road from* Inchbelly Bridge *to* Glasgow, *and leading over* Garngad Hill *to* Provan Mill *and to the present Turnpike Road leading to* Cumbernauld; and another Act was passed in the Forty-first Year of the Reign of His said late Majesty, intituled *An Act for enlarging the Term and Powers of so much of an Act passed in the Thirty-fifth Year of His present Majesty's Reign, for repairing the Road from* Inchbelly Bridge *to* Glasgow *and certain Roads branching from the same, as relates to the said Road from* Inchbelly Bridge *to* Glasgow, *and to the Road branching from the aforesaid Road from* Inchbelly Bridge *to* Glasgow, *and leading over* Garngad Hill *to* Provan Mill *and to the present Turnpike Road leading to* Cumbernauld; and another Act was passed in the Third Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for altering and enlarging the Terms and Powers of certain Acts, so far as the same relate to the Roads from* Inchbelly Bridge *to* Glasgow, *and leading over* Garngad Hill *to* Provan Mill, *and other Roads branching therefrom or connected therewith:* And whereas by the said recited Acts certain Trustees were appointed who have carried the same into execution, so far as relating to the Road leading from *Inchbelly Bridge* to the City of *Glasgow*, and have borrowed certain Sums of Money on the Credit of the Tolls thereby granted, and expended the same on the said Road: And whereas the Term of Endurance of the said recited Acts, so far as the same relate to the foresaid Road from *Inchbelly Bridge* to the City of *Glasgow* is about to expire, and the Money so borrowed cannot be repaid, and the said Road cannot be maintained and repaired, unless Provision be made therefor; and it is expedient that the said recited Acts should be repealed, and other and farther Powers granted for improving, repairing, and maintaining the said Road: And whereas it would be of great public Advantage if the Trustees for carrying this Act into execution were authorized to make and maintain a Branch Road from the present Road at or near the *Troughstone* to the *Port Dundas* or *Garscube Road* at or near to the Head of *West Nile Street* of *Glasgow*, and another Branch Road from the present Road at the same Point to the *Possil Road* at or near to *Craigbank* or *Hamilton Hill:* And whereas an Act was passed in the Second Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for amending and making more effectual the Laws concerning Turnpike Roads in* Scotland, and it is expedient that the Powers and Provisions thereof should be applied to this Act; but these Purposes cannot be carried into effect without the Aid and 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 upon the Third *Wednesday* of the Month next after the passing of this Act the

41 G. 3. c. 25.

3 G. 4. c. 17.

1 & 2 W. 4. c. 43.

Recited Acts repealed, and this Act to

the said first Three recited Acts shall, so far as the same relate to the foresaid Road from *Inchbelly Bridge* to the City of *Glasgow*, be repealed; and that this Act shall thereafter be put into execution during the Term and for the Purposes herein-after mentioned. be put into execution.

II. And be it enacted, That the said recited Act passed in the Second Year 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 were repeated and re-enacted in the Body of this Act. Powers of 1 & 2 W. 4. c. 43. applied to this Act.

III. And be it enacted, That all Monies due to and all Property vested in the Trustees under the Acts 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 use, 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 Three recited Acts; and they shall be liable to all the Debts and Engagements to which the Trustees under the Acts hereby repealed were liable at the Repeal thereof; and that all Bonds, Covenants, Agreements, and Securities made or entered into, under the Powers and Provisions of the said recited Acts hereby repealed, to, by, or with any Person, and the Trustees appointed by the said recited Acts hereby repealed, shall remain in full Force, and shall be and continue available to and in favour of such Person and of the Trustees hereby appointed respectively, in all Courts of Law and Equity, until the same are fully satisfied and performed. All Arrears of Tolls and Monies due under the repealed Acts vested in the Trustees under this Act. Covenants and Agreements under former Acts to be good.

IV. And be it enacted, That every Person who is at present or who may hereafter, in his own Right or in the Right of his Wife, be in the actual Possession and Enjoyment as Proprietor of the Dominium utile of Land in the Parishes of Barony of *Glasgow* or *Calder* in the County of *Lanark*, in the Parish of *Kirkintilloch* in the County of *Dumbarton*, or in the Parishes of *Baldernock* or *Campsie* in the County of *Stirling*, valued in the Cess Book of the said respective Counties at One hundred Pounds *Scots* of valued Rent, and the eldest Sons of such Persons in the Absence of their Fathers (such eldest Sons being Heirs Apparent of such Property); and also the eldest Sons of Persons having such Lands situate as aforesaid of the Valuation of Two hundred Pounds *Scots* or upwards (such eldest Sons being Heirs Apparent of such Property); and the Factors of Heritors having Lands situate and valued as aforesaid at Four hundred Pounds *Scots*, in the Absence of their respective Constituents; also the Sheriffs Depute of the Counties of *Lanark*, *Dumbarton*, and *Stirling*; and the Lord Provost, Bailies, Treasurer, Dean of Guild, and Deacon Convener of the City of *Glasgow* for the Time being; and also Sir *Archibald Edmonstone* of *Duntreath*, Baronet, or the Proprietor of the Estate of *Kilsyth* for the Time being, and in his Absence the Factor on the said Estate; and also Captain *George Stirling*, Son of the late Sir *John Stirling* of *Glorat*, Baronet; Appointment of Trustees.

Baronet; and *John Tennant* of *Saint Rollox*, shall be Trustees for carrying this Act into execution.

First Meeting of Trustees.

V. And be it enacted, That the said Trustees shall hold their First Meeting upon the Third *Wednesday* of the Month next after the passing of this Act, between the Hours of Twelve and Four o'Clock, within some convenient Place in the Neighbourhood of the said Road, whereof Ten Days Notice shall be given in some Newspaper published and usually circulated in *Glasgow*, and shall then and from Time to Time thereafter adjourn to and meet at such Times and in such Places in the Neighbourhood of the said Road as they shall think proper.

Quorum of Trustees.

VI. And be it enacted, That at all General Meetings of Trustees under this Act Three Trustees shall be a Quorum.

Roads to which this Act is applicable.

VII. And be it enacted, That this Act shall be put into execution for the Purpose of more effectually improving, maintaining, and keeping in repair the present Turnpike Road leading from *Inchbelly Bridge* to a Point where the said Road crosses the Cut of Junction Canal, the South Side of which shall be the Termination of the Trust in that Direction; and for making, repairing, and maintaining a Branch Road from the present Road at or near the *Troughstone*, to the *Port Dundas* or *Garscube Road* at or near to the Head of *West Nile Street* in *Glasgow*, and another Branch Road from the present Road at the same Point to the *Possil Road* at or near to *Craigbank* or *Hamilton Hill*: Provided always, that, until the Expiration of the present Lease of the Tolls at the Term of *Whitsunday* One thousand eight hundred and forty-four, the Portion of the present Line to the South of the foresaid Terminus shall be maintained and repaired by the said Trustees; provided that nothing herein contained shall extend to relieve the Company of Proprietors of the said Canal from any Obligation to which they would otherwise be subject of maintaining the Bridge across the said Canal.

Abandonment of the Branch Road through Kirkintilloch.

VIII. And whereas the Road from East to West through the Town of *Kirkintilloch* was formerly included in the Line of Highway from *Inchbelly Bridge* to *Glasgow*, and in whole or in part maintained at the Expence of the Trust Funds of the said Highway; be it enacted, That it shall be in the Power and Discretion of the said Trustees to abandon and cease to maintain the same, either in whole or in part, after the passing of this Act: Provided always, that in the Event of such Abandonment the Trustees shall be bound to pay to the Magistrates of the Town of *Kirkintilloch*, for the Maintenance and Repair of the said Branch Road through the said Town, any Sum that may be agreed upon, not less than Five nor more than Ten Pounds annually.

Map or Plan deposited at the Office of the Sheriff Clerk to re-

IX. And whereas a Map or Plan describing the Lines of the said Branch Roads, and the Lands through which the same are intended to be made, together with a Book of Reference thereto, containing a List of the Names of the Owners or reputed Owners and Occupiers of such Lands,

Lands, has been deposited at the Office in *Glasgow* of the principal Sheriff Clerk of the County of *Lanark*; be it enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the Sheriff Clerk of the said County, to the end that all Persons may at all seasonable Times inspect and peruse the same, and have Copies thereof or Extracts therefrom, paying to the said Clerk the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts; and the said Map or Plan and Book of Reference, or any Copy thereof respectively or of any Part thereof, certified by the said Clerk or his Deputy for the Time being to be a true Copy thereof, shall be good Evidence in all Courts of Law or elsewhere.

main there, and be open to Inspection.

X. And be it enacted, That it shall be lawful for the said Trustees to set out, make, and complete the Branch Roads herein-before described in the Lines and through the Lands delineated in the Map or Plan, and described in the Book of Reference herein mentioned, of such Width as they may think proper, not exceeding Sixty Feet of finished Roadway, together with such Footpaths, Bridges, Embankments, Ditches, Drains, Fences, and other necessary Works upon or near thereto as they may think requisite, and for the Purposes aforesaid to take possession of the Lands and Premises described in the said Map or Plan and Book of Reference, making Satisfaction for the same to the Owners thereof, and other Persons interested therein, for the Damages which such Owners or other Persons may respectively sustain thereby; and it shall be lawful for the said Trustees, and for their Surveyors and Workmen, from Time to Time to enter upon the said several Lands, and to stake out the same for the Purposes of this Act, at such Times and in such Manner as the said Trustees or Surveyors shall think necessary or expedient: Provided always, that in forming the proposed new Line of Road from the present Road to the *Port Dundas* or *Garscube Road* through the Lands called *Little Cowcaddens*, marked 77, 78, 79, 80, and 81, on the Map or Plan deposited as aforesaid, the Trustees shall be bound, unless they shall have previously obtained the Consent in Writing of the Proprietors of the said Lands to the contrary, to deviate from the Line laid down on the said Map or Plan, and to form the said Road in the Line delineated on a Map or Plan of the said Lands which has been certified by the Right Honourable the Speaker of the House of Commons in reference to this Act; and that in passing through the said Lands of *Little Cowcaddens*, it shall not be lawful to the said Trustees to take a greater Breadth of Land than Forty Feet, which shall be the Breadth of the said Road through the said Lands, excepting as to the temporary Occupation of Footways, as herein provided.

Power to make new and improved Lines of Road according to Plan.

XI. And be it enacted, That, except as herein otherwise provided, it shall be lawful for the said Trustees in making the said Branch Roads to deviate from the Lines delineated on the said Map or Plan: Provided always, that such Deviations shall not extend more than One hundred Yards from the Lines, nor beyond the Limits of Deviation delineated upon the said Map or Plan, nor into the Lands of any Person not described on the said Map or Plan or in the

Trustees empowered to deviate from Plan.

the said Book of Reference, without the Consent in Writing of the Party in or through whose Lands any such Deviation shall be proposed to be made.

Lands marked on the Plan may be used notwithstanding Errors in the Book of Reference.

XII. And be it enacted, That it shall be lawful for the said Trustees to make the said Branch Roads in the Lines in or through the Lands delineated upon the said Map or Plan, although such Lands or the Situation thereof, or the Names of the Owners or Occupiers thereof, may happen to be omitted, mis-stated, or erroneously described in the said Map or Plan or in the said Book of Reference, in case it shall appear to Two or more Justices of the Peace for the said County of *Lanark*, in Petty Sessions assembled, and be certified by Writing under their Hands, that such Omission or Mis-statement proceeded upon Mistake; and the Certificate of the said Justices shall be deposited with and remain in the Custody of the Sheriff Clerk for the Time being of the County of *Lanark*, at his Office in *Glasgow*.

Trustees restrained from pulling down Houses not in Book of Reference.

XIII. And be it enacted, That it shall not be lawful to the Trustees to take or pull down, or to use or injure any Dwelling House or other Building, or to take, use, or injure any Curtilage, Orchard, Garden, Yard, Park, Paddock, Lawn, Shrubbery, planted Walk or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, except such as are mentioned in the Book of Reference deposited as aforesaid, without the previous Consent in Writing of the Owner or Proprietor thereof and all other Persons interested therein.

Trustees to make and pay the Expence of a Drawbridge across the Canal.

XIV. And whereas the said first-mentioned Branch crosses the *Forth* and *Clyde* Navigation at or near to *Pulteney Street*; be it enacted, That the said Trustees shall make and form a sufficient Drawbridge across the said Navigation, similar to the other Bridges thereon, and erect a Bridge Keeper's House, without obstructing the said Navigation, or impeding the Trade thereof, at the Sight and to the Satisfaction of the Engineer for the Time being of the Company of Proprietors of the said Navigation, and pay to the said Company a Sum adequate to the Expence of maintaining the said Drawbridge and House and of paying the Keeper's Wages in all Time coming, which Sum, in case of Difference, shall be ascertained in the same Way as the Price of Ground for the said Road is by the last-recited Act directed to be ascertained.

Saving Rights of the Edinburgh and Glasgow Railway Company.

XV. And be it enacted, That nothing herein contained shall alter, take away, or diminish in any respect the Powers and Authorities vested in the *Edinburgh and Glasgow* Railway Company by the Act incorporating the Proprietors, or the existing Amendments thereof; but that the said Company shall have the same Rights and Privileges of building on or otherwise using the Lands which they now hold or may hereafter acquire for the Purposes of the said Railway, and of any Depôt, Stations, or other Works connected therewith, and otherwise the same Rights and Privileges as they now possess.

XVI. And

Regulating the crossing of the Edinburgh and Glasgow Railway.

XVI. And whereas it is intended that the Branch Road herein-before mentioned shall, if formed or constructed, be carried by means of a Beam Bridge underneath the *Edinburgh and Glasgow* Railway, at a Point a little to the North of the *Cowlairs* Station; be it enacted, That the said Bridge, if and when built, shall be constructed so that the present Level of the said Railway shall remain unaltered, and so that there shall be a clear Space of Two Feet between the upper Surface of the Beams thereof and the upper Surface of the Rails of the said Railway, and so that there shall be at all Points a clear Space beween the Parapet Walls of the said Bridge for the Use of the said Railway of Thirty-three Feet, if there shall at the Time of constructing the said Bridge be only Two Lines of Rails at the said Point, but if there shall be more Lines of Rails than Two, then of such increased Breadth as shall be necessary therefor, which Bridge shall be built according to a Plan to be approved of by the Engineers of the Parties, or, in case of Difference in Opinion, by an Engineer to be appointed mutually by the Parties, or by the Sheriff of *Lanarkshire*, on the Application of either of them; and it shall be in the Power of the said Railway Company, in the event of their wishing at any Time after the Construction of the said Bridge to widen their Railway, to lengthen the Abutments of the said Bridge at both Ends or either End thereof, and to lay additional Beams thereon, they doing as little Damage as may be in the said Operations, and not only restoring the Road to a good and sufficient State as speedily as possible, but always allowing a free uninterrupted Passage along said Highway.

Provision as to Pond at Cowlairs.

XVII. And be it enacted, That before the said Trustees shall take or occupy any Portion of the Pond or Reservoir for the Supply of the Engine and Works of the *Edinburgh and Glasgow* Railway at *Cowlairs*, or construct Works thereon or in the Neighbourhood thereof, calculated to diminish or affect in any respect the Supply of Water therefrom, they shall, if required, acquire and convey to the said Company a Portion of adjoining Ground at least equal in Extent to what they shall so take, occupy, or interfere with, and shall form a Pond thereon in connexion with and as an Enlargement of the Remainder of the present Pond, and shall form Drains and Culverts under their Road for the Purpose of preserving the Supplies of Water to the said Pond, in such Manner that the said new Pond or Reservoir shall have the same Extent of Surface, and shall contain the same Cubic Contents of Water, and be equal in its Supplies of Water and in every other respect to the Pond or Reservoir so partly taken, occupied, or interfered with by them.

Further Provisions for Protection of Railway Company.

XVIII. And be it enacted, That in executing the Portion of the main Line of Road herein-before mentioned which is intended to run parallel and near to the Cutting of the *Edinburgh and Glasgow* Railway to the South of *Cowlairs*, and the Portion of the Branch Road herein-before mentioned which is intended to be carried under the Embankment of the said Railway to the North of *Cowlairs*, and in the necessary Repairs or Removal thereof from Time to Time, the said Trustees shall in no way interrupt or impede the free and uninterrupted

uninterrupted Use of the said Railway; and if such Interruption or Impediment shall occur, the said Company shall be at liberty to give Notice thereof in Writing to the said Trustees, or their Surveyor or Clerk, who shall thereupon instantly remove such Interruption or Impediment, or the Cause thereof; and they shall besides pay to the said Company the actual Damage thereby occasioned, as the same shall be ascertained or fixed and ordered *de plano* by the Sheriff of *Lanarkshire*, or any fit Person to be named by him, or in lieu thereof, or in the Option of the said Company, Ten Pounds for every Hour or Part of an Hour during which such Interruption or Impediment, or the Cause thereof, shall continue after such Notice as aforesaid.

Road Trustees to be at the Expence of Screens, if required.

XIX. And whereas Provision is made in the said recited Act incorporating the said *Edinburgh and Glasgow* Railway Company for the Erection by the said Company of Screens along the Sides of their said Railway or of Turnpike Roads, in those Cases where from their near Approach to the Railway Danger to Travellers may be apprehended; be it enacted, That in case any such Screens be found necessary with respect to the Roads hereby authorized to be made or any of them, the same shall be erected by and at the sole Expence of the Trustees of such Roads, but so as not to interfere prejudicially with the said Railway or the Works thereof.

Provision as to Drains in the Lands of Little Cowcaddens.

XX. And whereas the Provisions of the said last-recited Act in regard to the Power of making Ditches and Drains along Turnpike Roads are inapplicable and inadequate to the draining of Ways which are or are to become the Streets of Cities or Towns, or the Suburbs thereof; and the said Road is intended to pass through the Lands belonging to the Heirs of *Patrick Bell* Esquire, of *Little Cowcaddens*, which are appropriated and laid out for building; be it enacted, That the said Trustees, if and when they shall form the said Road through the said Lands, shall construct and maintain a suitable and sufficient Main Drain or Sewer from the Northern Boundary of the said Lands of *Little Cowcaddens*, down the Centre of *Leadbetter Street*, into the Centre of *Woodrop Street*, and Westward along the Centre of *Woodrop Street* and into the *Port Dundas* Road; and from thence Southward along that Road and the *Garscube Road* until a Junction be formed with the Sewer leading from the Road called the *Parliamentary Road*, the Consents of the Trustees respectively of the said *Port Dundas* and *Garscube Roads* being first had and obtained thereto; and shall also make and maintain Side or Surface Drains along the Sides of the said Road, so far as it coincides with the said Streets, communicating with the said Main Drain by means of Openings at convenient Distances, which shall be neatly covered over with Iron Gratings, in the same Manner as on other Streets in the said Lands; and the Proprietors of the Subjects adjoining to the said Main Drain shall be entitled to lay Drains or Sewers into such Main Drain, and to cleanse and repair and maintain the same from Time to Time; and such Main Drain and Side or Surface Drains shall be executed at the Sight and under the Direction of *Thomas Kyle*, Land Surveyor in *Glasgow*, or, failing him, of *John Baird*, Architect in *Glasgow*, and in the Event of any Difference arising between the

said Trustees and such Proprietors as to the Levels and Construction of such Main Drain or Side and Surface Drains, or as to the Drains of Communication with such Main Drains, the same shall, on the Application of either Party, be settled by the Sheriff of the County of *Lanark*, or the Dean of Guild of the Burgh of *Glasgow*, after such Notice to the other Party and such Inspection or Evidence as he may think requisite; and his Decision in the Matter shall be final, and not subject to Review in any Court or in any Manner of Way.

Provision as to Footways through said Lands.

XXI. And be it enacted, That the said Trustees shall form and maintain Footways of Ten Feet wide on each Side of the said Road, where the same passes through the Property of *Bell*'s Heirs aforesaid, until the same be feued for building or occupied by Buildings, when the Expence of laying and maintaining such Footways shall thereafter be defrayed by the Feuars or other Proprietors thereof.

Provision as to Drain through the Lands of Cowlairs.

XXII. And be it enacted, That, at the same Time with making the said Road through the Lands of *Cowlairs* belonging to *John Gourlay* and *Maria Harvey Gourlay*, the said Trustees shall make and form a good and sufficient Sewer or Drain along the Centre of the said Road through the said Lands, with a suitable Outlet therefrom either to the North or South, as the Grounds may require, the said Sewer being commodious, and having Inclinations fitted for draining the Subjects on the Sides of the said Road; into which Main Sewer the Proprietors or Feuars on the Sides of the said Road through the said Lands shall have Right to lay, and to cleanse, maintain, and repair from Time to Time, Side Drains communicating with the Houses and Grounds on the Sides of the said Road through the said Lands; and the said Trustees shall also make and maintain Side Drains or Water Tables along the Sides of the said Roadway and the Footpaths thereof (in lieu of all other Side Ditches and Drains), having Communication into the said Main Sewer, with covered grated Openings for carrying off the Surface Water upon the said Road, which Footpaths shall be made and maintained by the said Trustees until Houses are built on the Sides of the said Road, after which they shall be paved and upheld by the Proprietors of the Sides thereof to whom they shall belong: Provided always, that in estimating the Value of the Grounds required for forming the said Road through the said Lands, the Jury shall take into account and allow for the Costs and Expence incurred by the said Trustees in making the said Main Sewer under the Centre of the said Road through the said Lands.

Provision as to Minerals in Lands of Cowlairs.

XXIII. And be it enacted, That nothing herein contained shall prevent the Owners of the said Lands of *Cowlairs* from working and carrying away the Coal, Ironstone, Freestone, and other Metals and Minerals under the said Road so far as it passes through the said Lands; provided the same be done without breaking the Surface of the said Road or damaging the Level thereof.

Limitation of Cutting in the Lands of Broomhill.

XXIV. And be it enacted, That in making the said Branch Road leading from the present Road at or near the *Troughstone* to the *Port*

Port Dundas or *Garscube Road*, through the Lands of *Broom Hill*, the Property of *William Stewart Stirling Crawford* Esquire, of *Milton*, it shall not be lawful to cut deeper in any Part of the said Lands than Nineteen Feet below the present Surface thereof, without the Consent in Writing of the said *William Stewart Stirling Crawford* first had and obtained.

Road to be carried along the Line of Pulteney Street.

XXV. Provided always, and be it enacted, That in making the said Branch Road leading from the present Road at or near the *Troughstone* to the *Port Dundas* or *Garscube Road*, on the South Side of the *Forth and Clyde* Canal or Cut of Junction, the same shall be carried, without Deviation, along the Line of the Street called *Pulteney Street*, on the Lands of *William Stewart Stirling Crawford* of *Milton*, Esquire, unless the Consent in Writing of the said *William Stewart Stirling Crawford* to any Deviation therefrom shall be first had and obtained.

Works not to be stopped, if Caution found by Trustees.

XXVI. And be it enacted, That it shall be lawful for the said Trustees, and for their Surveyors and Workmen employed by them, from Time to Time, for the Purpose of making, altering, or repairing the said Roads, to enter into or upon the Lands, Houses, or Premises through which or whereupon any of the Roads hereby authorized to be made, altered, or repaired is intended to pass; and in case any Person having or pretending Interest shall apply to any Judge competent for a Warrant to stop the Execution of any of the Works hereby authorized to be executed, on the Ground that the Damages occasioned or to be occasioned by such Work have not been ascertained or compensated, the said Judge is hereby empowered and required to refuse such Warrant, or to recal the same, if granted, upon sufficient Caution to his Satisfaction being found by the said Trustees for the Amount of such Damages as may be ultimately awarded to the Person claiming and entitled to the same.

Limiting Time for purchasing Property.

XXVII. And be it enacted, That in case the said Trustees shall not, within the Space of Five Years from the Commencement of this Act, pay for the Lands which they are by this Act authorized to take, or consign the Value thereof in a Bank, in the Manner mentioned in the said recited Act passed in the Second Year of His Majesty King *William* the Fourth, then and from thenceforth all the Powers by this Act or any other Act granted in relation to the taking of Lands for the Purpose of Turnpike Roads shall, so far as they relate to the Lands herein-before authorized to be taken for the Purposes of this Act, cease and be utterly void, unless with the Consent of the Owners and Occupiers of such Lands respectively: Provided always, that if before the Expiration of the said Period the Trustees shall have made Application to the Sheriff in manner provided by the said last-mentioned Act for a Jury to ascertain the Value of any such Lands, and the Proceedings for that Purpose shall be delayed by reason of any Defence or Objection taken by the Defender in such Trial, or other Cause not occasioned by the Trustees, then the Time for paying or consigning the Value of such Lands shall be extended for such an additional Period as shall be occupied

in the Discussion and final Determination of such Defence or Objection, or the Removal of such other Cause of Delay.

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

XXVIII. And be it enacted, That no House or other Building, except Fences or Walls not exceeding Six Feet in Height, shall be erected, and no new Enclosure or Plantation shall be made, within Thirty Feet from the Centre of the said Roads, without the previous Consent of the said Trustees, signified in Writing by their Surveyor; and the Sheriff and Justices of the Peace of the County in which such Roads are situate are hereby 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.

Present Tolls continued until the Term of Whitsunday 1844.

XXIX. And be it enacted, That notwithstanding the Repeal of the said first Three recited Acts 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 present Line of the said Roads until the Term of *Whitsunday* in the Year One thousand eight hundred and forty-four.

Tolls to be taken.

XXX. And be it enacted, That the Tolls at present levied on said Roads shall continue to be levied until the said Term of *Whitsunday* in the Year One thousand eight hundred and forty-four (provided nevertheless that the Tolls and Duties herein granted on Steam Carriages shall commence and become payable from and immediately after the passing of this Act); and thereafter it shall be lawful to the said Trustees to demand and take, at each of the several Toll Bars or Turnpike Gates which shall by virtue of this Act be upon or on the Sides of the said Roads, such Tolls as the said Trustees at any of their Meetings shall direct, not exceeding the Sums following; (that is to say,)

Tolls.

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, having more than Two Wheels, the Sum of One Shilling; but if such Carriage have no more than Two Wheels, the then Sum of Nine-pence:

For every Horse or Beast of Draught drawing any Van, Caravan, Waggon, Wain, Cart, or other such Carriage having more than Two Wheels, if not more than One Horse or other Beast of Draught is drawing the same, the Sum of One Shilling and Six-pence; and for every additional Horse or Beast of Draught that shall be drawing the same more than One, the farther Sum of Nine-pence:

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

And for every Hundred Weight or Part of a Hundred Weight which such Carriage, with the Loading thereof, shall weigh above Twenty

Twenty Hundred Weight, and not exceeding Twenty-five Hundred Weight, the farther Sum of One Halfpenny:

And for every Hundred Weight or Part of a Hundred Weight which such Carriage, with the Loading thereof, shall weigh above Twenty-five Hundred Weight, and not exceeding Twenty-seven Hundred Weight, the farther Sum of One Penny:

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

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

And for every Hundred Weight or Part of a Hundred Weight which such Carriage shall weigh above Forty Hundred Weight, the farther Sum of Three-pence:

For every Hurley, Wheelbarrow, or other Carriage of the like Kind, drawn or propelled by Man or Beast, not loaded, or weighing with its Loading under One Hundred Weight, the Sum of One Halfpenny:

And if such Carriage and its Loading shall weigh One Hundred Weight, and not exceed Three Hundred Weight, the Sum of One Penny:

And if such Carriage and its Loading shall exceed Three Hundred Weight, the Sum of Two-pence:

For every Horse or Mule or other Beast (not drawing), laden or unladen, except an Ass, the Sum of Three-pence:

For every Ass (not drawing), laden or unladen, the Sum of Two-pence:

For every Head of Oxen or Neat Cattle, the Sum of One Penny:

For every Head of Calves, Hogs, Sheep, Lambs, or Goats, the Sum of One Halfpenny:

For every Head of Horses or Fillies unshod, the Sum of One Penny:

For every Carriage whatever drawn or propelled otherwise than by Animal Power, when such Carriage, with the Loading thereof and Engine or other Power drawing or propelling the same taken together, shall not exceed Twenty Hundred Weight the Sum of Two Shillings; and for every Hundred Weight which such Carriage, with the Loading thereof and Engine or other Power drawing or propelling the same taken together, shall weigh above Twenty Hundred Weight, the farther Sum of Two-pence:

Which said Tolls shall be taken before any Horse, Mule, Ass, Beast, or other Cattle, or any such Carriage whatsoever shall be permitted to pass through any Toll Bar or Turnpike Gate which shall be by virtue of this Act upon or across the said Roads, or on the Sides thereof: Provided always, that after the Term of *Whitsunday* One thousand eight hundred and forty-four it shall not be lawful to set up or continue any Toll Bar or to levy any Rates on the present Line of Road nearer to the City than a Bar intended to be erected at or near to a Place called *Lodgemyloons*.

XXXI. And

Limitation of Tolls.

XXXI. And be it enacted, That, excepting as herein-before provided, in case there are or shall be upon any of the said Roads any Toll Bars or Turnpike Gates at less Distance from each other than Four and One Half Statute Miles, then a Person producing a Ticket to show that Toll has been paid at any One of such Gates shall not on the same Day pay for the same Horse, Beast, or other Cattle any Toll at any other Gate on the said Roads which shall be within Four and a Half Statute Miles of the Gate at which the Toll denoted by such Ticket shall have been paid.

Exempting Funerals going to Sight Hill Cemetery.

XXXII. And be it enacted, That from and after the Fifteenth Day of *May* in the Year One thousand eight hundred and forty-four no Toll Dues shall be exigible by the said Trustees or their Toll Keepers at said Bar or Bars for or on account of any Horse or other Beast of Draught drawing any Hearse or Mourning Coach passing the same in attendance on, going to, or departing from the Funeral of any Person or Persons deceasing within the City or Royalty of *Glasgow*, whose Body shall be interred in the recently formed Cemetery called "*Sight Hill* Cemetery," situate in the Inner High Church Parish of *Glasgow*.

Provision as to Tolls levied at Side Bars.

XXXIII. And be it enacted, That the said Trustees may apply any Sum they may think necessary, not exceeding One Half of such Tolls and Duties as may be levied at any Side Bar on any Road branching from the *Inchbelly Road*, in keeping such Branch Road in repair.

Respecting Toll Gates.

XXXIV. And be it enacted, That, excepting as herein otherwise provided, the several Toll Gates, Bars, and Toll Houses now standing or being upon the said present Turnpike Road or on the Sides thereof shall be continued until removed by 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 present Turnpike Roads or the Sides thereof, and also upon any Road to be made or repaired by virtue of this Act or on the Sides thereof, any Toll Gate or Bar, and to remove and again set up the present or any future Toll Gate or Bar, as they shall think proper.

No Toll on Roads within Parliamentary Limits.

XXXV. And be it enacted, That no Toll Bar shall be placed and no Toll shall be taken on either of the said Branch Roads within the Parliamentary Franchise Boundaries of the City of *Glasgow*.

Application of Monies.

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

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

Secondly, in paying and discharging the Expences of making, improving, maintaining, and keeping in repair the said Roads or any of them, and in putting this Act into execution with reference thereto:

Thirdly, in paying and discharging any Interest which may from Time to Time be owing in respect of any Money which may have been borrowed on the Credit of the Tolls authorized to be taken by the said recited Acts hereby repealed:

Fourthly, in reducing, paying off, and discharging the several Principal Sums which shall have been borrowed on the Responsibility of the acting Trustees, or Credit of the Tolls authorized by the said recited Acts hereby repealed and this Act; the Balance of all Monies so levied being always lodged in a Bank in the Name of the Trustees till applied as aforesaid.

Trustees to render an annual Account, and transmit a Copy thereof to the Sheriff Clerk of the County of Lanark.

XXXVII. 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 and expended 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 principal Sheriff Clerk of the County of *Lanark* at *Glasgow*, on or before the subsequent Thirty-first Day of *January* in each Year, under a Penalty of Twenty Pounds in case of Default, to be sued for and levied by summary Process, at the Instance of any Person authorized by the said recited Act of His Majesty King *William* the Fourth to prosecute for Tolls and Penalties, in the same Manner as Penalties are authorized by the said Act to be sued for and levied, and 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 every Folio of Seventy-two Words.

Roads not to be exempt from any general Act.

XXXVIII. 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.

Term of Act.

XXXIX. And be it enacted, That this Act shall commence on the Third *Wednesday* of the Month next after the passing of this Act, 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.

Interpretation of Act.

XL. 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:

The Word "Lands" shall be understood to include Tenements, Superiorities, Feu Duties, and Heritable Subjects of every Description:

The Expression "the Trustees" shall mean the Trustees for the Time being acting under the Authority of this Act.

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

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