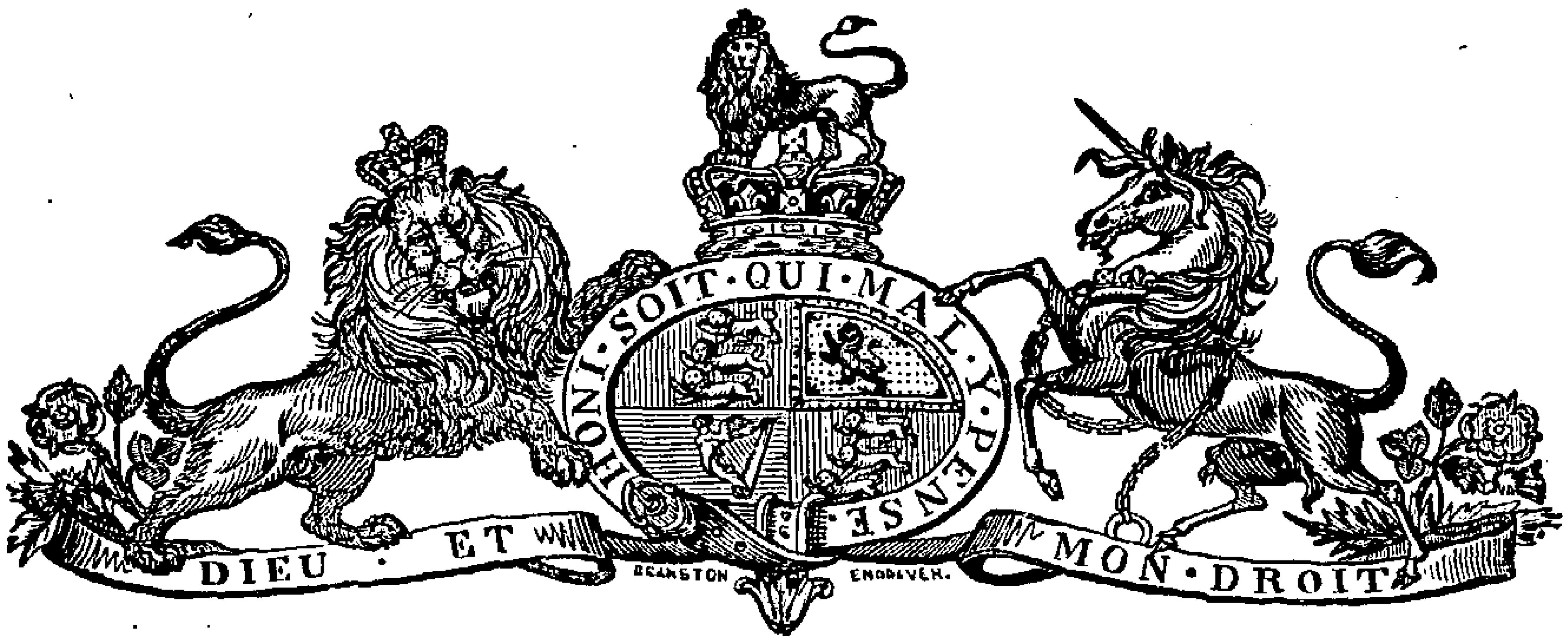


ANNO QUINTO

VICTORIÆ REGINÆ.

Sess. 2.

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Cap. xi.

An Act to explain and amend an Act, intituled *An Act to make, alter, improve, and maintain certain Roads in the Counties of* Stirling, Dumbarton, Lanark, *and* Perth; and for making and maintaining certain new Roads in connexion therewith. [22d *April* 1842.]

WHEREAS an Act was passed in the Fourth Year of the Reign of Her present Majesty, intituled *An Act to make, alter, improve, and maintain certain Roads in the Counties of* Stirling, Dumbarton, Lanark, *and* Perth: And whereas the said recited Act has in its Operation been found defective in several respects, and it is expedient, and for the public Interest, that the same should be amended: And whereas it would be of advantage to the Public if the new Roads herein-after mentioned were made and maintained as Turnpike Roads; but these Purposes cannot be effected 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 3 & 4 Vict. c. 101.

Recited Act to continue in force, except as hereby altered or repealed.

Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act, and all the Powers, Provisions, Matters, and Things whatsoever therein contained, excepting in so far as hereby altered or repealed, shall extend to this Act, and shall continue in full Force, and have full Effect and Operation, in the same Manner as if the same were repeated and re-enacted in the Body of this Act.

Power to make a new Road from Port of Monteith to Blane Toll, with Branches.

II. And be it enacted, That the Trustees appointed by the said recited Act shall be empowered to make and maintain, alter, widen, improve, and repair the several Roads following; (that is to say,)

A Road from the Port of *Monteith*, branching from the Statute Labour Road at or near to *Gateside House*, passing South of *Millings* and North of *Gartrenich*, crossing the Water of *Forth* and *Barbatoes Moss* by the South of *Hill*, crossing *Kelty Water* near to *Wester Offerance*, crossing *Gartmore Road* near to *Faliskour* and *Duchlage*, crossing the *Stirling* and *Drymen* Road near *Spittal Ballat*, and crossing the *Endrick Water* near *Drumquharn* to *Blane Toll*:

A Branch Road from the new Line of Road before described, at a Point to the North of *Hill Farm-steading*, crossing *Orrochoil Moss*, passing through the Lands of *Gartartan* by *South Bridge End* to *Cobleland*, and from thence along the Statute Labour Road from *Gartmore* to *Aberfoil*, by the Bridge over the *Forth*, and to a Point at or near the Road by *Windyyett* to *Shannachoil*:

And another Branch Road from the new Line of Road first before described, at the Point where the same is to cross the *Kelty Water* near *Wester Offerance*, and passing Northwards, by *Badd* and *Wester Third*, to the Village of *Gartmore*:

New Road placed in Second District of West Stirlingshire Roads.

And the said Roads shall be consolidated with and be deemed and taken to be a Part of the Roads comprehended under the said recited Act, and shall be joined to and form a Part of the Second of the Districts into which the said Roads are by said recited Act divided.

Saving the Rights of the present Creditors and Sureties.

III. And be it enacted, That the Securities held by the present Creditors of the said Second District of the said Roads over the Tolls, Rates, and Duties leviable within the same, for any Debts now owing by the said Second District, or held by or available to any Person who may have guaranteed the Payment of any such Debts, shall be and remain preferable to the Securities to be granted for any Monies raised for the Purpose of making the new Roads hereby authorized to be made: Provided always, that the Securities so held by or available to any such Person as aforesaid, for any Portion of the present Debt of the said District, shall not extend to the Tolls, Rates, and Duties leviable upon the said new Roads hereby authorized to be made which shall not be liable to the Payment of the said present Debts of the said District, or any Portion of the same, or of the Interest thereof.

Maps or Plans deposited at the Offices of the Sheriff Clerks to remain there, and be open to Inspection.

IV. And whereas Maps or Plans describing the Lines of the said new Roads, and the Lands through which the same are intended to be made, together with Books of Reference thereto, containing a List of the Names of the Owners and Occupiers of such Lands, have been deposited at the Offices of the principal Sheriff Clerks of the Counties of *Stirling* and *Perth* respectively; be it enacted, That the said Maps or Plans and Books of Reference shall remain in the Custody of the Sheriff Clerks of the said Counties, 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 such Clerks 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 Maps or Plans, and Books of Reference, or any Copy thereof respectively, or of any Part thereof respectively, certified by any such 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.

Power to make the Roads according to the Plans herein mentioned.

V. And be it enacted, That it shall be lawful for the said Trustees to set out, make, and complete the new Roads herein-before described in the Lines and through the Lands delineated in the Maps or Plans, and described in the Books of Reference herein mentioned, of such Width as they may think proper, not exceeding Sixty Feet, 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 Maps or Plans and Books of Reference, making satisfaction for the same to the Owners thereof and other Persons interested therein for the Damage 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.

Trustees empowered to deviate from Plans.

VI. And be it enacted, That it shall be lawful for the said Trustees in making the said new Roads to deviate from the Line delineated upon the said Maps or Plans: Provided always, that no such Deviation shall extend beyond the Limits of Deviation delineated on the said Maps or Plans, or into the Lands of any Person not described in the said Maps or Plans, or in the said Books 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 Plans may be used notwithstanding Errors in the Books of Reference.

VII. And be it enacted, That it shall be lawful for the said Trustees to make the said new 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, misstated, or erroneously described in the said Maps or Plans, or in the said Books of Reference, in case it shall appear to any Two or more Justices of the Peace for the County in which such Lands are situate, in Petty Sessions assembled, and be certified by Writing under their Hands, that such Omission

or

or Misstatement proceeded from Mistake, and the Certificate of the said Justices shall be deposited with and remain in the Custody of the said Sheriff Clerk for the Time being of such last-mentioned County.

Trustees restrained from pulling down Houses not in Books of Reference

VIII. And be it enacted, That the Powers and Authorities given by this Act shall not authorize the said 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 enclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, (except such as are mentioned in the said Books of Reference,) without the previous Consent, in Writing, of the Owner or Proprietor thereof, and all other Persons interested therein.

Limiting the Time for purchasing Property.

IX. 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 authorized by the said recited Act and the Act therein recited, then and from thenceforth all the Powers by this Act granted in relation to the taking of Lands for the Purposes of this Act shall 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 recited Acts 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 Period for paying or consigning the Value of such Lands shall be extended to 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.

Provision in former Act, as to consent of Statute Labour Trustees repealed; but Power to make Statute Labour Roads Turnpike to cease if not exercised in Two Years.

X. And be it enacted, That as much of the said herein recited Act as enacts that it shall not be lawful for the Trustees thereby appointed to make Turnpike the Statute Labour Roads from *Strathblane* Toll Bar to *Lennoxtown*, from *Rountreefauld* to *Anchenreoch*, and from *Milton* to the Post Office at *Kirkintilloch*, without first obtaining the Consent of the Trustees of the Second District of Statute Labour Roads in the County of *Stirling*, shall be and the same is hereby repealed: Provided always, that in case the Trustees shall not within the Space of Two Years from and after the passing of this Act, exercise the Power granted to them by said recited Act of assuming and making Turnpike the foresaid Statute Labour Roads, then and in such Case the Power granted to them for said Purpose shall cease and determine.

Statute Labour Roads, when assumed and

XI. And be it enacted, That as much of the said recited Act as provides that the Statute Labour Road from the Turnpike Road at *Strathblane* Toll Bar, passing through *Haughhead* to *Lennoxtown*, shall

shall be comprehended in the Second District of the Roads by the said recited Act authorized to be made and maintained, shall be and the same is hereby repealed, and that from and after the passing of this Act the said last-mentioned Statute Labour Road shall, when assumed and made Turnpike in virtue of the Powers contained in the said recited Act, be comprehended in the First District of the said Roads.

made Turnpike, to belong wholly to First District.

XII. And be it enacted, That as much of the said recited Act as provides that the said Trustees may demand and take, at the several Toll Bars on the Roads thereby authorized to be made and maintained, any Sum not exceeding One Penny for every Hundred Weight Imperial which any Two-wheeled Van, Caravan, Waggon, Wain, Cart, or other such Carriage drawn by any Horse or Beast of Draught with the Loading thereof shall weigh above Twenty-five Hundred Weight, shall be and the same is hereby repealed, and that in lieu thereof the said Trustees shall, from and after the passing of this Act, be empowered to demand and take in every such Case, for every Hundred Weight or Part of a Hundred Weight Imperial which any such Two-wheeled Carriage with the Loading thereof shall weigh above Twenty-five hundred Weight, a Sum not exceeding Two-pence.

Certain Tolls altered.

XIII. And be it enacted, That the said Trustees shall be empowered to demand and to take at the several Toll Bars which shall be on the new Roads hereby authorized to be made and maintained, or on the Sides thereof, a Sum not exceeding the Rates and Duties granted by the said recited Act and this Act, before any Horse, or Animal, Coach, Waggon, Cart, or other Carriage, or Carriage propelled by Steam or otherwise than by Animal Power, or any other Carriage whatsoever, shall be permitted to pass through any such Toll Bar.

Tolls may be taken on new Roads.

XIV. And be it enacted, That as much of the said recited Act as authorizes the demanding or taking, by or on behalf of the said Trustees, for every Horse or Beast of Draught drawing any Stage Coach, Long Coach, Diligence, or Carriage of the like Kind, any Sum exceeding the Sum of One Shilling, or if such Carriage be on Two Wheels, any Sum exceeding the Sum of Nine-pence, shall be and the same is hereby repealed.

Clause regulating Tolls on public Carriages repealed.

XV. And be it enacted, That if the Trustees shall erect any Toll Bar or Turnpike Gate on that Portion of the said Roads situate between the Point of Junction with the *Inchbelly* Turnpike Road at or near the Fifth Milestone from *Glasgow*, and the Point of Junction with the *Balmore* Turnpike Road, it shall not be lawful to the said Trustees to demand or take any Toll or Duty at any such Toll Bar or Turnpike Gate for or in respect of any Horse, Animal, Coach, Waggon, or other Carriage, or any Carriage propelled by Steam or otherwise than by Animal Power, or any other Carriage whatsoever, travelling between the said *Balmore* Turnpike Road and the *Inchbelly* Turnpike Road, and using that Portion only of the said Roads intervening between the said Points of Junction: Provided

Exemption from Toll in favour of Traffic of Balmore Road.

Payment by Balmore Road Trustees as the Condition of said Exemption.

Provided always, that as a Condition of the said Exemption from Toll, such Exemption shall have no Force or Effect unless the Trustees upon the said *Balmore* Turnpike Road shall pay and continue to pay yearly, to the Trustees under the said recited Act and this Act, One Half of the Amount (to be ascertained as after provided) of the annual Expence of maintaining and repairing the said Portion of Road before described, and One Third of the Expence of any necessary Improvement or Alteration which may hereafter be executed thereon.

Mode of ascertaining such Payment.

XVI. And be it enacted, That for ascertaining the Amount of such Expences separate Accounts thereof shall be kept by the Clerk or Treasurer of the Trustees acting in execution of the said recited Act and this Act, and such Account accompanied by the Vouchers thereof, and approved of and docqueted by the said Trustees at a General Meeting, shall be sufficient and conclusive Evidence of the Amount of such Expences.

Provision as to letting Tolls altered.

XVII. And be it enacted, That as much of the said recited Act as enacts that the Toll Dues collected on the Two Lines of Road at *Canniesburn Bar* shall be let separately, and the Proceeds applied to the respective Districts accordingly, shall be and the same is hereby repealed; and that it shall be lawful for the Trustees to lease the Toll Dues collected at the Junction of any Two of the Lines or Districts into which the Roads by said recited Act and this Act authorized to be made and maintained, are divided, in one Lot: Providing always, that the said Trustees shall, previous to the Lease, fix the Proportion of the Rents which shall belong to or be applied for the Purposes of each such District respectively.

Prohibition as to erecting Toll Bar across Road of Third District altered.

XVIII. And be it enacted, That as much of the said recited Act as provides that from and after the Fifteenth Day of *May* One thousand eight hundred and forty-one the said Trustees shall not erect or continue or demand any Rate or Duty at any Toll Bar or Turnpike Gate across the main Road in the Third District of the said Roads between *Canniesburn* Toll Bar and a Point to the North of the Ninth Milestone from *Glasgow*, shall be and the same is hereby repealed; and that in lieu thereof the said Trustees shall not erect or continue or demand any Rate or Duty at any Toll Bar or Turnpike Gate across the main Road, in the said Third District between the Point where the Seventh Milestone now stands and the before-mentioned Point to the North of the Ninth Milestone from *Glasgow*, where the improved Line of the said Road is proposed to commence.

Charges of this Act, how to be defrayed.

XIX. And be it enacted, That all Costs and Charges of procuring and passing this Act and incident thereto shall be allocated on the Three Districts respectively into which the said Roads are by said recited Act and this Act divided; and shall be paid by the Trustees out of the Monies authorized to be raised by the said recited Act and this Act, in proportion to the respective annual Revenues of the said Three Districts for the Year ending at the Term of *Whitsunday* One thousand eight hundred and forty-two.

XX. And

Roads not to be exempt from general Act.

XX. 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.

Commencement and Duration of Act.

XXI. And be it enacted, That the Powers by this Act granted shall commence upon the passing of this Act, and shall continue from thence during the Term of Endurance of the said recited Act.

Interpretation Clause.

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:
The Expression "the Trustees" shall mean the Trustees for the Time being, acting under and by Authority of the said recited Act and this Act:
The Word "Lands" shall be understood to include Heritable Subjects of every Description.

Public Act.

XXIII. 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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