



ANNO TERTIO & QUARTO

VICTORIÆ REGINÆ.

Cap. cxvii.

An Act to alter and amend an Act passed in the Third Year of the Reign of His Majesty King George the Fourth, and the Acts therein recited, so far as the same relate to the Road to *Provan Mill*, commonly called the *Garngad Road*; and for other Purposes relating thereto.

[23d July 1840.]

WHEREAS an Act was passed in the Third Year of the Reign of His 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*, which Act, amongst other Matters, recites, that by an Act passed in the Thirty-fifth Year of the Reign of His Majesty King George the Third, intituled *An Act for enlarging the Terms and Powers of an 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*

3 G. 4. c. 17.

35 G. 3. c. 155.

[Local.]

31 C

Powers

41 G. 3. c. 25.

*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 that by another Act passed in the Forty-first Year of the Reign of His said Majesty King George the Third, 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, certain Powers and Authorities were committed to the Trustees thereby appointed, and certain Tolls and Duties were authorized to be levied, and Sums of Money to be borrowed, and also that the said Road over Garngad Hill had been in part improved, in Terms of the Powers by the said Acts granted, by carrying the same along the North Side of the said Hill to Provan Mill, but the same was not yet improved to the said Cumbernauld Road; and it is by the said first-recited Act, inter alia, enacted, that the said Acts therein and above recited, and all the Clauses, Exemptions, Powers, Authorities, Articles, Rules, Penalties, Forfeitures, Matters, and Things, (except as the same are altered, varied, or repealed,) as far as the same relate to the said Road branching from the aforesaid Road from Inchbelly Bridge to Glasgow, and leading by or over Garngad Hill to Provan Mill, and to the present Turnpike Road leading to Cumbernauld, should continue to be executed, and should be extended to and form a Part of the said first-recited Act of the Third Year of His said late Majesty King George the Fourth, for and during the Term therein mentioned, as fully and effectually, to all Intents and Purposes, as if the same were therein repeated and re-enacted: 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 making more effectual the Laws concerning Turnpike Roads in Scotland*, whereby it is enacted that from and after the passing of the said Act all the Enactments, Provisions, Matters, and Things in the said Act contained should extend to all Local Acts of Parliament then in force, and to all Acts of Parliament which should thereafter be passed for making, widening, turning, amending, regulating, repairing, or maintaining any Turnpike Road**

1 & 2 W. 4.
c. 43.

Road in *Scotland*, save and except as to such Enactments, Provisions, Matters, and Things as should be expressly varied, altered, or repealed by any such Act that should be thereafter passed: And whereas it is expedient that the said Three first-recited Acts should be repealed, in so far as they relate to the said Road leading to *Glasgow* from *Provan Mill* by or over *Garngad Hill*, and other Powers granted in lieu thereof: But as 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 Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act of the Third Year of the Reign of His said Majesty King *George* the Fourth, and also the said therein-recited Acts of the Thirty-fifth and Forty-first Years of the Reign of His said Majesty King *George* the Third, in so far as the said Acts or any of them relate to the said Road branching from the Road from *Inchbelly Bridge* to *Glasgow*, and leading by or over *Garngad Hill* to *Provan Mill*, (commonly called the *Garngad Road* or *Trust*,) shall be and the same are hereby repealed; and instead thereof this Act shall, from and after the passing thereof, commence and continue in force during the Term herein-after mentioned.

Three first-recited Acts repealed so far as they relate to the *Garngad Road*, and this Act to take effect instead thereof.

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

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

III. And be it enacted, That the whole Tolls authorized to be levied by this Act shall be and are hereby made subject and liable to the Payment of all Sums of Money now due and owing on the Credit of the Tolls leviable under and by virtue of the said Act of the Third Year of the Reign of His said Majesty King *George* the Fourth, and Acts therein recited, and charged or made Burdens upon the said Road by or over *Garngad Hill* to *Provan Mill*, and the Rates, Tolls, and Duties leviable thereon, to the Extent and in Terms of Securities granted for the same.

Tolls granted by this Act liable to existing Debts.

IV. And be it enacted, That *John Tennant* Esquire, and *Charles James Tennant* Esquire, both of *Saint Rollax*, and every Person who, in his own Right or the Right of his Wife, is at present, or shall be during the Continuance of this Act, possessed of the *Dominium utile* or Property of Lands lying in the Parishes of *Barony* or of *Calder*, and rated in the Cess Books in the said County of *Lanark* at the annual Rent of One hundred Pounds *Scots* or upwards, and the Heirs Apparent of such Persons, together with every Person who has subscribed or shall subscribe, or be, in Right of a Subscription or Debt due and outstanding to the Extent of the Sum of One hundred Pounds Sterling towards the Expence of making, repairing,

Trustees.

Quorum.

repairing, and keeping in repair the said Road, and also all the Magistrates of the City of *Glasgow*, being qualified as after mentioned, shall be and they are hereby nominated and appointed Trustees for maintaining and keeping in repair the said Road by or over *Garngad Hill to Provan Mill*; and Three of the said Trustees shall on all Occasions be a Quorum.

Qualification of Trustees.

V. Provided always, and be it enacted, That no Person shall be qualified or capable of acting as a Trustee in the Execution of this Act unless he shall be infest in Property or possessed as a Proprietor in Liferent of Lands situated within one of the Parishes through which the said Road passes, and valued in the Tax Rolls or Cess Books of the said County at One hundred Pounds *Scots per Annum*, or upwards, excepting the eldest Sons and Heirs Apparent of such Persons, and the Husbands of Wives who are infest in or in Possession of Lands to the Extent and Valuation aforesaid, or unless he shall be possessed of a Personal Estate, or a Real and Personal Estate together, of the Value of Two thousand Pounds Sterling.

First and subsequent Meetings.

VI. And be it enacted, That the said Trustees shall meet at *Glasgow* at Twelve of the Clock on the Third *Wednesday* after the passing of this Act in the present Year One thousand eight hundred and forty, and at such Meetings they shall proceed to the Execution of this Act.

Tolls to be taken.

VII. And be it enacted, That from and after the passing of this Act it shall be lawful for the Trustees hereby appointed, or any Persons authorized by them, to ask, demand, levy, and receive, at every Gate, Turnpike, or Side Bar already erected or to be erected by them upon or across the said Road or on the Sides of the same, the Tolls and Duties following, before any Horse, Mule, Ass, Cattle, Coach, Landau, Chariot, Berlin, Chaise, Hearse, Calash, Curricule, Chair, Litter, Waggon, Wain, Cart, Sledge, Hurley, Wheelbarrow, or other Carriage whatsoever, shall be permitted to pass through the same:

For each Horse, Mule, or other Beast of Draught, drawing any Coach, Berlin, Landau, Calash, Chaise, Chair, or Hearse, where Six or any lesser Number are or is drawing, the Sum of Six-pence:

For each Horse or other Beast of Draught, drawing any Waggon, Wain, Cart, Sledge, or other Carriage, where Six are drawing, the Sum of Seven-pence each, or Three Shillings and Sixpence in all; and where Five Horses, Oxen, or other Beasts of Draught are drawing, the Sum of Seven-pence and One Fifth of a Penny each, or Three Shillings in all; and where Four Horses, Oxen, or other Beasts of Draught are drawing, the Sum of Seven-pence each, or Two Shillings and Four-pence in all; and where Three Horses, Oxen, or other Beasts of Draught are drawing, the Sum of Six-pence Halfpenny and One Sixth of a Penny each, or One Shilling and Eight-pence in all; and where Two Horses, Oxen, or other Beasts of Draught are drawing, the Sum of Four-pence each, or Eight-pence in all; and where One Horse, Ox, or other Beast of Draught is drawing, the Sum of Four-pence:

For

For every Horse, Gelding, or Mule, laden or unladen, and not drawing in a Carriage, the Sum of Two-pence :

For every Ass, laden or unladen, and not drawing in a Carriage, the Sum of One Penny :

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

For every Drove of Calves, Sheep, Lambs, Hogs, or Goats, the Sum of One Shilling *per* Score, and so in proportion for any greater or less Number :

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

VIII. Provided always, and be it enacted, That no more than One Half of the Tolls imposed or leviabie by this Act shall be paid for or in respect of any Waggons, Wains, Carts, or other Wheel Carriages the Fellies of the Wheels of which shall be of a flat Surface, and measure Five Inches in Breadth at least if drawn by One, and Seven Inches in Breadth at least if drawn by Two or more Oxen, Horses, or other Beasts of Draught, passing through any of the Gates or Turnpikes erected or to be erected upon or across the said Road branching from the aforesaid Road from *Inchbelly Bridge* to *Glasgow*, and leading by or over *Garngad Hill* to *Provan Mill*, and to the present Turnpike Road leading to *Cumbernauld*, or on the Side or Sides of the same, or across any Lane or Way leading out of the same.

One Half only of the Tolls to be taken upon Waggons, &c. the Wheels whereof shall be of a certain Breadth.

IX. And be it enacted, That the said Trustees shall and may levy, or cause to be levied, demanded, or taken, at the several Gates or Turnpikes erected or to be erected on the said Road or on the Side or Sides thereof, for and in respect of any Waggon, Wain, Cart, or other Wheel Carriage, the Weight of which, with the Loading thereof, shall exceed Twenty-two Hundred Weight, the Fellies of the Wheels of which Carriage shall not be of a flat Surface, and measure Five Inches in Breadth at least if drawn by One Horse or other Beast of Draught, and Seven Inches at least if drawn by Two or more Horses or Beasts of Draught, the following additional Tolls and Duties; *videlicet*, if the Waggon, Wain, Cart, or other Wheel Carriage, with the Burden or Loading thereof, shall exceed Twenty-two Hundred Weight and not exceed Twenty-five Hundred Weight, the Sum of Two-pence, and if the same shall exceed Twenty-five Hundred Weight and not exceed Thirty Hundred Weight, the Sum of Sixpence, and if the same shall exceed Thirty Hundred Weight, the Sum of Eight-pence.

Tolls for Overweight.

X. And whereas it has been agreed between the Trustees on the said Road from *Inchbelly Bridge* to *Glasgow* and the Trustees on the said *Garngad* Road that in respect of the Contribution by the last-mentioned Trustees herein-after specified no Toll Dues shall be levied on the Trade of the said *Garngad* Road using the Portion after mentioned of the said Road from *Inchbelly Bridge* to *Glasgow*; be it enacted, That the said Trustees hereby appointed shall be obliged and they are hereby required to make Payment to the Trustees upon

No Toll to be levied on the Trade of *Garngad* Road passing over a certain Portion of *Inchbelly Bridge* Road, in consideration

ation of a
certain Con-
tribution.

the foresaid Road from *Inchbelly Bridge* to *Glasgow* of the Sum of Twenty Pounds Sterling yearly, after the Fifteenth Day of *May* One thousand eight hundred and forty-one, towards the Expence of maintaining that Portion of the said last-mentioned Road which lies between the Termination of the *Garngad* Low Road and the City of *Glasgow*: Provided always, that in consideration of such Contribution no Toll Dues shall be thereafter levied on the said Portion of Road, for and in respect of any Horses or other Animals, Carts or other Vehicles, passing to or from the City of *Glasgow* and the said *Garngad* Road.

Toll Bar to
be removed
to Gads-
bridge.

XI. And be it enacted, That the said Toll Bar at present situate at or near the Western Extremity of the said *Garngad* Road at or near *St. Rollox* shall, at the Term of *Whitsunday* next, One thousand eight hundred and forty-one, be removed; and that no Toll Bar shall thereafter be placed further West on any Part of the old or new *Garngad* Road than the Point of Junction of the new *Garngad* Road with the old *Garngad* Road at or near *Gadsbridge*, at or near the Eastern Extremity of the Royalty of the City of *Glasgow*.

Only one
Toll to be
taken upon
the whole
Line.

XII. Provided always, and be it enacted, That in case there are or shall be erected upon the said Road under the Care and Management of the Trustees hereby appointed more than One Gate or Gates, Turnpike or Turnpikes, then any Person producing a Ticket to show that Toll to the full Amount hereby granted as payable at One Bar has been paid at One of such Gates shall not, in respect of the same Horses, Beasts of Draught, or other Cattle, or the same Carriage, on the same Day, pay any Toll at any such other Gate.

Tolls to be
paid only
once a Day
at any Turn-
pike.

XIII. And be it enacted, That every Person, having Occasion to pass through any Turnpike erected or to be erected on the said Road by virtue of this Act, where the Tolls are taken, may and shall, on Demand, be furnished with a Note or Ticket signifying the Payment of such Toll, and such Person getting the Note or Ticket as aforesaid shall not be liable to pay the said Tolls more than once for passing through the same Turnpike, and returning the same Day, before Twelve of the Clock at Night, with the same Coach, Cart, or other Wheel Carriage, or with the same Horse, Ass, or other Beast or Cattle; but in case the said Wheel Carriage, Horse, Ass, or other Beast or Cattle shall pass the Turnpike with a new Loading a second Time or oftener the same Day, the same shall in that Case be subjected to pay the Toll for each Time in the same Manner as for the first Time.

Trustees to
render an
Annual
Account,
and transmit
a Copy
thereof to
the Sheriff
Clerk.

XIV. 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 of the County of *Lanark* on or before the
First

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 last-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 each Folio of Seventy-two Words.

XV. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the Turnpike Road by this Act authorized to be maintained 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. Road not to be exempted from any general Act.

XVI. And be it enacted, That the Tolls and Duties hereby authorized to be levied shall be applied, in the first place, in paying the Costs and Expences of and incident to the passing of this Act; in the second place, in keeping in repair the said Road, including the Sum of Twenty Pounds to be paid annually by the Trustees of the *Garngad* Road to the Trustees of the *Inchbelly* Road, as herein-before provided; and in the third place, in Payment and Extinction of the Interest and Principal of the Debt due thereon. Application of Tolls.

XVII. And be it enacted, That the Powers granted by this Act shall commence and take effect from and after the passing of the same, and shall continue from thenceforth for and during the Term of Thirty-one Years, and from thence to the End of the then next Session of Parliament. Commencement and Continuance of Act.

XVIII. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others. Public Act.

