



ANNO SEXTO

# GEORGII IV. REGIS.

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*Cap. cxc.*

An Act for making and maintaining a Road from the *Glasgow* and *Parkhead* Road to *Woodend*, in the County of *Lanark*. [27th June 1825.]

**W**HEREAS it would be of great Advantage to the Inhabitants of the said City of *Glasgow* and Vicinity thereof, by affording a better Means of Communication between the said City and the great Roads leading to the South and East, if a Road were made leading from the Line of the *Glasgow* and *Parkhead* Road at or near *Newlands* by or near *Springbank*, *Belvidere*, *Newbank*, *Westhorn*, *Dalbeth*, *Easterhill*, *Fullarton*, *Clyde Iron Works*, and *Broomielaw Hill*, to the *Shotts* and *Airdrie* Road, at or near *Woodend*: And whereas an Act was passed in the Fourth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for regulating Turnpike Roads in that Part of Great Britain called Scotland*: May it therefore please Your Majesty that it be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by

[Local.] 64 O the

4 G. 4. c. 49.

Trustees appointed.

the Authority of the same, That from and after the passing of this Act *Robert Findlay, John Sligo, William Williamson, Colin Dunlop, James Hopkirk, Thomas Harvie, David Wardrop, Mungo Nutter Campbell, William Taylor, William Hozier, James Hozier, Kirkman Finlay, Henry Monteith, Andrew Reid, Archibald Grabame,* and the Lord Provost, Dean of Guild, the Deacon Convener, and Four Baillies of *Glasgow*, all for the Time being, and also all and every Person who, in his own Right or in the Right of his Wife, shall be possessed of the *Dominium utile* of Lands lying in any of the Parishes through or into which any of the said Roads pass, rated in the Cess Books at One hundred Pounds Scots or upwards, and who shall have subscribed or become bound for the Payment of Two hundred Pounds Sterling for the Expence of making any Part of the said Roads, as also the eldest Son of any such Person, shall be and they are hereby nominated and appointed Trustees for surveying, making, maintaining, keeping, and repairing the said Roads, and for executing all the Powers given and granted by this Act; provided always, that no Person shall be qualified or capable of acting as a Trustee in the Execution of this Act, unless he shall be in Possession or Proprietor or Life Renter of the full Property or *Dominium utile* of Lands valued in the Tax Rolls or Cess Books of the County of *Lanark*, to the Extent of One hundred Pounds Scots *per Annum*, or unless he shall be possessed of or entitled to a Personal Estate alone, or Real and Personal Estate together, of the Value of Two thousand Pounds.

Their Qualification.

Powers of recited Act extended to this Act.

II. And be it further enacted, That the said recited Act of the Fourth Year of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters and Things therein contained, save and except such Parts thereof as are expressly varied, altered, or repealed, 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.

Roads to be made.

III. And be it further enacted, That the said Roads hereby authorized to be made, may be made, completed, and maintained of such Breadth as the said Trustees may think proper and advantageous, not exceeding Sixty Feet from Side to Side, including the Footpaths that may be formed along the Sides thereof.

First Meeting of Trustees.

IV. And be it further enacted, That the Trustees shall meet on the First *Tuesday* of the Month immediately succeeding the passing of this Act, and proceed to put this Act into Execution; and at the said Meeting and all subsequent Meetings of the said Trustees, the Majority of the Trustees assembled (the Number present not being less than Five), shall be and they are hereby authorized to do, order, and perform all Acts, Matters, and Things which the Trustees appointed by this Act are by the said Act of the Fourth of His present Majesty and this Act authorized to do, order, or perform; and all such Acts, Matters, and Things so done shall be as good, valid, and effectual as if the same were done by the whole of the said Trustees.

V. And

V. And whereas a Map or Plan, describing the said Roads intended to be made, and the Lands through which they lead, together with Books of Reference containing Lists of the Names of the Owners and Occupiers of such Lands, have been deposited with the Clerk of the Peace of the County of *Lanark*, at *Glasgow* and *Hamilton*; be it further enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the said Clerk of the Peace; and every or any Person being an Owner or Occupier of any Lands or Tenements upon the Line of said Roads shall at all reasonable Times have access to the said Map or Plan and Book of Reference, and shall be entitled to examine and make Extracts from or Copies of the same, paying to the said Clerk for such Copy or Extract from the same, after the Rate of Sixpence for every Seventy-two Words of such Copies or Extracts.

Map or Plan may be inspected.

VI. And be it further enacted, That the said Trustees in making the said Roads shall not deviate more than One hundred Yards from the Lines described in the said Map or Plan, without the Consent and Approbation in Writing of the Person or Persons, Body or Bodies Politic or Corporate, or Collegiate, through whose Lands or Grounds such Deviation shall be made, nor take down or remove any Dwelling House or other Building the Side Walls of which exceed Twenty Feet in Height, nor take or make use of any Policy, Orchard, or Garden, the Contents of which exceed Half an Acre, or any Lawn, planted Walk, or Avenue to a House, or any inclosed Ground planted as an Ornament or Shelter to a House (other than such as are described in the Schedule hereto annexed), without the Consent in Writing of the Owner thereof; provided always, that it shall and may be lawful to and for the said Trustees to make the said Roads in, to, through, across, or over the several Lands, Grounds, and Tenements of any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, who is or are or shall be Owner or Owners of Land over which the same is set out and described in the said Map or Plan, although the Name or Names of such Person or Persons may happen to be omitted in the said Book of Reference, in case it shall be made appear to any Two or more Justices of the Peace for the said County, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

Trustees not to deviate more than 100 Yards without Consent.

VII. Provided also, and be it further enacted, That in case the said Trustees shall not purchase such Lands, Houses, Tenements, or other Heritages authorized by this Act for the Purposes of this and the said recited Act of the Fourth Year of His present Majesty, within the Space of Five Years from the passing of this Act, then and in such Case it shall not be lawful for the said Trustees to purchase any of the said Lands, Houses, Tenements, or other Heritages so remaining unpurchased without the Consent in Writing of the Owners thereof first had and obtained.

Lands not to be taken after Five Years.

VIII. And be it further enacted, That it shall and may be lawful for the said Trustees in a General Meeting assembled, and they are hereby authorized and empowered, to erect or cause to be erected a Gate or Gates,

Toll Bars may be erected.

Gates, Turnpike or Turnpikes, in, upon, or across any Part or Parts of the said Roads, or on the Sides thereof; and also such Number of Toll Houses, with proper Gardens adjacent thereto, as to them shall seem expedient, the Site of such Toll House and Garden not exceeding the Eighth Part of an Acre; and from Time to Time to alter the Situation of such Gates or Turnpikes and Toll Houses and Gardens.

## Tolls.

IX. And be it further enacted, That the said Trustees, or any Person or Persons duly authorized by them, shall be and they are hereby authorized and empowered to demand and take, or cause to be demanded and taken, at the several Gates and Turnpikes which shall be erected by virtue of this Act, a Sum not exceeding the Rates and Duties herein-after specified, before any Horse or other Cattle shall pass through any Gate or Turnpike to be erected on the said Roads:

For every Horse or Beast of Draught drawing any Coach, Barouche, Chariot, Landau, Chaise, Calash, Chair, Taxed Cart, Hearse, or other such Carriage, or any Stage Coach, Long Coach, or Diligence, or Carriage of the like Kind, One Shilling:

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, or Diligence, or Carriage of the like Kind, any Sum in Addition to the aforesaid Rates not exceeding One Half more thereof:

For every Horse, Ox, or Beast of Draught drawing any Waggon, Wain, or Cart, or other such Carriage, Nine-pence:

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

For every Ass, laden or unladen, Two-pence:

For every Score of Oxen or Neat Cattle, Ten-pence; and so in proportion for any greater or less Number:

For every Score of Calves, Hogs, Sheep, Lambs, or Goats, Five-pence; and so in proportion for any greater or less Number:

For every Drove of Horses or Fillies unshod, *per* Score, Ten-pence; and so in proportion for any greater or less Number.

Provision for  
Carts, &c.  
laden with  
Coals coming  
to Glasgow.

X. Provided always, and be it enacted, That Carts or Waggon with Two Wheels, loaded with Coals coming to *Glasgow*, and drawn by One Horse, shall not pay higher Rates of Toll than the following, according to the Breadth of their respective Wheels, and according to their Weight, counting One hundred and twelve Pounds for every Hundred Weight:

If the Wheels be of the ordinary Breadth, and the Loading of Coals do not exceed Eight Hundred Weight and a Quarter, Two-pence:

If the Coals do not exceed Twelve Hundred Weight and a Half, and the Wheels be of the ordinary Breadth, Three-pence; but if the Tread of the Wheels be Four Inches and a Half in Breadth, no more than Two-pence:

If the Coals do not exceed Eighteen Hundred Weight and Three Quarters, and the Wheels be of the ordinary Breadth, Four-pence; but if the Tread of the Wheels be Four Inches and a Half, no more than Three-pence:

If the Coals do not exceed Twenty-four Hundred Weight and Three Quarters, and the Wheels be of the ordinary Breadth, Eight-pence; but if the Tread of the Wheels be Four Inches and a Half broad, no more than Four-pence:

And if the Tread of the Wheels be Six Inches broad, although drawn by Two Horses, no more than Four-pence.

XI. Provided always, That in order to be entitled to the said Abate-  
ments of the Tolls and Duties hereby granted, the Wheels of every Cart, Waggon, or Carriage; for and in respect of which the same shall be claimed, shall be cylindrical, (that is to say,) of the same Diameter on the Inside next to the Carriage, and on the Outside, so that, when rolling on a flat Surface, the whole Breadth thereof shall bear equally on such flat Surface, and that the opposite Ends of the Axletree of such Carriages, so far as the same shall be inserted in the Naves of the Wheels, shall not form an Angle with each other, but shall be in the Continuance of One straight Line, so that in each Pair of Wheels belonging to such Carriages the lower Parts which shall rest on the Ground shall be at the same Distance from each other as the upper Parts of such Pair of Wheels, and further, that the Nails shall be sunk level with the Rings on the Wheels.

Where the above Abatement of Tolls is claimed, the Wheels shall be formed as herein mentioned.

XII. And be it further enacted, That the said Tolls and Duties granted and made payable by this Act, together with the Right of Property of all and every Gate or Turnpike, Toll House and Garden, and whole Premises to be acquired by virtue hereof, are and shall be vested in the said Trustees, and the said Tolls and Duties, and every Part thereof, shall be paid over, applied, and assigned to and for the several Uses, Intents, and Purposes of this Act.

Tolls vested in Trustees.

XIII. And be it further enacted, That the said Trustees in General Meeting assembled shall, out of the Monies subscribed for the Purposes of this Act, and the Tolls to arise at the Gates or Turnpikes to be erected on the said Roads, direct the Costs and Expences relative to the obtaining this Act to be paid, with Interest for the same; and the Remainder of all such Monies to be applied towards the making, completing, and repairing, and keeping in repair the said Roads, and other necessary Purposes of this Act in relation to the same, and thereafter towards the Payment of the Interest of the Sums subscribed or to be subscribed and borrowed by virtue of this Act, and then to the Payment of the Principal Sum so subscribed or borrowed; and the Clerk to the said Trustees shall be and is hereby authorized and required to record and enter such Orders and Directions as regards the Application of the Tolls, in a Book to be kept for that Purpose.

Application of the Monies to be raised.

XIV. And be it further enacted, That it shall be lawful for the said Trustees, and for their Surveyor or Surveyors and Workmen, from Time to Time to enter upon the Lands and Premises through which or whereupon the said Roads hereby authorized to be made are intended to pass, and also upon any adjoining Lands or Grounds;

Trustees may enter upon Lands.

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and

and to stake out the said Roads, and to cut and make any Drains or Ditches or Arches through or into any Lands or Grounds adjoining or lying contiguous to any Part thereof; and to make a temporary Way or Ways through or over any such adjoining Lands (not being a Garden, Yard, Orchard, Park, Paddock, planted Walk or Avenue to a House, or inclosed Ground planted and set apart as a Nursery for Trees), as the said Trustees shall think fit, without being subject or liable to any Fine, Penalty, or Punishment for entering and continuing upon any Part or Parts of such Lands or Grounds respectively for any of the Purposes of this Act, the said Trustees making Satisfaction to the Owners and Occupiers of such Lands and Grounds for the Damages that shall be thereby occasioned; such Damages being ascertained and settled, in case of Dispute concerning the same, in the Manner that the Value of Land to be purchased or used by virtue of this Act is by the said recited Act of the Fourth Year of the Reign of His present Majesty directed to be ascertained and settled in case of Dispute; and if any Person shall pull up, remove, or destroy any of the Stakes or other Marks used, or the Fences made in laying out any Part of such Road, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

If any Parish or Bye Road shut up, other Roads to be awarded.

XV. And whereas it will be necessary in the Formation of the said Roads to occupy certain Parish Roads and Bye Roads lying in the Direction thereof, and certain Parts of the said Parish Roads and Bye Roads, and of other Parish Roads and Bye Roads will be rendered no longer of Use; be it therefore enacted, That it shall be lawful to and for the said Trustees, whenever such Parish Road or Bye Road shall require to be occupied by the said intended Roads, or shall be rendered of no Use in consequence of the Formation of the said intended Roads, to occupy and shut up, and also to sell and dispose of such Part or Parts of such Parish or Bye Roads; provided always, that before any such Roads are shut up as aforesaid, Four Weeks Intimation shall be given of the Intention so to shut up the same, by Notice, to be Three or more Times published in Two or more *Glasgow* Newspapers, and to be affixed to the Door of the Church of the Parish or respective Parishes within which such Roads intended to be shut up are situated; and any Person or Persons believing himself, herself, or themselves aggrieved by such intended shutting up of such Roads, may apply to the Justices of the Peace of the County of *Lanark* at a General Quarter Sessions of the Peace, and shew Cause why such Roads should not be shut up; and in case of such Application such Roads shall not be shut up until the Determination of such Justices shall be obtained, and such Determination shall be final and conclusive; and in case any Proprietor or Proprietors, Occupier or Occupiers, or Inhabitants of the adjacent Lands, shall be deprived of any necessary Passage or Communication by the shutting up and disuse of such Part or Parts of the said Roads, it shall be lawful to and for the said Trustees, and they are hereby directed to make and provide new and convenient Passages to and from the aforesaid Roads to such Proprietors, Occupiers, and Inhabitants,

tants, and for that Purpose to purchase such Pieces of Ground as they shall judge most proper ; and in case they cannot agree with the Proprietor or Proprietors, Occupier or Occupiers thereof, the Price shall be fixed by a Jury summoned in manner by the said recited Act of the Fourth of His present Majesty directed.

XVI. Provided always, and be it further enacted, That the said Trustees, before they shall sell and dispose of any old Road or any Toll House not wanted for the Purposes of the said Roads, or rendered of no Use in consequence thereof, shall first offer the same to the Person through or along whose Grounds the said old Road shall pass ; and if such Person shall refuse (except on account of the Price thereof) to purchase the same, on Oath being made before One of His Majesty's Justices of the Peace for the County of *Lanark*, by some Person in no way interested in such old Road or Toll House, stating that such Offer was made by the said Trustees and was refused, such Oath shall be sufficient Proof that Offer was made and refused ; but in case such Person shall agree to purchase such old Road or Toll House, but shall not agree with respect to the Price, it shall be determined by a Jury in manner before directed ; and the Money to arise from such Sale shall be applied to the Purposes of this Act, but the Purchaser shall not be answerable or accountable for any Misapplication of such Money.

First Offer of old Road to be made to Proprietor.

XVII. Provided always, and be it further enacted, That the Estates or Properties lying upon the North and South Sides of the Road called *The Lone or Dalbeth Road*, and at present marching therewith, shall, if the Owners of such Properties require it, continue to march with the new Road to be made in lieu and place of the said *Lone or Dalbeth Road* ; and for that Purpose the said Trustees are hereby required, authorized, and empowered, at any Time within Six Months after the Formation of the said intended Road, and upon a Requisition in Writing being made to them within the foresaid Period by the Proprietor or Proprietors of such Lands and Properties, to purchase and make over to such Proprietor or Proprietors the Pieces of Ground lying betwixt their said Lands or Properties and the said intended Road, provided such Pieces of Ground do not exceed Fifty Yards in Breadth betwixt the said *Lone or Dalbeth Road* and the said intended Road, such Proprietor or Proprietors being bound to make Payment to the said Trustees of the Price which they shall have paid for such Piece or Pieces of Ground so to be purchased by them ; and in case any Difference shall arise betwixt the said Trustees and the Proprietors of such Pieces of Ground, the same shall be determined by a Jury in manner before directed.

Regulation regarding Road substituted for Dalbeth Road.

XVIII. Provided always, and be it enacted, That the whole Minerals under the said old Road, Piece or Pieces of Ground, Situations of old Toll Houses, Toll Gates, and Premises, and Places for depositing Materials, shall remain the Property of the Proprietor or Proprietors to whom they originally belonged, who shall retain all the Rights and Powers now possessed by them of working, winning, stocking, and carrying away the Minerals in the said Lands, and the contiguous Lands belonging to the same Proprietor or Proprietors, so that the said Road hereby authorized to be made shall not be shut up or affected.

Minerals reserved to Proprietors.

XIX. Pro-

Railways  
may be made  
by Coal  
Owners, &c.

XIX. Provided always, and be it further enacted, That nothing herein contained shall take away or hurt the Right of those who are Proprietors of Coal and other Minerals on both Sides of the said Road, or their Tenants, to form and maintain a Railway or Railways for the Conveyance of the said Minerals across the said Road: Provided always, that such Railways are constructed so as not to project above the Surface of the said Road, nor to be above a Quarter of an Inch below the Level thereof; and provided also, that such Railways shall be made to cross the said Road in the shortest Direction that the Lye of the Ground will admit of.

Houses not  
to be erected  
within Thirty  
Feet of Centre  
of Roads.

XX. And be it further enacted, That no Person shall make or erect any House or Building, except only Fences or Walls not exceeding Six Feet in Height, within Thirty Feet of the Centre of the said Roads, and every Person so offending shall be obliged, when directed to do so by any Two or more of the said Trustees, immediately to remove any such House or Building, and upon their failing so to do within Thirty Days from the Time that a Notification in Writing shall have been given by any Two Trustees of the Encroachment, it shall be lawful for the Trustees or their Surveyor to cause the said Building to be removed, and to charge the Offender with the Expence of doing so, to be recovered and applied in the same Manner as other Penalties and Forfeitures are directed by the said recited Act or this Act, or as the Trustees shall think proper to direct.

Trustees may  
purchase  
Lands for  
widening  
Road.

XXI. And be it further enacted, That it shall be lawful to and for the Trustees hereby appointed, to purchase all or any Lands, Tenements, and Heritages necessary for making and widening the aforesaid Roads of a Breadth not exceeding Sixty Feet from Side to Side; and in case they cannot agree with the Proprietor or Proprietors, Occupier or Occupiers thereof, the Price shall be fixed by a Jury summoned in the Manner by the said recited Act of the Fourth of His present Majesty directed.

Clerk and  
Treasurer not  
to be the  
same Person.

XXII. Provided also, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint any Person or Persons who may be appointed the Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk, or of his Partner, to be the Treasurer for the Purposes of this Act, or to continue or appoint any Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer, or of his Partner, to be the Clerk to the said Trustees; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person or Persons, being the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk, or of his Partner, shall accept the Office of Treasurer, or being the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer, or of his Partner, shall accept the Office of Clerk in the Execution of this Act, or if any such Treasurer shall hold any



Place or Office of Profit or Trust under the said Trustees other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds Sterling to any Person or Persons who shall sue and prosecute for the same, to be recovered with Expences by summary Action in the Court of Session.

XXIII. And be it further enacted, That this Act shall be deemed Public Act. and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others, without being specially pleaded.

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

Commence-  
ment and  
Continuance  
of Act.

SCHEDULE referred to in the Act.

The Heirs and Representatives of the deceased } John Taylor	Policy and Planting.
----- Dobbie	A Garden.
William Williamson	Garden or enclosed Ground.
David Wardrop	Planting.
George Gibb	Dwelling House, &c.
Widow Walker	Garden.
Ditto	Ditto.
William Hozier	Avenue.
James Hozier	Ditto.
Robert Findlay	Lodge, Policy, and Planting.
Thomas Harvie	Ditto Ditto Ditto.
James Hopkirk	Ditto Ditto Ditto.
Colin Dunlop	Planting.
William Williamson	Ditto.
John Sligo	Ditto.

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