



ANNO SEXTO

GEORGI II. REGIS.

Cap. cxcii.

An Act for more effectually amending and keeping in Repair the Road leading from or near the Church of *New Kilpatrick*, by *Lawmuir*, to the Town of *Old Kilpatrick*, in the County of *Dumbarton*.
[27th June 1825.]

WHEREAS an Act was passed in the Thirty-fifth Year of the Reign of His late Majesty, intituled *An Act for enlarging the Term 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 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* 35G.3.c.155.

[Local.] 64 U thence

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; whereby the said Road leading from the Church of *New Kilpatrick*, by or near *Lawmuir*, to the Town of *Old Kilpatrick*, was placed under the Management of certain Trustees, to whom certain Powers and Authorities were granted, and certain Tolls and Duties were authorized to be levied, and Sums of Money to be borrowed: And whereas the Persons who are appointed by or in virtue of the said recited Act, have made great Progress in repairing the said Road from the Church of *New Kilpatrick*, by or near *Lawmuir*, to the Town of *Old Kilpatrick*, and have for that Purpose borrowed several considerable Sums of Money upon the Credit of the Tolls thereby granted, which Money still remains due and owing, and cannot be paid off, nor can the said Road be effectually improved and kept in Repair, unless the Powers and Authorities thereby granted be enlarged, and the Tolls increased: And whereas the said Act, so far as relates to the said Road from the Church of *New Kilpatrick*, by or near *Lawmuir*, to the Town of *Old Kilpatrick*, has, through Inadvertence, been allowed to expire without Application having been made to Parliament for a Renewal of the Term thereof, and certain Persons who had been thereby appointed Trustees for repairing and maintaining the same have continued to levy Tolls and otherwise to act, since the Expiry thereof in the Year One thousand eight hundred and seventeen, as if the same had been still in force; it is therefore expedient that new and more extended Powers should be granted for these Purposes, and the said Persons indemnified, so far as they have proceeded since the Expiry thereof in Conformity with the Powers thereby granted; but the same cannot be effected without the Aid and Authority of Parliament: And whereas an Act was passed in the Fourth Year of the Reign of His present Majesty, intituled *An Act for regulating Turnpike Roads in that Part of Great Britain called Scotland*: May it therefore please Your Majesty that it may 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 the Authority of the same, 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 Lands lying in one or other of the Parishes of *East or West Kilpatrick*, and rated in the Cess Books of one or other of the Counties of *Dumbarton* or *Stirling* at One hundred Pounds *Scots* or upwards of valued Rent, and all and every the eldest Son or Sons of such Persons being the Heirs apparent of such Property, and the Factor for the Time being or special Mandatory of every such Person rated in the Cess Books of the said Counties at One hundred Pounds *Scots*, in the Absence of their respective Constituents, and the Sheriff Substitute of the County of *Dumbarton* for the Time being, *Robert Robertson* of *Glenar-*
buck,

4G.4. c.49.

Appoint-
ment and
Qualifica-
tion of Trus-
tees.

buck, John Douglas of Barloch, and Milton Douglas and James Smith of Paisley, shall be and they are hereby appointed Trustees for improving, repairing, and keeping in Repair the said Road leading from or near the Church of New Kilpatrick, by or near Lawmuir, to the Town of Old Kilpatrick.

II. And be it further enacted, That this Act, and the additional Term hereby granted, shall be subject and liable to all just and lawful Debts that do or may be found to affect the said Road.

Former Debt transferred to this Act.

III. And be it further enacted, That all Books containing the Accounts and Proceedings of the Trustees for executing the said expired Act, and made Evidence thereby, and the Books kept by them since the Expiry thereof, shall and may be given in Evidence in all Cases of Appeal, and in all Prosecutions, Suits, and Actions whatsoever, in such and the same Manner as if the said Act had still been in force.

Books of Accounts under former Act made Evidence.

IV. And be it further enacted, That the Persons who have assumed the Powers of Trustees for repairing and maintaining the said Road, and have acted in the Management thereof, and each of them, shall be and they are hereby indemnified and relieved from the Consequences of all Acts and Deeds done by them since the Expiry of the said Act, so far as they have proceeded in Terms thereof, and of the Powers and Authorities thereby granted, and no otherwise.

Indemnity to Persons who have acted as Trustees for past Acts.

V. And be it further enacted, That the said Act passed in 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 by this Act,) 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 recited Act of 4 G. 4. extended to this Act.

VI. And be it further enacted, That the said Trustees shall meet at *Kilpatrick* on the Fourth Day of *July* in the Year One thousand eight hundred and twenty-five, and thereafter Yearly on such Day and at such Place as the Trustees present thereat may appoint; and at all Meetings Three shall be a Quorum.

Meetings of Trustees:

Three to be a Quorum.

VII. And be it further enacted, That as there is at present a Toll Bar at *Old Kilpatrick* and another at *Lawmuir*, it shall be lawful to the said Trustees to demand, levy, and take, or cause to be demanded, levied, and taken, at each of those Bars, the following Tolls and Duties in lieu and place of the Tolls authorized to be taken by the said recited Act; (that is to say,)

Tolls where to be collected.

For every Horse drawing any Coach, Chariot, Berlin, Landau,

Tolls.

Calash, Chaise, Hearse, or Chair, the Sum of Sixpence:

For every Horse, Ox, or other Beast of Draught, drawing any Waggon, Wain, Cart, or other Carriage, when the Number shall amount to Five and shall not exceed Six, the Sum of One Shilling and Four-

Four-pence; and when the Number shall amount to Four, the Sum of Ten-pence Halfpenny; when the Number shall amount to Three, the Sum of Eight-pence; and when the Number shall be Two or One, the Sum of Four-pence:

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

For every Ass, laden or unladen, and not drawing, 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 Ten-pence *per* Score, and so in proportion for any greater or less Number.

Tolls to be taken for Carriages with narrow Wheels carrying certain Weights.

VIII. And whereas much Injury is done to the said Road by Waggon, Wain, Cart, and such like Carriages carrying great Weight drawn upon narrow Wheels, and it is reasonable that such Carriages should pay Toll in Proportion to their Weight; be it therefore enacted, That it shall be lawful to the said Trustees, and they are hereby authorized and empowered to levy, or cause to be levied, demanded, and taken, at the several Gates and Turnpikes already erected or to be erected as aforesaid, when the Weight of such Waggon, Wain, Cart, or other like Carriage, with the Burden or Draught thereon, shall amount to Twenty Hundred Weight, of One hundred and twelve Pounds each Hundred Weight, and be under Twenty-five Hundred Weight, the Sum of Five-pence if drawn by One, and Nine-pence if drawn by Two Horses or other Beasts of Draught; and when the Weight shall amount to Twenty-five Hundred Weight, and be under Thirty Hundred Weight, the Sum of Sixpence if drawn by One, and One Shilling if drawn by Two Horses or other Beasts of Draught; and where the Weight shall amount to Thirty Hundred Weight, and be under Thirty-five Hundred Weight, the Sum of Eight-pence if drawn by One, and One Shilling and Three-pence if drawn by Two Horses or other Beasts of Draught; and when the Weight shall amount to or exceed Thirty-five Hundred Weight, the Sum of Ten-pence if drawn by One, and One Shilling and Sixpence if drawn by Two Horses or other Beasts of Draught; and all such Carriages drawn by more than Two Horses or other Beasts of Draught shall be chargeable according to the Number of Horses or other Beasts drawing the same, in Manner herein-before enacted.

Power to erect Weighing Machines and to cause Carriages to be weighed.

IX. And be it further enacted, That every Person travelling the said Road with any Waggon, Wain, Cart, or such like Carriage, drawn by less than Three Horses or other Beasts of Draught, shall, when required by any Person authorized by the said Trustees, or concerned in the Collection of the Tolls, permit the same to be weighed, and assist in weighing the same, at any of the Weighing Machines to be erected by the said Trustees on the said Road or Sides thereof, and which they are hereby authorized and empowered to erect; and on Refusal, the said Trustees, or the Person or Persons authorized by them, or concerned in the Collection of the Tolls, are hereby empowered

powered to levy for such Waggon, Wain, Cart, or such like Carriage, and the same shall be held to be chargeable with the highest Rate of Toll Duty imposed by this Act in respect of Weight, being One Shilling and Sixpence.

X. And be it further enacted, for the Encouragement of the Use of broad Wheels, That all Waggons, Wains, Carts, or such like Carriages, the Fellies of the Wheels of which shall be of a flat Surface, and measure not less than Five Inches in Breadth, shall pass through all the Gates or Turnpikes erected or to be erected on the said Road, upon Payment of One Half of the respective Toll Duties before mentioned, to which otherwise they would have been liable, except when such Carriages are drawn by more than Eight Horses or other Beasts of Draught, in which Case such partial Exemptions shall cease, and the full Rates and Duties herein-before appointed shall be levied; and all Persons claiming the Privilege granted to broad-wheeled Carriages shall permit the same to be examined and measured, and in case of Refusal they shall forfeit the said Privilege, and be chargeable with the Toll Duties on such Carriages without regard to the Breadth of the Wheels.

Exemption to broad-wheeled Carriages.

XI. And be it further enacted, That if any Toll shall be paid for any Horse or Horses or other Cattle, drawing or not drawing, passing through any Turnpike Gate or Gates already erected or to be erected by virtue hereof on the said Road, and returning on the same Day, the same shall be entitled to repass the said Gate or Gates Toll-free, with the same Coach, Cart, or other Carriage; but in case the same Horses or other Cattle shall return or pass with the same Waggon, Wain, Cart, or other such Carriage, with a new Loading exceeding Three Hundred Weight, a second Time or oftener in the same Day, Toll shall be paid for the same for each Time they shall so pass, in the same Manner as for the first Time.

Toll not to be demanded for repassing, except in the Case of Carriages returning with a new Loading.

XII. And be it further enacted, That it shall not hereafter be lawful for any Person or Persons to open, sink, dig, or work any Pit for Coal or Limestone, or to erect any Steam Engine, Gin, or other Apparatus (unless within a House) for raising Coal, Limestone, or Water, within the Distance of Twenty Yards from the Centre of the said Road, under the Penalty of Five Pounds Sterling for every Day such Pit shall remain open, and for every Day such Steam Engine, Gin, or other Apparatus shall continue: Provided always, that nothing herein contained shall apply to or affect any Pit already sunk, or any Mill or Manufactory already existing, or Machinery or other Apparatus necessary for the same, or the repairing, replacing, or renewing any such Machinery or Apparatus.

No Coal or Limestone Pit to be opened, or Steam Engine, &c. to be erected, within Twenty Yards of the Road.

XIII. And be it further enacted, That the said Trustees, or their Contractors or Overseers, shall be and they are hereby empowered to provide proper Places on the Sides of the said Road, as Repositories for Stone, Gravel, and other Materials for repairing the said Road; Damages being always paid for the Ground occupied by such Repositories.

Trustees to provide Repositories for Materials.

Dung, &c.
not to be laid
upon or with-
in a certain
Distance of
the Road.

XIV. And be it further enacted, That no Person or Persons whatsoever, after the passing of this Act, shall lay any Dung, Lime, Compost, Rubbish, Dead Beasts, or any Matters or Things whatsoever for manuring Lands or any other Purpose (excepting Materials for building Houses or enclosing Lands), upon the said Road, or within Ten Yards of the Centre of the said Road, unless within a proper Fence, under the Penalty of Twenty Shillings Sterling, besides forfeiting all such Dung, Lime, or other Matter or Thing, to be levied in the Manner prescribed by the said recited Act of the Fourth Year of the Reign of His present Majesty for the Recovery of Penalties, One Half thereof to be applied to the Person or Persons who shall inform of the same, and the other Half thereof to the said Trustees, for the Use of the said Road.

Tolls, &c.
vested in
Trustees.

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

Application
of the Tolls.

XVI. And be it further enacted, That the said Tolls and Duties, and all the Monies arising by virtue of this Act, shall be applied, in the First Place, towards the Expence of passing and procuring this Act; in the Second Place, towards improving and maintaining the said Road, and the proper Charge thereof; and lastly, to the Payment of the Bonds and all other Debt and Interest due or to become due on the Debts affecting or contracted on account of the said Road, and to no other Use or Purpose whatsoever.

Public Act.

XVII. And be it further enacted, That this Act shall be deemed, adjudged, and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without specially pleading the same.

Commence-
ment and
Continuance
of this Act.

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

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