



ANNO QUINTO & SEXTO

GULIELMI IV. REGIS.

Cap. cix.

An Act to improve and maintain the *Port Dundas Road*, and to make and maintain another Road in the County of *Lanark*. [31st August 1835.]

WHEREAS an Act was passed in the Thirty-third Year of the Reign of His Majesty King *George* the Third, intituled *An Act for completing, repairing, and maintaining the Road leading from the City of Glasgow to Port Dundas, and from Port Dundas to the High Road leading from the City of Glasgow to Garscube Bridge, by Dobbies Loan, in the County of Lanark*: And whereas another Act was passed in the Fifty-fourth Year of the Reign of His said Majesty King *George* the Third, intituled *An Act to continue and amend an Act passed in the Thirty-third Year of His present Majesty, for making and maintaining the Road leading from the City of Glasgow to Port Dundas, and from Port Dundas to the High Road leading from the City of Glasgow to Garscube Bridge, by Dobbies Loan, in the County of Lanark*: And whereas another Act was passed in the First and Second Year of the Reign of His present Majesty, intituled *An Act for amending and making more effectual the Laws concerning Turnpike Roads in Scotland*: And whereas a considerable Part of the Debt incurred in making, maintaining, and improving the Road mentioned in the said Two first-recited Acts is still unpaid, and the same cannot be repaid, and the said Road cannot be repaired, maintained, and improved, unless the Term and Powers of the said Acts be continued, extended, and enlarged: And whereas the Formation of the Line of Road herein-after described would tend greatly to the Advantage and Convenience of the Public, but the aforesaid Purposes cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted;

[Local.] and

33G.3.c.160.

54G.3.c.200.

1 & 2 W. 4. c. 43.

Recited Acts
repealed.

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 from and after the passing of this Act the said recited Acts of the Thirty-third and Fifty-fourth Years of the Reign of His Majesty King *George* the Third shall be and the same are hereby repealed, save and except as to any Tolls, Rates, and Duties granted by the said Acts which shall or may at the passing of this Act remain unpaid, and as to any Fine, Penalty, or Forfeiture relating thereto which shall or may have been previously incurred.

Powers of
the Act
1 & 2 W. 4.
c. 43. ap-
plied to this
Act.

II. And be it further enacted, That the said recited Act of the First and Second Year of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Remedies, Matters, and Things therein contained, (save and except such Part or Parts thereof as is or are hereby varied or altered, or is or are inconsistent with the Provisions of 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.

Appoint-
ment of
Trustees.

III. And be it further enacted, That any Three of the Governor and Council of the Company of Proprietors of the *Forth* and *Clyde* Navigation for the Time being, the Lord Provost and the Dean of Guild of the City of *Glasgow* for the Time being, Sir *Archibald Campbell* of *Succoth*, Baronet, *Alexander Campbell* of *Possill*, and *John Campbell Colquhoun* of *Killermont*, shall be and they are hereby nominated and appointed Trustees for repairing, maintaining, and improving the Road leading from the City of *Glasgow* to *Port Dundas*, and from *Port Dundas* to the High Road leading from the City of *Glasgow* to *Garscube Bridge*, by *Dobbies Loan*, in the County of *Lanark*, authorized to be made and maintained by the said Two first-recited Acts, and for making and maintaining the Road from the said Road leading from *Glasgow* to *Port Dundas*, and in continuation thereof to the Road from *Glasgow* to *Possill*, at, near, or opposite to the Lands of *Craigbank* in the said County of *Lanark*, herein-after described, and for executing and carrying into effect the other Powers and Purposes of this Act relative to the said Two Roads.

Qualification
of Trustees.

IV. Provided always, and be it further enacted, That no Person herein-before appointed a Trustee (except the said Lord Provost and Dean of Guild of the City of *Glasgow* for the Time being) shall be qualified for or capable of acting as such Trustee in the Execution of this Act unless he shall be, in his own Right or in the Right of his Wife, in the actual Possession and Enjoyment as Proprietor or Liferenter of the *Dominium Utile* or Property of Lands in the said County of *Lanark* valued in the Cess Books of the said County at not less than One hundred Pounds *Scots* of valued Rent, or unless he be possessed of at least Two thousand Pounds of the Capital Stock of the Company of Proprietors of the *Forth* and *Clyde* Navigation.

Trustees au-
thorized to
make new
Road;

V. And be it further enacted, That the said Trustees shall be and they are hereby authorized and empowered to repair, maintain, and improve the said Road leading from the City of *Glasgow* to *Port Dundas*, and from *Port Dundas* to the High Road leading from

from the City of *Glasgow* to *Garscube Bridge*, and to survey, make, maintain, keep, repair, and improve a Road from the said Road leading from *Glasgow* to *Port Dundas*, and in continuation thereof, by or through the Lands of *Saxmillfield*, *Rockvilla*, *Craighall*, and others, to the Road from *Glasgow* to *Possill* at or near or opposite to the Lands of *Craigbank* in the Parishes of the *Barony* and *Saint George's* of *Glasgow* in the County of *Lanark*.

VI. And whereas, in consequence of the Road leading from the City of *Glasgow* to *Port Dundas*, completed under the Authority of the said first-recited Act, having become a much frequented Thoroughfare, it is expedient, for the Convenience and Safety of the Persons using the same, that the said Road should be properly watched and lighted; be it therefore enacted, That it shall and may be lawful to and for the said Trustees and they are hereby authorized and empowered to cause the said Road to be watched and lighted after Sunset and during the Night, and to pay and defray the Costs and Charges thereof out of the Tolls, Rates, Duties, and other Monies authorized to be levied and raised under and by virtue of this Act on or for the said Road from the City of *Glasgow* to *Port Dundas*, and from *Port Dundas* to the High Road leading from the City of *Glasgow* to *Garscube Bridge*.

to watch and light the Road from *Glasgow* to *Port Dundas*;

VII. And be it further enacted, That the said Trustees shall and they are hereby empowered and required, out of the Tolls, Rates, and Duties to be levied and recovered on the first-mentioned Road, to maintain and repair that Part of the Turnpike Road from *Glasgow* to *Garscube Bridge* lying between *Glasgow* and the present Road leading to *Port Dundas* which branches off from the said Turnpike Road through the Lands of *Cowcaddens*.

and to repair a certain Part of the Road from *Glasgow* to *Garscube Bridge*.

VIII. And whereas it is expedient and necessary that certain Powers contained in the said first-recited Act for completing, draining, widening, and improving the said first-mentioned Road should be continued and amended; be it therefore enacted, That it shall and may be lawful to and for the said Trustees to make or cut all necessary Drains through the Lands of *Cowcaddens* and others contiguous to the said Road from the City of *Glasgow* to *Port Dundas*, and to make and erect Bridges of Brick, Timber, or Stone, and to deviate from the Line of the said Road, or to widen the same, to a Breadth not exceeding Eighty Feet, and for that Purpose, with the Consent of the Owners and Occupiers thereof, to pull down and remove any House or Building on or adjoining the said Road from the City of *Glasgow* to *Port Dundas*: Provided always, that the said Trustees shall not, under the Powers of this Act or of the said last-recited Act, be empowered to deviate to any greater Distance from the present Centre of the said Road than Forty Feet.

Power to cut Drains and widen *Port Dundas* Road.

IX. And be it further enacted, That if in the Formation of the Road hereby authorized to be made any Land or Ground of or belonging to any Person or Persons shall be disjoined or separated, it shall and may be lawful to and for the said Trustees, and they are hereby required, on the Application in Writing of such Person or Persons, to purchase and acquire any Parcel or Parcels of Land or Ground

Trustees to purchase disjoined Parcels of Land on Application of Owners.

Ground so disjoined or separated, not exceeding Two Acres in any One Parcel, and to sell and dispose of the same as they the said Trustees respectively shall think proper.

Meetings of Trustees.

X. And be it further enacted, That the said Trustees shall meet at *Glasgow* or *Port Dundas* on the Third *Wednesday* immediately after the passing of this Act, and proceed to put this Act into execution; and they shall also hold stated Meetings, at such Place or Places and at such Hour as they shall appoint, on the First *Wednesday* of the Month of *April* in each Year thereafter; and at such stated Annual Meetings, and at all Special and Adjourned Meetings of the said Trustees, the Majority of Trustees assembled shall be and they are hereby authorized and empowered to do, order, and perform all Acts, Matters, and Things which the Trustees hereby appointed are authorized to do, order, and perform under and by virtue of the said last-recited Act and this Act; and all such Acts, Matters, and Things so done, ordered, and performed by such Majority, or by such Quorum as is herein-after provided, shall be as good, valid, and effectual as if the same were done by all the Trustees hereby appointed: Provided always, that in all Meetings of the said Trustees for putting this Act into execution as aforesaid any Two or more of them shall be a Quorum for that Purpose.

Quorum of Trustees.

Tolls to be levied;

XI. 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 have been or shall be erected on the said Roads respectively, any Sum of Money not exceeding the Tolls, Rates, and Duties herein-after specified, before any Horse or other Cattle or Beast, or any Carriage, shall pass through any such Gate or Turnpike; *videlicet*,

on Port Dundas Road;

On the said Road from the City of *Glasgow* to *Port Dundas*, and from *Port Dundas* to the High Road leading from the City of *Glasgow* to *Garscube Bridge*,

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

For every Horse or Beast of Draught drawing any Waggon, Wain, Cart, or other such Carriage, the Sum of Two-pence:

For every Saddle Horse or Mule, with or without a Rider, the Sum of One Penny:

For every Ass, laden or unladen, the Sum of One Penny:

For every Score of Oxen or Neat Cattle, the Sum of Four-pence, and so in proportion for any greater or lesser Number:

For every Score of Calves, Hogs, Sheep, Lambs, or Goats, the Sum of Three-pence, and so in proportion for any greater or lesser Number:

For every Score of Horses or Fillies, unshod, the Sum of Four-pence, and so in proportion for any greater or lesser Number:

on Continuation thereof to the *Glasgow* and *Possill* Road.

And on the said Road from *Port Dundas* to the Road from *Glasgow* to *Possill* at, near, or opposite to the Lands of *Craigbank*, For every Horse or Beast of Draught drawing any Coach, Barouche, Chariot, Landau, Chair, Calash, Taxed Cart, Hearse, or other such Carriage

Carriage, or any Stage Coach, Long Coach, or Diligence, or Carriage of the like Kind, the Sum of Sixpence :
 For every Horse or Beast of Draught drawing any Waggon, Wain, Cart, or other such Carriage, the Sum of Four-pence :
 For every Saddle Horse or Mule, with or without a Rider, the Sum of Two-pence :
 For every Ass, laden or unladen, the Sum of Two-pence :
 For every Score of Oxen or Neat Cattle, the Sum of Eight-pence, and so in proportion for any greater or lesser Number :
 For every Score of Calves, Hogs, Sheep, Lambs, or Goats, the Sum of Sixpence, and so in proportion for any greater or lesser Number :
 For every Score of Horses or Fillies, unshod, the Sum of Eight-pence, and so in proportion for any greater or lesser Number.

XII. Provided always, and be it further enacted, That no more than One Penny shall be demanded or taken for any Horse or Beast of Draught drawing any Waggon, Wain, Cart, or other such Carriage on either of the said Roads, loaded with Manure, and carried or conveyed therein to any of the Lands or Grounds adjoining the same, any thing herein-before contained to the contrary notwithstanding. Limiting the Toll on Manure.

XIII. And be it further enacted, That the said Trustees shall and may demand and take, or cause to be demanded and taken, at the several Turnpikes or Gates erected or to be erected on or across the said Roads, before any Coach, Hearse, Waggon, Wain, Cart, or other Carriage drawn by One or more Horse or Horses or Beast or Beasts of Draught shall pass through the same, the Weight whereof, with the Burthen or Draught therein, shall amount to Twenty Hundred Weight and not exceeding Thirty Hundred Weight, and the Fellies of the Wheels of which shall not measure Five Inches in Breadth, Double the Tolls, Rates, and Duties hereby granted ; and before any such Coach, Hearse, Waggon, Wain, Cart, or other Carriage drawn by One or more Horse or Horses or Beast or Beasts of Draught shall pass through the same, the Weight whereof, with the Burthen or Draught therein, shall exceed Thirty Hundred Weight, and the Fellies of the Wheels of which shall not measure Seven Inches in Breadth, Triple the said Tolls, Rates, and Duties ; and such additional Tolls, Rates, and Duties are hereby expressly declared not to be Penalties, but the just and fair Tolls, Rates, and Duties on the Horse or Horses or other Beast or Beasts drawing such Coach, Hearse, Waggon, Wain, Cart, or other Carriage. Increased Toll to be paid on certain Carriages.

XIV. And be it further enacted, That no Person or Persons passing through any Turnpike or Turnpikes erected by virtue of the said recited Acts, or to be erected by virtue of this Act, and who shall return the same Day through the same Turnpike or Turnpikes before Twelve of the Clock at Night, with the same Coach, Cart, or other Wheel Carriage, drawn by the same Horses and with the same Loading, or with the same Horse, Ass, or other Beast or Cattle, shall be liable to pay the said Tolls, Rates, and Duties more than once ; but in case such Coach, Cart, or other Wheel Carriage, Horse, Ass, or other Tolls to be levied only once for passing and returning with same Loading.

Beast or Cattle, shall pass a second Time or oftener during the same Day, with another or different Loading, they shall in that Case be liable to pay the Tolls, Rates, and Duties by this Act imposed for each Time they shall so pass through the said Turnpikes.

Tolls may be levied at Side Bars.

XV. And be it further enacted, That it shall and may be lawful to and for the said Trustees to take and receive the said Tolls, Rates, and Duties hereby granted at any Toll Bar or Toll Bars to be erected on the Side or Sides of the said Roads, but so as that the Payment thereof at such Toll Bar or Toll Bars on any such Roads shall entitle the Horses, Cattle, or Beasts, with or without any Cart or Carriage, in respect whereof the same shall have been paid, to pass and return through all the Turnpikes on the same Road Toll-free during the same Day, provided such Carts or Carriages do not so return with a new Loading.

Payment of Tolls on one Road not to be an Exemption on other Road.

XVI. Provided always, and be it further enacted, That no Person or Persons paying the said Tolls, Rates, and Duties at any Gate or Turnpike on one of the said Roads shall be entitled in respect of such Payment to any Exemption from the Payment of the Tolls, Rates, and Duties appointed to be levied on the other of the said Roads.

Application of Monies.

XVII. And be it further enacted, That the said Trustees shall, out of the Monies received, raised, or borrowed under or by virtue of the said Two first-recited Acts, or to be raised or borrowed by them under or by virtue of the said last-recited Act and of this Act, and the Tolls, Rates, and Duties hereby granted to them for or on the said Two Roads respectively, cause to be paid for each of the said Roads one Moiety or Half Part of the Costs and Expences of and incident to the passing of this Act, with Interest for the same; and that the Remainder of all such Monies, Tolls, Rates, and Duties shall be applied by the said Trustees towards the making, improving, maintaining, repairing, and keeping in repair the Roads made and to be made under the Authority of the said Two first-recited Acts and this Act respectively, or such Part or Parts thereof as the said Trustees of the said Roads respectively may think fit; and thereafter, towards Payment of the Interest of the Money raised or borrowed under or by virtue of the said Two first-recited Acts, or to be raised or borrowed as aforesaid, and of the Principal Sums so raised or borrowed, according to the Rights and Preferences of the several Creditors for the same.

Separate Accounts to be kept for each Road;

XVIII. Provided always, and be it further enacted, That the said Trustees shall keep or cause to be kept separate Accounts of the Monies raised or borrowed and due under or by virtue of the said Two first-recited Acts, and of the Monies to be raised or borrowed and expended under or by virtue of the said last-recited Act and this Act, and the Tolls, Rates, and Duties to be levied or recovered and expended by virtue of this Act for or on each of the said Roads; and that such Monies, Tolls, Rates, and Duties so to be raised, borrowed, levied, or recovered for or on each of the said Roads, shall be expended and applied only towards making, maintaining, and improving the Road for or on which the same shall be

and Tolls and other Monies levied and raised on the

be raised, borrowed, levied, or recovered, and to or for no other Use or Purpose; except the Payment of the Proportion or Share of the Costs and Expences of and incident to the passing of this Act, with Interest as aforesaid, to be paid out of the Monies, Tolls, Rates, and Duties to be raised, borrowed, levied, or recovered for or on each of the said Roads respectively, and except as herein-before provided.

same to be expended thereon only.

XIX. And whereas it is also expedient and necessary that certain Provisions contained in the said first-recited Act for preventing the Erection and for the Removal of Buildings within a certain Distance from the Centre of the said first-mentioned Road completed by virtue thereof should be continued and amended, and that the same to a certain Extent should be extended to the said intended Continuation of the said Road; be it therefore enacted, That no House, Building, or other Erection whatever shall be put up or erected within Forty Feet from the Centre of the said Road from the City of *Glasgow* to *Port Dundas*, nor within Thirty Feet from the Centre of the said Road from *Port Dundas* to the *Glasgow* and *Possill* Road; and that it shall and may be lawful to and for the said Trustees to stop the building or erecting of every such House, Building, or Erection as they shall apprehend to be within such respective Distance of the said Roads respectively by an Order in Writing under their Hands, until sufficient Security shall be found before the Justices of the Peace for the County of *Lanark*, at their General Quarter Sessions, that such House, Building, or Erection shall not be erected within such Distance respectively; and if such Security shall not be found at or before the next General Quarter Sessions, or if the said Justices of the Peace shall find, on Complaint made to them, that any such House, Building, or Erection has been erected or built contrary to the Provisions of the said first-recited Act or of this Act, it shall be lawful to and for any Two or more of the said Trustees to cause the said Houses, Buildings, or Erections to be taken down and removed, and to charge the Proprietors with the Expence thereof, to be recovered and applied in the same Manner as Penalties or Forfeitures are directed by the said last-recited Act to be recovered and applied.

No Building to be erected within certain Distances of Centre of Roads.

XX. And be it further enacted, That any Person or Persons having charge of empty Carts or Carriages passing on the said Road from the City of *Glasgow* to *Port Dundas* shall be obliged to make way for loaded Carts or Carriages; and in case any such Person or Persons shall use or occupy with a Cart or Carriage any Part of the said Road other than that to be directed and appointed by the Trustees thereof, or, passing with an empty Cart or Carriage, shall refuse to make way for a loaded Cart or Carriage, and being convicted of the same by the Oath of One or more credible Witness or Witnesses before One or more of His Majesty's Justice or Justices of the Peace for the County of *Lanark*, he, she, or they, or the Owner or Owners of the Cart or Carriage under his, her, or their Charge, shall for every such Offence forfeit and pay to the Trustees of the said Road the Sum of Five Pounds, to be levied and recovered in manner aforesaid, and to be applied by the said Trustees towards the Expence of making and maintaining such Road.

Empty Carts to make way on Port Dundas Road.

XXI. And

Regulations
for carrying
Timber, &c.
on Port
Dundas
Road.

XXI. And be it further enacted, That no Person or Persons shall draw or carry on the said Road from the City of *Glasgow* to *Port Dundas* on any Cart or Waggon, Wain or Carriage, with less than Four Wheels, any Timber, Trees, Planks, or Deals exceeding Twenty-five Feet in Length, and that no Timber, Trees, Planks, or Deals carried on the said Road shall project or extend over the Sides of such Cart, Waggon, Wain, or Carriage, or occupy more of such Road than shall necessarily be occupied by such Cart, Waggon, Wain, or Carriage, under the Penalty of Twenty Shillings, to be levied and recovered by the Trustees of the said Road in manner aforesaid, and to be applied by them towards the Expence of maintaining and keeping in repair the said Road.

Posts and
Chains to be
placed on
Sides of
Roads ad-
joining the
Canal.

XXII. And be it further enacted, That Stone Posts, with Iron Chains, shall be placed by the said Trustees on the Sides of such Parts of the said several Roads as adjoin or run parallel with the Towing Paths of the said Canal, at such Places as shall be necessary for the Safety of the Persons passing on and using the said Roads.

If Lands be
not acquired
within Three
Years, the
compulsory
Powers to
cease.

XXIII. And be it further enacted, That in case any of the Lands, Houses, Tenements, or other Heritages necessary for the Purpose of forming the Road hereby authorized to be made shall not be purchased or acquired by the said Trustees thereof within the Space of Three Years from the passing of this Act, then and in such Case it shall not be lawful for the said Trustees thereafter to acquire, take possession of, and use any such Lands, Houses, Tenements, or other Heritages (except for the Purpose of widening the said Road as herein-after provided) without the Consent in Writing of the Owners thereof first had and obtained.

Power to
take Lands
required for
widening
new Road.

XXIV. Provided always, and be it further enacted, That it shall be lawful to and for the said Trustees, whenever they shall think fit, to take possession of and acquire all such Lands, Tenements, and Heritages as may be necessary for widening the Road hereby authorized to be made to a Breadth not exceeding Sixty Feet from Side to Side, they always making Compensation to the Owners and Occupiers of the Lands, Tenements, or Heritages so to be taken, in manner provided by the said last-recited Act.

Public Act.

XXV. And be it further 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.

Commence-
ment and
Continuance
of Act.

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