



ANNO DECIMO & UNDECIMO

# VICTORIÆ REGINÆ.

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## *Cap. li.*

An Act for the better Maintenance, Improvement,  
and Repair of the *Glasgow and Shotts* Turnpike  
Roads. [21st *June* 1847.]

**W**HEREAS an Act was passed in the Eighth Year of the  
Reign of Her present Majesty Queen *Victoria*, intituled  
*An Act for completing the Line of the Glasgow, Parkhead,* 8 & 9 Vict.  
*and Woodend Turnpike Roads, for incorporating the same with the* c. 14.  
*Roads under the Charge of the Glasgow and Shotts Road Trustees,*  
*and for the further Improvement and Maintenance of the said several*  
*Roads* : And whereas, in pursuance of the said recited Act, the Line  
of the *Glasgow, Parkhead, and Woodend* Turnpike Roads has been  
completed, and the said Roads have been incorporated with the  
Roads under the Charge of the *Glasgow and Shotts* Road Trustees :  
And whereas it is expedient and for the public Interest that the  
Powers and Provisions of the said recited Act should be altered  
and amended, and for that Purpose that the same should be partially  
repealed, and other Powers and Provisions granted instead thereof,  
but that Object cannot be effected without the Authority of Par-  
liament :  
[*Local.*] 7 K



Recited Act  
repealed.

liament: 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assembled, and by the Authority of the same, That from and after the passing of this Act the said recited Act shall be repealed, except in so far as the same repeals the Acts therein recited, passed respectively in the Fifth and Sixth Years of the Reign of His late Majesty King *George* the Fourth, and in the Fourth and Seventh Years of the Reign of His late Majesty King *William* the Fourth.

Short Title.

II. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments and Proceedings, it shall be sufficient to use the Expression, "The *Glasgow and Shotts* Road Act, 1847."

Powers of  
1 & 2 W. 4.  
c. 43. ex-  
tended to  
this Act.

III. And be it enacted, That the Act passed in the Second Year of the Reign of His Majesty King *William* the Fourth, intituled *An Act for amending and making more effectual the Laws concerning Turnpike Roads in Scotland*, and all the Powers, Provisions, Matters, and Things therein contained, save and except so much thereof as is hereby varied, repealed, or otherwise provided for, shall be as good, valid, and effectual for carrying this Act into execution as if the same had been repeated and re-enacted in this Act in reference to the Purposes hereof.

All Arrears  
of Tolls, &c.  
under the  
repealed Act  
vested in the  
Trustees  
under this  
Act.

IV. And be it enacted, That all Monies due to, and all Property vested in, the Trustees under the Act hereby repealed, shall, immediately on the Commencement of this Act, be vested in the Trustees for executing this Act, and such last-mentioned Trustees may use, sue for, and recover the same, and act in respect thereof, as effectually as if the same had been vested in them under the Act hereby repealed, and they shall be liable to all the Debts and Engagements to which the Trustees under the Act hereby repealed were liable at the Repeal thereof; and that all Bonds, Covenants, Agreements, and Securities made or entered into under the Powers and Provisions of the said recited Act hereby repealed, to, by, or with any Person and the Trustees appointed by the said recited Act hereby repealed, shall remain in full Force, and shall be and continue available to and in favour of such Person, and of the Trustees hereby appointed respectively, in all Courts of Law and Equity, until the same are fully satisfied and performed.

Covenants  
and Agree-  
ments under  
recited Act  
to be good.

Appoint-  
ment of  
Trustees.

V. And be it enacted, That every Person who at present is or hereafter shall be in his own Right or in the Right of his Wife in the Possession and Enjoyment, as Proprietor or Life-renter, of the *Dominium utile* of Lands lying within any of the Parishes of *Glas-*  
gow,



gow, Barony of Glasgow, Bothwell, Old Monkland, Shotts, Hamilton, Dalziell, Glassford, and Strathaven, in the County of Lanark, and of Whitburn and Livingston in the County of Linlithgow, valued in the Cess Books of the said respective Counties at One hundred Pounds Scots, and their eldest Sons or apparent Heirs, as also one of the Guardians or Trustees of Minors, one of the Trustees of each Estate held under Trust, and the Factor or Baron Bailie for the Time being of each Heritor, qualified as aforesaid within the said Parishes, in his Absence, such Minors Estates and such Trust Estates being of the Valuation of One hundred Pounds Scots as aforesaid, and the Lord Provost, Bailies, Dean of Guild, Deacon Convener, and Treasurer of the City of Glasgow, the Master of the Works of the said City of Glasgow, all for the Time being, and the Provost of the Burgh of Hamilton for the Time being, shall be Trustees for carrying this Act into execution under the Name of the *Glasgow and Shotts Road Trustees*: Provided always, that no such Guardian, Trustee, Factor, Baron Bailie, Provost, Bailie, Dean of Guild, Deacon Convener, Treasurer, or Master of Works shall be capable of acting as a Trustee in the execution of this Act unless he shall be qualified to act as a Commissioner of Supply for one or other of the Counties in which the said Roads or some Portions thereof are situate, or unless he shall be in his own Right or in the Right of his Wife in the actual Possession or Receipt of the Rents and Profits of Lands or Heritages of the clear yearly Value of Fifty Pounds, or be possessed of and be entitled to a Personal Estate alone, or Real and Personal Estate together, of the Amount or Value of One thousand Pounds; and provided also, that only One Person shall act and vote at any Meeting of the said Trustees upon One Qualification, and that the Person enjoying the greater or more immediate Interest, and claiming to act, shall be preferred.

Qualification  
of Trustees.

VI. And be it enacted, That the said Trustees shall hold their First General Meeting at *Glasgow* upon the Second *Wednesday* after the passing of this Act, or as soon thereafter as may conveniently be, and shall at such Meeting proceed to the Execution of this Act, and shall thereafter hold annually One fixed General Meeting at *Glasgow* upon the first *Wednesday* of *April*, of which yearly General Meeting Notice shall be given by Two several Advertisements in One or more of the *Glasgow* Newspapers Ten Days at least previous to such yearly General Meeting.

Meetings of  
Trustees.

VII. And be it enacted, That at all General Meetings of Trustees under this Act Five Trustees shall be a Quorum.

Quorum of  
Trustees.

VIII. And be it enacted, That this Act shall be put into execution for the Purpose of more effectually maintaining, improving, and keeping in repair the following Roads; that is to say,

Description  
of Roads.

The



## 10° &amp; 11° VICTORIÆ, Cap. li.

The Road leading from *Glasgow* to *Edinburgh* by the *Shotts Hirst* as far East as *Howden March* in the Parish of *Livingston* and County of *Linlithgow*, including both the old and new Line of Road between *Broomhouse* and *Bellshill* :

The Road from the North End of *Barrack Street* at *Duke Street* in the City of *Glasgow* to the Separation of the *Cumbernauld Road*, and from thence past *Shettleston* as far East as *Bailieston East March* in the Parish of *Old Monkland* :

The Branch Road from the last-mentioned Road leading to the Village of *Parkhead* :

The Road leading from *Parkhead*, through *Westmuir*, to the said last-mentioned Main Line of Road near *Shettleston*, and the Remainder of the old Road to *Over Carntyne*, not included in the Lines of Road above described :

The Road from *Newhouse* in the Parish of *Bothwell* by *Hamilton* and *Strathaven* to *Lochgate* at the Confines of the Counties of *Lanark* and *Ayr* :

The Road leading from *Broomhouse* to *Hamilton*, and the Branch Road from *Rosshall Gate* or *Rosehall* in the Parish of *Bothwell* by *Bellshill* to *Bothwell Bridge* :

The Road from, at, or near the East End of *Monteith Row* and *Great Hamilton Street* in the City of *Glasgow* Eastward by or near *Barrowfield Bridge* and *Clyde Ironworks* to the said *Glasgow and Shotts Road* at or near *Mount Vernon Avenue*.

No Building, Plantation, &c. within Thirty Feet from Centre of Roads.

IX. And be it enacted, That no House or other Building, except only Fences or Walls not exceeding Six Feet in Height, shall be erected, and no new Inclosure or Plantation shall be made, without the Consent of the said Trustees previously obtained in Writing, within Thirty Feet from the Centre of any of the said Roads, and that under the Penalty of Five Pounds for every such Offence, besides the Expence of taking down and removing such House or Building, or of removing such Inclosure or Plantation; and the Sheriff or the Justices of the Peace of the County within which the Encroachment shall be made shall be and are hereby authorized and empowered, on Application by any one of the said Trustees or their Clerk, to order such House, Building, Inclosure, or Plantation to be pulled down or removed at the Expence of the Person erecting or making the same, or of the Occupier or Owner of the Ground.

Toll Bars and Toll Houses may be erected or continued.

X. And be it enacted, That it shall be lawful for the Trustees to continue the Gates or Turnpikes already erected upon or across the said Roads, or on the Sides thereof, and to erect or cause to be erected such additional Gates or Turnpikes in, upon, or across any Part or Parts of the said Roads, or on the Sides thereof, and also such



such Number of Toll Houses, with proper Gardens thereto, as to them shall seem expedient, and from Time to Time to alter the Situation of such Gates, Turnpikes, Toll Houses, and Gardens.

XI. And be it enacted, That it shall be lawful to the Trustees to Tolls. demand and take, at each of the several Toll Bars or Turnpike Gates which shall by virtue of this Act be upon or on the Sides of the said Roads, such Tolls as the Trustees under the said recited Act have directed, or the Trustees under this Act at any of their Meetings shall direct, not exceeding the Sums following; (that is to say,)

For every Horse or Beast of Draught drawing any Coach, Barouche, Chariot, Landau, Chaise, Calash, Chair, Cart now or formerly known by the Name of a taxed Cart, or any Hearse or other such Carriage, or any Stage Coach, Long Coach, or Diligence, or Carriage of the like Kind, Sixpence; and, if the said Trustees shall think proper, for every Horse or Beast of Draught 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 Waggon, Wain, or Cart, or other such Carriage, having more than Two Wheels, used for the Purposes of Trade, Commerce, Husbandry, or other like Purpose,

If drawn by One Horse or Beast of Draught, Sixpence;

By Two Horses or Beasts of Draught, One Shilling;

By Three Horses or Beasts of Draught, Two Shillings;

By Four Horses or Beasts of Draught, Three Shillings;

By Five Horses or Beasts of Draught, Four Shillings;

By Six or more Horses or Beasts of Draught, Five Shillings:

For every Waggon, Wain, or Cart, or other such Carriage, having only Two Wheels, used for the Purposes of Trade, Commerce, Husbandry, or other like Purpose,

If drawn by One Horse or Beast of Draught, Sixpence;

If drawn by Two or more Horses or Beasts of Draught, One Shilling:

For every Horse or Mule, with or without a Rider, laden or unladen, and not drawing, Two-pence:

For every Ass, laden or unladen, and not drawing, One Penny:

For every Ox or Neat Cattle, One Penny; and

For every Calf, Swine, Hog, Sheep, Lamb, or Goat, One Halfpenny.

XII. Provided always, and be it enacted, That when any Waggon, Tolls for Wain, or Cart, or other such Carriage as aforesaid, whether with Two Over-weight. or more Wheels, shall with the Loading thereof weigh more than Thirty-three Hundred Weight of One hundred and twelve Pounds to the Hundred Weight, and shall not weigh more than Forty Hundred Weight, the Trustees shall be entitled to receive and take for every such Waggon, Wain, or Cart, or such Carriage, over and above the

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Tolls

Tolls hereby granted, the Sum of One Penny for every Hundred Weight of such Over-weight over and above the said Thirty-three Hundred Weight; and if such Waggon, Wain, or Cart, or other such Carriage, with the Loading thereof, shall weigh more than Forty Hundred Weight, the like Sum of One Penny for every Hundred Weight of Over-weight from Thirty-three Hundred Weight to Forty Hundred Weight, and the Sum of Two-pence for every Hundred Weight of such Over-weight over and above the said Forty Hundred Weight; and provided further, that in case such Waggon, Wain, Cart, or other such Carriage, shall not use more than Two Miles and a Half of the said Roads in all, the maximum Toll shall be Nine-pence if drawn by One Horse, and One Shilling and Sixpence if drawn by Two Horses, and for each additional Horse Sixpence, whatever may be the Weight of such Waggon, Wain, Cart, or other such Carriage using such limited Portion of the Road.

Tolls for  
Manure, &c.

XIII. Provided further, and be it enacted, That Waggons, Wains, or Carts, or other such Carriages, whether with Two or more Wheels, if loaded with Lime for Manure, Dung, or other Manure, or Stones for building or other Purposes, shall only pay One Half of the Tolls and Duties hereby granted.

Exemption  
for broad  
Wheels.

XIV. Provided further, and be it enacted, That no more than the One Half of the Tolls and Duties before specified shall be demanded and taken for the Passage of any Cart, Waggon, or Carriage having Two Wheels of the Breadth of Four Inches and a Half in the Tread, and drawn by One Horse, or for any Cart, Waggon, or Carriage having Two Wheels of the Breadth of Five Inches in the Tread, and drawn by Two Horses, or for any Cart, Waggon, or Carriage having Wheels of the Breadth of Six Inches of Tread, and drawn by not more than Three Horses, or for Waggons having the Tread of the Wheels of the Breadth of Nine Inches, although drawn by more than Three Horses; and Carts or Waggons with Two Wheels loaded with Coals 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 as aforesaid:

Tolls for  
Coals.

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

If the Coals do not exceed Twelve Hundred Weight and One 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 Twenty-one Hundred Weight and Three Quarters, and the Wheels be of the ordinary Breadth, Four-pence;

But if the Tread of the Wheels be Four and a Half Inches in Breadth, no more than Three-pence:

If



If the Coals do not exceed Twenty-six Hundred Weight and Three Quarters, and the Wheels be of the ordinary Breadth, Eight-pence;

But if the Tread of the Wheels be Four and a Half Inches 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:

If the Coals do not exceed Thirty-two Hundred Weight and Three Quarters, and the Wheels be of the ordinary Breadth, One Shilling;

But if the Tread of the Wheels be Four and a Half Inches broad, no more than Sixpence;

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

XV. Provided always, and be it enacted, That in order to be entitled to the said Abatement of the Tolls and Duties by this Act granted in respect of the Breadth of Wheels, the Wheels of every Cart, Waggon, or Carriage for or 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 Axletrees of such Carriages, as 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 Part of such Pair of Wheels, and, further, that the Nails shall be sunk Level with the Rings on the Wheels.

Description  
of broad  
Wheels.

XVI. Provided always, and be it enacted, That in the Case of all Horses or other Beasts not drawing, and of all Horses or Beasts of Draught drawing any Coach, Barouche, Chariot, Landau, Chaise, Calash, Chair, Cart now or formerly known by the Name of a taxed Cart, or other Carriage, not being a public Stage Coach, Long Coach, Diligence, or Carriage of the like Kind, nor a Carriage used for Hire, no Toll shall be charged in respect of the same passing through any Toll Bar or Turnpike Gate more than once during the same Day, that is, from Midnight to Midnight; and that no Toll shall be charged in respect of any Waggon, Wain, Cart, or other such Carriage used for the Purposes of Trade, Commerce, Husbandry, or other like Purpose passing through any Toll Bar or Turnpike Gate more than once during the same Day, except in the Case of the same passing with a new Loading: Provided always, that the Exemptions from Tolls hereby conferred shall not take effect until after the Twenty-eighth

Exemption  
for Horses,  
&c. passing  
any Toll Bar  
more than  
once in the  
same Day.



eighth Day of *May* Eighteen hundred and forty-eight, being the Date of the Expiration of the present Lease of the Tolls upon the said Roads, excepting in so far as such Exemptions are contained in the said recited Act hereby repealed.

Provision as to Toll Bars within Five Miles.

XVII. Provided further, and be it enacted, That in case there are or shall be erected in the course of any of the said Roads any Gates or Turnpikes at less Distance from each other than Five Statute Miles, then any Person producing a Ticket to show that the Toll has been paid at any one of such Gates shall not on the same Day, and for the same Horse, Carriage, or Cart, with the same Loading, pay any Toll at any other Gate on the same Road which shall be within Five Statute Miles of the former at which the Toll denoted by such Ticket shall have been paid.

Application of Tolls.

XVIII. And be it enacted, That all the Tolls and Duties hereby authorized to be levied shall be applied, in the first place, in discharging the Expences of obtaining and passing this Act, and all other Expences incident thereto; in the second place, in repairing, improving, and keeping in repair the said Roads, and the Toll Houses, Bars, Gates, and other Conveniences thereon, and in putting this Act into execution; in the third place, in Payment of the Interest of the Debt due and to become due by the said Trustees; and, lastly, in extinction of the said Debt (without Prejudice to the Priority of the Sums now due and owing), and to no other Use or Purpose whatever.

Provision as to Debt on Tolls within Five Miles of Glasgow.

XIX. Provided always, and be it enacted, That it shall not be lawful for the Trustees on the said Roads to borrow any Sum exceeding Six thousand Pounds Sterling on the Security of the Tolls within a Circle of Five Miles of the City of *Glasgow*, including the whole Roads belonging to the said Trust within the extreme Points of *Ballieston* and *Broomhouse*, or otherwise to incur any larger Amount of Debt on the Credit of the Tolls to be levied within the said District, nor to allow the said Debt to accumulate above the said Sum of Six thousand Pounds, under any Circumstances thereafter, but always without Prejudice to the Trustees borrowing such Sums as they may consider necessary upon the Credit of the other Tolls of the said Trust, and without Prejudice also to the Trustees borrowing on the Security of the whole Tolls, including the Tolls within the said District, such Sums not exceeding Five thousand Pounds as may be necessary to pay off or secure the Debt payable to the Creditors on the *Glasgow and Parkhead*, and *Glasgow, Parkhead, and Woodend* Roads, although the Amount so borrowed should, along with the present Debt of the said *Glasgow and Shotts* Roads, exceed the said Sum of Six thousand Pounds Sterling.



XX. And be it enacted, That the Trustees shall once in each Year cause to be prepared an Account in abstract of the total Receipts and Expenditure of all Funds levied and expended 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 Trustees, and shall cause a Copy of such annual Account to be transmitted, free of Charge, to the principal Sheriff Clerk of the County of *Lanark* at *Glasgow* on or before the subsequent Thirty-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 said recited Act of the Second Year 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 every Folio of Seventy-two Words.

Trustees to prepare an annual Account, and transmit a Copy thereof to the Sheriff Clerk of the County of Lanark.

XXI. 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.

Nothing to prevent the Roads in this Act from Provisions of any general Act.

XXII. And be it enacted, That the Powers granted by this Act shall commence from and after the passing thereof, and shall continue 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.

XXIII. 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,)

Interpretation of Act.

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 Word "Lands" shall be understood to include Tenements, Superiorities, Feu Duties, and Heritable Subjects of every Description:

The Expression "the Trustees" shall mean the Trustees for the Time being acting under the Authority of this Act.

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XXIV. And



Public Act.

XXIV. 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.

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Constitution of

of the ~~Barlow~~ <sup>15-16. F.W.C. 110.</sup> Trust

Alford <sup>do</sup> <sup>10. & 11. C. 52</sup>  
~~15-16. F.W.C.~~  
~~145.~~

New Castle on Tyne <sup>Imp' act' 45</sup>  
c. 59.