Glasgow and Carlisle Road Trustees v Whyte

Obstruction of rights of way · https://scotways.com/ken/glasgow-and-carlisle-road-trustees-v-whyte/

Case Report: (1828) 7 S 115

Key points: Obstruction of public road - attempt to substitute new road - attempt to impose tolls - right to remove obstruction.

The facts: The Road Trustees attempted to erect a toll barrier across part of a section of an old turnpike road to force the public to use a new section of road and pay tolls. Members of the public removed the barrier, without legal authority. The Court refused to grant the Road Trustees an Interdict against parties removing obstructions put up by them. However, the members of public, in this case, were refused their expenses against the Road Trustees, apparently as a token of the Court's disapproval of their illegal actions.

Comments: A case of no direct authority, save that it illustrates the principle that obstructions on a right of way can be removed by the public, albeit not in the circumstances of this case.