



ANNO QUINQUAGESIMO SEXTO

# GEORGII III. REGIS.

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## Cap. 1.

An Act for altering and amending an Act of the Forty-fifth Year of His present Majesty, for making and maintaining a Road leading from the Limits of the Counties of *Edinburgh* and *Lanark*, into the Burgh of *Lanark*, with a Branch towards *Ravenstruther*, in the County of *Lanark*.

[31st May 1816.]

**W**HEREAS by an Act made in the Forty-fifth Year of the Reign of His present Majesty, intituled *An Act for making and maintaining a Road, leading from the Limits of the Counties of Edinburgh and Lanark, to the Burgh of Lanark, in the County of Lanark*, 45 G. 3. Power was given to the Trustees, in and by the said Act appointed, to make and maintain a Road, beginning at the Limits of the Counties of *Edinburgh* and *Lanark*, near *Woodmuir*, in the County of *Edinburgh*, and running Westward from the said Limits, through the County of *Lanark*, by or near the Town of *Wilfontown*, through the Forths to *Cleghorn Bridge*, and onwards to the Burgh of *Lanark*, all in the Parishes of *Carnwath*, *Carstairs*, and *Lanark*, in the said County of *Lanark*; and also a Branch or Line from the said Road towards *Ravenstruther*, in the Parish of *Carstairs*, and County of *Lanark*, aforesaid: And whereas the Trustees, in and by the said Act appointed, have proceeded to put the same into Execution, and have expended considerable Sums of Money, in making the said Roads; but the same cannot be effectually repaired and kept in Repair, nor the Money owing thereon be paid, unless the said Act be enlarged and amended, and unless Powers be given to levy increased Rates of Toll; may it therefore please Your Majesty,

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Recited Act  
continued.

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 the said recited Act of the Forty-fifth Year of the Reign of His present Majesty, and all and every the Clauses, Exemptions, Powers, Authorities, Articles, Rules, Penalties, Forfeitures, Matters, and Things therein contained, (except in so far as the same are hereby altered, varied, or repealed,) shall continue and be executed for and during the Term hereinafter mentioned as fully and effectually to all Intents and Purposes as if the same were herein repeated and re-enacted; and the said additional Term hereby granted shall be and is hereby declared to be subject and liable to the Payment of all Sums of Money now due and owing on the Credit of the said recited Act, or on the Personal Security of the Trustees thereby appointed, and of such Sum or Sums of Money as shall or may be borrowed for the Purposes of the said recited Act or this Act, and of all Interest due or to grow due for the same respectively.

Power to ap-  
point new  
Trustees.

II. And be it further enacted, That the Trustees in and by the said recited Act appointed, and qualified as therein specified, or any Three or more of them, shall and may, and they are hereby authorized and empowered, at a General Meeting to be called by the Clerk to the said Trustees, in Manner and with the previous Notices as by the said recited Act directed, in regard to the calling of General Meetings by the Clerk to the said Trustees, from Time to Time, to name and appoint One or more Trustee or Trustees to act, in putting the said recited Act and this Act into Execution: Provided always, that every Person so to be nominated and appointed, 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 full Property or *Dominium utile* of Lands lying in the said Counties of *Lanark* or *Edinburgh*, valued in the Cess Books of the said respective Counties at One hundred Pounds Scots, or the eldest Son or Heir apparent of the Person so qualified as aforesaid being of lawful Age; and the Trustees so to be nominated and appointed shall be subject and liable to the same Penalties and Disabilities, to which the Trustees in and by the said recited Act are subject and liable, and upon such Nomination and Appointment, all and every the Matters and Things vested in the Trustees by the said recited Act appointed in virtue of the said recited Act or this Act, and all the Powers and Authorities thereby granted to them, shall be vested in and granted to the Trustees so to be nominated and appointed as aforesaid, in the same Manner as if these last mentioned Trustees had been appointed in and by the said recited Act.

New Rates  
of Toll.

III. And be it enacted, That from and after the passing of this Act, the Rates of Toll in and by the said recited Act granted shall cease and determine; and it shall and may be lawful to the said Trustees, or their Collectors or Tacksmen under their Authority, in lieu of the Tolls in and by the said recited Act granted, to take and levy at each of the Gates erected by authority of the said recited Act, or to be erected by virtue of this Act, before any Passage be permitted, any Sum or Sums of Money not exceeding the Tolls and Duties following; that is to say,



For every Coach, Berlin, Landau, Chariot, Chair, Calash, Curricule, Gig, or other such Carriage, drawn by Six or more Horses, or other Beasts of Draught, the Sum of Four Shillings :

And drawn by Four Horses, or other Beasts of Draught, the Sum of Three Shillings and Sixpence :

And drawn by Three Horses, or other Beasts of Draught, the Sum of Two Shillings and Sixpence :

And drawn by Two Horses, or other Beasts of Draught, the Sum of One Shilling and Three-pence :

And drawn by One Horse, or other Beast of Draught, the Sum of One Shilling :

For every Waggon, Wain, or other such Carriage, drawn by Six or more Horses, Oxen, or other Beasts of Draught, the Sum of Twelve Shillings :

And drawn by Five Horses, Oxen, or other Beasts of Draught, the Sum of Ten Shillings :

And drawn by Four Horses, Oxen, or other Beasts of Draught, the Sum of Four Shillings :

And drawn by Three Horses, Oxen, or other Beasts of Draught, the Sum of Three Shillings :

And drawn by Two Horses, Oxen, or other Beasts of Draught, the Sum of Nine-pence :

And drawn by One Horse, Ox, or other Beast of Draught, the Sum of Sixpence :

For every Saddle Horse, Mare, or Gelding, the Sum of Three-pence.

For every other Horse, Mare, or Gelding, and for every Mule laden or unladen, and not drawing, the Sum of One Penny Half-penny :

For every Drove of Oxen, Neat Cattle, Asses, Horses, or Fillies, unshod, per Score, the Sum of One Shilling and Three-pence :

And so in Proportion for any greater or less Number :

For every Drove of Calves, Hogs, Sheep, Lambs, or Goats, per Score, the Sum of Ten-pence :

And so in Proportion for any greater or less Number.

IV. And be it enacted, That the Proviso in the said recited Act contained, that no Toll Bar shall be erected on the said Road to the Westward of the Toll Bar then erected at *Woodmuir*, in the County of *Edinburgh*, at a less Distance than Three Miles from the said Toll Bar, shall be and the same is hereby repealed.

Regulation as to the Toll Bar at Woodmuir repealed.

V. And be it further enacted, That the said Trustees shall and may continue and erect or cause to be erected, such Number of Gates or Turnpikes across any Part of the said Roads, and such Number of Toll Houses as they shall see fit : Provided always, that in case there shall be erected in the Course of the said Roads, any Gate or Gates, Turnpike or Turnpikes at less Distance from each other than Six Statute Miles, then any Person or Persons producing a Ticket to show that the Toll has been paid at One of such Gates, shall not pay any Toll at the other on the same Road which shall be within Six Statute Miles of the former, at which the Toll denoted by such Ticket shall have been paid on the same Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock on

Turnpike Gates to be continued or erected where the Trustees shall see fit. Tolls to be paid once in Six Miles.



on the succeeding Night, any Thing in the said recited Act contained to the contrary notwithstanding.

Side Bars to be erected.

VI. And be it further enacted, That it shall be lawful for the said Trustees to erect or cause to be erected One or more Gate or Gates on the Side or Sides of the said Roads, and across any Lane or Way leading out of the same, and also a Toll House at each such Gate, and there to receive and take such Tolls as are hereby granted and made payable, but so as that a Ticket received at any such Side Gate or Cross Bar shall entitle the Receiver thereof to pass Toll-free through the next Gate or Turnpike, if within Six Miles' Distance in the same Day, to be computed as aforesaid: Provided always, that it shall not be in the Power of the Trustees hereby appointed to erect any Gate or Turnpike across the Road known by the name of *Garluke* Turnpike Road, or levy any Tolls thereon, except from Persons who shall have travelled the Distance of Two hundred Yards on the Road hereby authorized to be made.

Regulation of Tickets.

VII. And be it enacted, That all Tickets to be granted at any Gate or Turnpike, denoting the Payment of Toll thereat, shall name and specify the several Gates or Turnpikes freed by such Payment of Toll.

Justices to decide in Disputes as to Tolls.

VIII. And be it enacted, That in case of any Dispute as to the Payment of any of the said Tolls and Duties, it shall be lawful to any One or more Justice or Justices of the Peace for the said Counties of *Edinburgh* and *Lanark*, upon Complaint made in relation to the same, to grant Warrant for summoning the Party or Parties complained of to appear before such Justice or Justices, and upon hearing the Matter of such Complaint, on Confession of the Party, or the Oath of One or more credible Witness or Witnesses, to decide in relation to the same, and to give Costs to the Party complaining or defending, as to such Justice or Justices upon hearing the Matter of such Complaint shall seem fit.

Tolls may be lessened.

IX. And be it further enacted, That the said Trustees at a General Meeting assembled shall be and they are hereby empowered (with the Consent of the Persons entitled to Five Sixths of the Money that may be due upon the Credit of the said Tolls and Duties at the Time) to diminish or lessen the said Tolls and Duties as they shall see cause, and to raise the same again, so as the same shall not at any Time exceed the Tolls and Duties granted by this Act.

Regulation of the Exemption as to Funerals.

X. And be it enacted, That no Person or Persons shall be entitled to Exemption from Payment of Toll, in respect of his, her, or their Attendance at any Funeral, if such Person or Persons shall attend such Funeral in a Four-wheeled Carriage, drawn by Two or more Horses or other Beasts of Draught, or in a Two-wheeled Carriage drawn by more than One Horse or other Beast of Draught, any Thing in the said recited Act contained to the contrary notwithstanding.

Exemption of Horses employed in the Commissariat.

XI. And be it enacted, That no Toll shall be demanded or taken for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses, or other Cattle drawing the same, which shall be employed in conveying



conveying any Ordnance, Barrack, Commissariat, or other publick Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces.

XII. And be it further enacted, That no Person owning or driving or causing to be driven any Waggon, Wain, Cart, or other Carriage, provided for the Service of His Majesty's Forces, or conveying any Ordnance, or Barrack, or Commissariat, or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight; nor shall any such Waggon, Wain, Cart, or other Carriage, or the Horse or Horses drawing the same, while so employed, be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horses or Oxen; but it shall be lawful for the Owner or Driver of any such Waggon, Wain, Cart, or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart, or other Carriage; any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained to the contrary notwithstanding.

Exempting Carriages conveying King's Stores, &c. from Penalties for Overweight.

XIII. And be it further enacted, That the said Trustees shall, and they are hereby required, from Time to Time, and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by their Clerk or Treasurer for the Time being, in which Book or Books such Clerk or Treasurer shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended, for or on account of the said Roads, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; which Book or Books shall at all reasonable Times be open to the Inspection of the said Trustees, or any Creditor or Creditors on the Tolls hereby granted, without Fee or Reward; and the said Trustees and Creditors shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any Thing for the same; and in case the said Clerk or Treasurer, or the Person or persons who shall have the Care and Custody of the said Book or Books, shall refuse to permit the said Trustees or such Creditors to inspect the same, or take such Copies or Extracts as aforesaid, such Clerk or Treasurer or Person or Persons shall forfeit and pay any Sum of Money not exceeding Five Pounds, to be levied and recovered in Manner hereinafter mentioned.

Accounts to be kept of Receipts and Disbursements which shall be open to the Inspection of the Trustees and Creditors.

XIV. And be it further enacted, That all and every Person appointed by the said Trustees to collect the Tolls payable at any Turnpike or Toll Gate erected or to be erected on the said Roads, shall, and he is hereby required to place his Christian and Surname painted on a Board in legible Characters, in the Front or some other conspicuous Part of the Toll House or Toll Gate where he shall be stationed, and shall continue the same so placed during the whole Time he shall remain so stationed; and if any such Person shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or if any Person collecting any of the Tolls hereby granted shall demand or take a greater or less Toll from any Person than shall be authorized by virtue of the Powers of this Act, or of the Orders and Resolutions of the Trustees made in pursuance thereof, or shall demand and take a Toll from

For preventing Toll Collectors from taking undue Tolls.

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any Person or Persons who shall be exempt from the Payment thereof, and claim such Exemption, or shall refuse to permit or suffer, or shall in any Ways hinder any Person or Persons from reading such Christian or Surname, or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same, on having paid the said Tolls or any of them, or shall in Answer to such Demand give a false Name or Names, or shall refuse or neglect to give a Ticket to denote the Payment of the Toll, or upon the legal Toll being paid or tendered shall unnecessarily detain or wilfully obstruct, hinder, or prevent any Passenger or Passengers from passing through any Turnpike or Toll Gate, or shall make use of any scurrilous or abusive Language to any Passenger or Passengers, then and in every such Case every such Toll Collector shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, as the Justice or Justices to whom Complaint shall be made shall adjudge; and such Penalty shall be recovered and applied as other Penalties are by the said recited Act and this Act directed to be recovered and applied.

Power to  
borrow  
Money.

XV. And be it enacted, That in lieu of the Sum of One thousand five hundred Pounds, to which the Power of borrowing is limited by the said recited Act, the said Trustees may borrow for the Purposes of the said recited Act and this Act to an Extent not exceeding Four thousand five hundred Pounds.

Trustees may  
contract and  
agree for the  
Opening the  
Road into the  
Burgh of  
Lanark.

XVI. And be it enacted, That it shall and may be lawful to the said Trustees, if they shall see fit, to contract and agree with the Owners and Occupiers of Houses and Premises, and all others interested, for the Purchase of such Houses and Premises, or any Part or Parts thereof, for widening the said Road into the Burgh of *Lanark*, and to pay from the Funds of the said Trust whatever Sum or Sums of Money may be necessary for that Purpose.

For defray-  
ing the Ex-  
pences of the  
Act.

XVII. And be it enacted, That the Charges and Expences of applying for, obtaining, and passing this Act, shall be advanced and paid by the said Trustees out of the first and readiest of the Tolls to be received and levied on the said Roads by virtue hereof.

Public Act.

XVIII. 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, without being specially pleaded.

Its Com-  
mencement  
and Endu-  
rance.

XIX. And be it enacted, That this Act shall commence and take Effect from and after the passing thereof, and together with the Clauses, Exemptions, Powers, Authorities, Articles, Rules, Penalties, Forfeitures, Matters, and Things of the said recited Act, in so far as the same are not hereby altered, explained, and amended, or repealed, shall continue in Force for the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.