



ANNO DECIMO

GEORGII IV. REGIS.

Cap. cxii.

An Act to alter and amend and continue an Act passed in the First Year of the Reign of His present Majesty, intituled *An Act for making and maintaining certain Roads and Bridges in the Counties of Lanark and Dumbarton.*

[1st June 1829.]

WHEREAS an Act was passed in the First Year of the Reign of His present Majesty, intituled *An Act for making and maintaining certain Roads and Bridges in the Counties of Lanark and Dumbarton*: And whereas an Act was passed in the Fourth Year of the Reign of His present Majesty King George the Fourth, intituled *An Act for regulating Turnpike Roads in that Part of Great Britain called Scotland*: And whereas the whole of the Funds granted and directed to be raised by the said first-recited Act for the Purposes thereof have been expended, and certain Engage-
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Commissioners under 43 G. 3. c. 80. authorized to contract for or make the Roads and Bridges herein mentioned.

ments for Works beneficial to the general End and Object of the said Roads still remain unprovided for; and the full Benefit of the Roads made under Authority of the said Act cannot be realized to the Public, unless certain additional Communications, which would tend to increase the Produce of the Tolls on the said Roads, are made; and it is expedient to amend the said recited Act: 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 the Commissioners appointed under an Act of the Forty-third Year of the Reign of His late Majesty King George the Third, intituled *An Act for granting to His Majesty the Sum of Twenty thousand Pounds, to be issued and applied towards making Roads and building Bridges in the Highlands of Scotland, and for enabling the Proprietors of Land in Scotland to charge their Estates with a Proportion of the Expence of making and keeping in repair Roads and Bridges in the Highlands of Scotland*, or any Person or Persons acting under their Authority, shall be and they are hereby authorized to contract for, execute, and make, or cause to be made and executed, repaired or maintained, all or any of the Roads and Bridges after mentioned, which they may see fit; *videlicet*, a Road leading from the *Duneaton* and *Cumbernauld* Road, commonly called "The North and South Line of Road," at or near *Cartland Craigs* in the Parish of *Lanark* and Shire of *Lanark*, across the River *Clyde* at or near *Stonebyre Falls*, to the Turnpike Road between *Lanark* and *Hamilton* in the Parish of *Lesmahago* and Shire aforesaid; and to erect a Bridge across the River *Clyde* in the Line thereof; and also a Road from the present Road from *Lanark* to *Biggar*, where the same passes through the Lands of *Symington* near *Wolf Clyde Bridge*, to the said North and South Line at or near *Windales* in the Parish of *Symington* and Shire aforesaid; and also another Road from the said North and South Line at or near *Browns Burn* to *Airdrie* in the Parish of *East Monkland* and Shire aforesaid; also a Road from the said North and South Line near *Drumskeoch* by *Monkland Kirk* to *Coat Bridge* in the Parish of *East Monkland* aforesaid and Shire aforesaid; and also a Road from the said North and South Line by or near *Greenyards* to *Kiltbridge* in the Parish of *Cumbernauld* and Shire of *Dumbarton*.

Powers of 4 G. 4. c. 49. extended to this Act.

II. And be it further enacted, That the said recited Act of 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,) shall be as good, valid, and effectual for carrying the said recited Act of the First Year of the Reign of His present Majesty and this Act into execution as if the same had been repeated and re-enacted in the Body of this Act.

III. And

III. And whereas Maps or Plans describing the said new Roads intended to be made or completed, and the Lands through which they are severally intended to pass, together with Books of Reference containing the Names of the Owners and Occupiers of such Lands, have been deposited with the Clerks of the Peace of the Middle and Upper Wards of the County of *Lanark*; be it further enacted, That the said Maps or Plans and Books of Reference shall remain in the Custody of the said Clerks of the Peace; and every or any Person, being an Owner or Occupier of any Lands or Tenements upon the Line of the said Roads or any of them, shall at all seasonable Times have Access to the said Maps or Plans and Books of Reference, and shall be entitled to examine and make Extracts from or Copies of the same, or require Extracts or Copies of the said Book of Reference, paying to the Clerk, for every such Copy or Extract from the same, after the Rate of Sixpence for every Seventy-two Words of such Copies or Extracts.

Maps and Books of Reference deposited with the Clerks of the Peace may be inspected.

IV. And be it further enacted, That the said Trustees in making, completing, or altering the said Roads hereby authorized to be made or repaired shall not deviate more than One hundred Yards from the Lines described in the said Maps or Plans, without the Consent and Approbation in Writing of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviation shall be made, neither shall they take down or remove any Dwelling House, or other Building the Side Walls of which exceed Eighteen Feet in Height, or take or make use of any Policy, Orchard, or Garden, the Contents of which exceed Half an Acre, or any Lawn, planted Walk, or Avenue to a House, or any inclosed Ground planted as an Ornament or Shelter to a House, without the Consent in Writing of the Owners thereof.

Trustees not to deviate from Lines laid down.

V. Provided always, and be it enacted, That it shall and may be lawful to and for the said Trustees to make, complete, or alter the said Roads through, across, or over the several Lands, Grounds, or Tenements of any Person or Persons, Body or Bodies Corporate, who is or are or may be Owner or Owners, Occupier or Occupiers of any Lands over which the same is set out and described in the said Maps or Plans, although the Name or Names of such Person or Persons may happen to be omitted or inaccurately described in the said Books of Reference, in case it shall appear to any Two or more Justices of the Peace of the said County, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

Roads may be made over the Lands described, notwithstanding Errors in the Books of Reference.

VI. And be it further enacted, That, for the Purpose of defraying the Expences of making or repairing the said additional Roads and Bridges, or of such of them as the said Commissioners shall direct to be made, the Trustees upon the said North and South Line of Road shall be and are hereby authorized to borrow any Sum not exceeding Twenty thousand Pounds, which Sum shall be applied in defraying the

Power to borrow Money.

Advances.

the Expence of making all such Communications as shall have been directed or approved by the said Commissioners, as well as in discharging all Debts affecting the said Trust which the said Commissioners shall be satisfied are justly due, and affecting the said Tolls, or have been incurred in the due Execution of the said Trust : Provided always, that the Advances under the said Act from Individuals shall continue and be in the Proportion of One Half of the Advances made by the said Commissioners of Highland Roads and Bridges under the said recited Act ; and the Tolls leviable by the said Act and by this Act shall, after providing for the necessary Maintenance and Charges of the said Roads and Bridges, be applied towards Payment or Extinction of the Money to be borrowed as aforesaid, and thereafter the Amount of the said Tolls, after providing for the Maintenance of the said Roads and Bridges, shall be applied in obedience to and conformity with the Provisions and Directions of the said recited Act.

Toll Houses and Gates to be erected.

VII. And be it further enacted, That the said Trustees shall and may continue or erect, and cause to be continued or erected, at and across any Part of the Branch Roads hereby authorized to be made, or heretofore made and repaired by them, such Number of Gates and Turnpikes, and such Number of Toll Houses, with proper Gardens adjoining, not exceeding One Eighth Part of an Acre in Extent, as to them shall appear expedient, with and under such Limitations and Provisions as are in the said Act made and provided relative to the Erection of Turnpike Gates and Toll Houses, and thereat shall take, or cause to be demanded and taken, the Tolls by the said Act specified and authorized to be demanded and taken.

Pontage at Stonebyres Falls Bridge.

VIII. And be it further enacted, That the said Trustees shall and they are hereby authorized and empowered to demand, levy, and take, at the said Bridge to be erected over the *Clyde* at or near *Stonebyre Falls*, the Rates and Duties after specified, and that over and above any Tolls payable at or for the Use of any Part of the Roads maintained by the said Trustees ; *videlicet*,

For every Horse or other Beast of Draught drawing any Waggon, Wain, Cart, or other the like Carriage, a Sum not exceeding One Shilling :

For every Horse or other Beast of Draught drawing any Coach, Barouche, Chariot, Landau, Chaise, Hearse, or other the like wheeled Carriage, a Sum not exceeding One Shilling :

For every Saddle Horse or other Beast of Draught, a Sum not exceeding Three-pence :

For every Drove of Oxen or Neat Cattle, a Sum not exceeding Two Shillings :

For every Foot Passenger, Two-pence.

Same Person not to be Clerk and Treasurer.

IX. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint any Person

who has been or may be appointed the Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, the Treasurer for the Purposes of this Act, or to continue or appoint any Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, the Clerk to the said Trustees; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person, being the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any such Treasurer shall hold any Place or Office of Profit or Trust under the said Trustees other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds Sterling to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, by summary Action in the Court of Session.

X. And be it further enacted, That nothing in this Act contained shall prejudice, or be construed to hurt or prejudice, the Right of the Commissioners appointed under the said recited Act of the Forty-third Year of the Reign of His late Majesty to procure from the Trustees on the said Roads, and deliver to the Commissioners under an Act made in the Fifty-seventh Year of the Reign of His late Majesty, intituled *An Act to authorize the Issue of Exchequer Bills, and the Advance of Money out of the Consolidated Fund to a limited Amount, for the carrying on of Public Works and Fisheries in the United Kingdom, and Employment of the Poor in Great Britain, in manner therein mentioned*, and certain other Acts amending the said Act, a valid Mortgage and Assignment or valid Mortgages and Assignments of the said Tolls, in manner directed by the said first-recited Act of the First Year of the Reign of His present Majesty: Provided always, that the Payment of the Sums contained in such Mortgage and Assignment or Mortgages and Assignments, or due to the said last-mentioned Commissioners, shall be postponed until the Payment of the whole Sums borrowed or contracted by virtue or under the Security of this Act.

Saving
Rights of
Commis-
sioners of
Exchequer
Bills.

XI. And be it enacted, That the Expence of this Act shall be paid out of the first and readiest of the Tolls and Funds in the Hands of the said Trustees.

Expence of
Act.

XII. And be it further enacted, That this Act shall be deemed a Public Act; and the same, and the said recited Act of the First Year of the Reign of His present Majesty, shall continue and en-
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Continuance
of this Act
and of Act
1 G. 4. c. 84.

duce

dure for the Space of Thirty-one Years after the passing of this Act, and from thence to the End of the then next Session of Parliament.

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