

fifth and Fifty-sixth Years of the Reign of His said Majesty King *George* the Third have proceeded to put the same into execution, and from Time to Time have for that Purpose borrowed considerable Sums of Money upon the Credit of the Toll Duties authorized to be taken on the said Roads, and also upon their own personal Security, for which the said Toll Duties stand pledged to them in Relief, which several Sums and Arrears of Interest thereon now remain due and owing, and the same cannot be paid off and discharged, nor the Trustees relieved of the Obligation undertaken by them, nor the said Roads be effectually amended, widened, altered, improved, and kept in repair, unless Provisions be made for these Ends: But as these Purposes cannot be effected without the Aid and Authority of Parliament, 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 the said recited Acts of the Forty-fifth and Fifty-sixth Years of the Reign of His Majesty King *George* the Third shall be and the same are hereby repealed, and instead thereof this Act shall, from and after the passing thereof, commence and continue in force during the Term herein-after mentioned.

Two first-recited Acts repealed, and this Act to take effect instead thereof.

1 & 2 W. 4. c. 43. applied to this Act.

II. And be it enacted, That the said recited Act of the First and Second Year of the Reign of His late Majesty King *William* the Fourth, 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Matters, and Things therein contained, (save and except such Parts thereof as are expressly varied, altered, or repealed,) shall extend to, and be as good, valid, and effectual for carrying this Act into execution, as if the same had been repeated and re-enacted in the Body of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.

Trustees appointed for repairing and improving the Roads herein described.

III. And be it enacted, That *George Ferguson Maitland* of *Hermand*, *Stewart Baillie Hare* of *Calderhall*, — *Gloag* of *Limefield*, *Thomas Campbell Hagart* of *Bantaskine*, *Alexander Young* of *Harburn*, and all and every Person who is or hereafter shall be, in his own Right or in the Right of his Wife, in the actual Possession and Enjoyment, as Proprietor or Life-renter, of the *Dominium utile* of Lands lying in the Parishes through or into which the Roads herein-after mentioned, or any of them, do pass, rated in the Valuation Book of the County of *Lanark* at One hundred Pounds *Scots* of valued Rent, and also all and every the eldest Sons of such Persons, being the Heirs Apparent to such Property, in their Absence, 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 in his Absence, the Estate held in Trust or belonging to such Minor or Heritor lying in the Parishes aforesaid being of the Valuation of One hundred Pounds *Scots* as aforesaid, and also the known Factor of each Heretrix, married or Widow, who shall be in the Possession of Lands situated and valued as aforesaid, also the Proprietor for the Time being of *Wilsontown* Ironworks, and in his Absence his Factor for the Time being, and also the Provost and eldest Bailie of the Burgh of *Lanark* for the Time being, shall be and they are hereby nominated

minated and appointed Trustees for maintaining, altering, amending, straightening, widening, repairing, and keeping in repair the Roads contained in the said recited Acts; (*videlicet,*) a Road beginning at the Limits of the Counties of *Edinburgh* and *Lanark* near *Wood Muir* in the County of *Edinburgh*, and running Westward from the said Limits through the County of *Lanark* by or near the Town of *Wilsontown*, 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.

III. And be it enacted, That the said Trustees shall hold their First Meeting at *Forth* on the Fifth *Wednesday* after the passing of this Act, or as soon thereafter as conveniently may be, of which Meeting Ten Days previous Notice shall be given by Advertisements in any One Newspaper published or usually circulated in the County of *Lanark*, which Notice any Two Trustees or the Clerk shall be authorized to give, and the said Trustees shall then proceed to put this Act into execution.

First Meeting of Trustees.

IV. And be it enacted, That at the First and all the General Meetings of Trustees under this Act Three Trustees shall be a Quorum.

Quorum of Trustees.

V. And be it enacted, That the said Trustees shall be and they are hereby authorized to demand and take, or cause to be demanded and taken, at the several and respective Gates or Turnpikes, or Posts and Chains, already erected or which may hereafter be erected upon the said Roads, any Sum not exceeding the Rates and Duties herein-after specified; (that is to say,)

Power to take Tolls.

For every Horse or other Beast of Draught drawing any Coach, Barouche, Chariot, Landau, Chaise, Calash, Chair, Taxed Cart, or other such Carriage having Springs, One Shilling:

For every Horse or other Beast of Draught drawing any Stage Coach, Long Coach, or Diligence, or Carriage of the like Kind, One Shilling and Sixpence:

For every Horse or other Beast of Draught drawing any Waggon, Wain, or Cart, or other such Carriage without Springs, Sixpence:

For every Saddle Horse or Mule, with or without a Rider, and laden or unladen, Three-pence:

For every Ass, laden or unladen, One Penny:

For every Score of Oxen or Neat Cattle, One Shilling and Eight-pence; and so in proportion for any greater or less Number:

For every Score of Calves, Hogs, Sheep, Lambs, or Goats, Ten-pence; and so in proportion for any greater or less Number:

For every Score of Horses unshod, Two Shillings and Sixpence; and so in proportion for any greater or less Number.

VI. Provided also, and be it enacted, That in case there are or shall be erected on any of the said Roads any Gate or Gates, Turnpike or Turnpikes, or Posts and Chains, at a less Distance from each other than Six Statute Miles, then any Person or Persons producing a Ticket to show that the full Toll has been paid at any One

Full Toll only to be exacted once in Six Miles.

One of such Gates, or Posts and Chains, shall not, for the same Carriage or Horse or other Cattle, on the same Day, pay any Toll at any other or any of the Roads herein-before described which shall be within Six Statute Miles of the former at which the Toll denoted by such Ticket shall have been paid, but it shall be lawful to levy the full Toll in different Portions at Bars within Six Miles of each other, provided the full Sum exacted shall not exceed the aforesaid Rates for each Six Miles.

Tolls to be exacted only once a Day, except with a new Loading.

VII. And be it enacted, That no Person, having Occasion to pass through any Gate or Turnpike erected and continued or to be erected on the said Roads, and who shall return through the same Gate or Turnpike on the same Day, to be computed from Twelve of the Clock at Night to the like Hour on the succeeding Night, with the same Waggon, Wain, or Cart, or other Carriage, drawn by the same Horses, or with the same Horse, Ass, or other Cattle, shall be liable to pay the Tolls or Duties more than once, but shall, on Demand, be furnished with a Note or Ticket signifying the Payment of such Toll or Duty, which Note or Ticket shall give Liberty and Access to such Person returning the same Day as aforesaid to repass such Gate or Turnpike as often as such Person may have Occasion Toll-free; but in case the same Waggon, Wain, or Cart, or other Carriage, Horse, Ass, or other Beast or Cattle, shall return and pass such Gate or Turnpike with a new Loading a second Time or oftener in the same Day, the same shall in that Case be liable to pay the Tolls hereby granted for each Time of passing with a new Loading, or drawn by other Horses or Beasts of Draught.

Application of Tolls.

VIII. And be it enacted, That all the Monies which before the Commencement of this Act shall have been raised and received by virtue of the said recited Acts hereby repealed, or any of them, and which shall be remaining unappropriated or undisposed of, and also all the Monies which shall arise and be received by or from the Tolls by this Act granted or made payable, shall be vested in the said Trustees; and the whole foresaid Monies, together with all Monies which shall hereafter be borrowed on the Credit of the said Tolls, shall be applied, in the first place, to the Payment of the Expence of procuring and passing this Act, and, in the next place, towards the maintaining and upholding the said Roads and Bridges thereupon, thereafter in paying the Interest of the Money borrowed, advanced, and owing at the Time on the said Roads, and the Surplus shall be appropriated annually to extinguish the Principal of the Money so borrowed, advanced, and owing, and in improving the Roads, and to no other Purpose whatsoever.

Weight of Carriages which shall be permitted to pass without paying additional Toll.

IX. And be it enacted, That every Waggon, Wain, Cart, or other such Carriage shall be allowed to pass without paying any additional Toll, provided it, with its Loading, does not weigh more than the Weights following; (*videlicet,*) every Waggon, Wain, Cart, or other such Carriage, drawn by One Horse, Ox, or Beast of Draught, One and a Half Ton; and drawn by Two Horses, Oxen, or Beasts of Draught, Two Tons; and drawn by Three Horses, Oxen, or other Beasts

Beasts of Draught, Two and a Half Tons; and drawn by Four Horses, Oxen, or Beasts of Draught, Three Tons; and drawn by Five Horses, Oxen, or Beasts of Draught, Three and a Half Tons; and drawn by Six Horses, Oxen, or Beasts of Draught, Four and a Half Tons; and so on in proportion for any given Number of Horses.

X. And be it enacted, That in case Weighing Machines shall be erected on the said Roads, it shall be lawful for the said Trustees, or any Person authorized by them, to receive and take, over and above the Tolls before specified, the following Sums of Money as additional Toll for every Hundred Weight of One hundred and twelve Pounds to the Hundred which any Waggon, Wain, Cart, or any such Carriage, together with its Loading, shall weigh at any of the said Weighing Machines, over and above the Weights which such Waggon, Wain, Cart, or such Carriage is allowed to weigh, without paying additional Toll; (that is to say,) Tolls for
Overweight.

For every Hundred Weight of such Overweight which every Waggon, Wain, Cart, or other Carriage, with its Loading, shall weigh, Twopence.

XI. And be it enacted, That for every Coach, Waggon, Cart, or other Carriage which shall pass along any of the said Roads drawn or propelled by Steam or otherwise than by Animal Power there shall be paid Toll Duty at such Rate as the said Trustees shall fix and determine, not exceeding for each Hundred Weight such Coach, Waggon, Cart, or other Carriage, and Engines attached thereto, shall weigh, One Penny. Tolls payable for
Carriages
propelled by
Steam.

XII. And be it enacted, That it shall and may be lawful for the said Trustees and they are hereby authorized, at any of their Meetings, to assign and mortgage the Tolls and Duties on the said Roads or any Part thereof, and the Turnpike and Toll Houses for collecting the same, the Costs and Charges of which Mortgage shall be paid out of the Tolls as a Security to any Person or Persons who may have already advanced or become personally bound for any Sum or Sums of Money for the Purposes of the said Roads, and for which any such Security hath not heretofore been made or given, the Amount of all lawful Interests which have accrued thereon, and not been paid out of the Tolls and Duties, being first added thereto, in the same Manner and Form as by Law the said Trustees might assign or mortgage the said Tolls for any Sum or Sums of Money to be borrowed and taken up at Interest on the Credit of such Tolls. Trustees
may assign
the Tolls in
Security of
Money al-
ready ad-
vanced.

XIII. And be it enacted, That all Sums of Money which since the Commencement of the said recited Acts hereby repealed have been voluntarily subscribed and paid by Individuals, and expended in making or repairing any Part of the said Roads, shall be and continue to be a Lien upon the Tolls and Duties granted by this Act; and it shall be lawful to the said Trustees or their Committees to assign the said Tolls and Duties hereby granted to the Person or Persons who have so subscribed, paid, and expended such Sum or Sums of Money, as a Security for the Repayment of Subscription
to remain a
Lien over
the Tolls,
but Payment
postponed.

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such

such Sum or Sums, with the legal Interest thereof, from the Time of their being subscribed, paid, and expended till Repayment; declaring always, that notwithstanding such Assignments the Repayment of such Sums so subscribed, paid, and expended shall, in so far as regards Sums subscribed by Trustees or others, be postponed until the Repayment of any Sum or Sums of Money to be borrowed in virtue of the Powers of this Act; but such Person or Persons who have interponed their Credit by having subscribed and granted Personal Bonds or Bills, and thereby become Sureties for Money borrowed, shall remain secured *pari passu* with those who shall lend or become Sureties for Money to be borrowed for the Purposes of this Act in Time coming, or in such Order as may be stipulated, and only the Monies subscribed shall be so postponed: Provided always, that no Interest shall be paid on the Money subscribed, nor shall the Principal Sum be demanded, till the Produce of the Tolls be sufficient to defray the Expence of Repairs and other necessary Charges on the said Roads, to pay the Interest on the Debt that may be incurred, and of the Sums so subscribed; and that, when the Produce of the Tolls is sufficient for those Purposes, it shall and may be lawful for the said Trustees to apply such Part of the Produce of the Tolls as they shall judge expedient in Payment of the Sums subscribed, with Interest thereof from the respective Periods at which they may have been advanced.

Trustees to render an Annual Account, and transmit a Copy thereof to the Sheriff Clerk.

XIV. And be it enacted, That the said Trustees shall once in each Year cause to be prepared an Account in Abstract of the total Receipts and Expenditure of all Funds levied 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 said Trustees; and shall cause a Copy of such Annual Account to be transmitted, free of Charge, to the Sheriff Clerk of the County of *Lanark*, on or before the 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 last-recited Act 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 each Folio of Seventy-two Words.

Road not to be exempted from any general Act.

XV. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the Turnpike Roads by this and the said herein-before recited Acts authorized to be made and maintained 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.

Expence of this Act.

XVI. And be it enacted, That the Expence of procuring and passing this Act shall be paid out of the first Monies subscribed, levied, and borrowed by virtue of this Act.

XVII. 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 by all Judges, Justices, and others. Public Act.

XVIII. And be it enacted, That this Act shall commence from and after the passing thereof, and continue during the Term of Thirty-one Years, and from thence to the End of the then next Session of Parliament. Commence-
ment and
Continuance
of this Act.

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