



ANNO TERTIO & QUARTO

GULIELMI IV. REGIS.

Cap. cviii.

An Act for erecting and maintaining a Gaol, Court Houses, and Public Offices for the Burgh of *Lanark* and the Upper Ward of the County of *Lanark*; and also for erecting and maintaining a Gaol, Court Houses, and Public Offices for the Burgh of *Hamilton* and Middle Ward of the said County. [28th June 1833.]

WHEREAS the present Gaols of the Burgh of *Lanark*, which is the County Town of the Shire of *Lanark*, and situated in the Upper Ward of the said Shire, and of the Burgh of *Hamilton*, situated in and the Head Burgh of the Middle Ward of the said Shire, are the Places of Confinement for the Prisoners of the Upper and Middle Wards of the said County, and are each in an incommodious Situation, and are neither sufficiently large, nor in other respects well adapted for the Reception, Confinement, and Separation of the Felons, Debtors, and other Prisoners confined therein: And whereas the present Court Houses of the said Burghs are inadequate for the proper Accommodation of the Sheriff and other Courts of Justice of the Upper and Middle Wards of the said County, and other Courts which are now in use to be held in the said County: And whereas it is highly requisite, and for the general Advantage of the Upper and Middle Wards of the said County, and for the said Burghs, that a proper Gaol, Court House, Public Offices, and other Buildings should be erected and maintained in each of the said Burghs, and that for such Erections proper Situations and Funds should be provided; but as these Objects cannot be attained without

[*Local.*]

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Commis-
sioners
appointed.

the Aid and Authority of Parliament : 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 for and on behalf of the said Burgh of *Lanark*, the Provost and Baillies and Dean of Guild and the Convener of the Trades of the said Burgh, and for and on behalf of the Burgh of *Hamilton*, the Baillies and Treasurer and the Two Councillors first on the Roll at the then preceding Election of the said Burgh, and for and on behalf of the Upper and Middle Wards of the said County, the Sheriff of the County of *Lanark*, and Sheriff Substitutes of each of the said Wards, and such Commissioners of Supply of the said County, not exceeding Twenty in Number for each Ward, who shall be named and appointed by the Commissioners of Supply of the said County from Time to Time at General Meetings assembled in manner herein-after directed, shall be and they are hereby nominated Commissioners for the Purposes of this Act.

Meeting of
Commission-
ers of Supply
for naming
Commission-
ers on be-
half of the
County.

II. And be it enacted, That on the Third *Tuesday* after the passing of this Act, or on some convenient Day early thereafter, the Commissioners of Supply of the said County shall assemble and meet within the Court House or County Hall at *Lanark*, at Twelve of the Clock, for the Purpose of naming and appointing the Commissioners for and on behalf of the said County to be named and appointed by them ; of which Meeting the Clerk of Supply of the said County is hereby directed and required to give Notice by Advertisement in any Two of the Newspapers published or usually circulated in the said County at least Ten Days before the Day of such Meeting ; and the Commissioners of Supply in such Meeting assembled shall, by Plurality of Voices of the Commissioners of Supply who may be present, name and appoint from among the Commissioners of Supply of the said County of *Lanark* the Commissioners for putting this Act into execution, who are herein-before directed to be named and appointed for that Purpose, for and on behalf of the said County, not exceeding Twenty in Number for each of the Upper and Middle Wards of the said County, each having his Qualification in the Ward for which he is named, and being possessed in his own Right, or in Right of his Wife, of the *Dominium utile* of the Lands affording his Qualification, or being the eldest Son and Heir Apparent, or the Factor or Baron Baillie of a Commissioner of Supply in such Ward, and also a Commissioner of Supply ; and the Commissioners of Supply shall have Power, annually, at their General Meeting on the Thirtieth Day of *April*, to renew the Appointment of the said Commissioners for the Purposes of this Act, or to nominate others in place of those previously appointed.

For renew-
ing the Ap-
pointments
or filling up
Vacancies.

Commis-
sioners for
the Act to
meet at
Lanark and
Hamilton.

III. And be it enacted, That the Commissioners for the Purposes of this Act shall hold separate Meetings at *Lanark* and *Hamilton*, for the Purpose of executing the same in the Ward in which these Burghs are respectively situated ; and that Five of their Number, whether consisting wholly or partly of Commissioners for Burghs, or Commissioners of Supply named as aforesaid, shall be a Quorum in each Ward ; which separate Meetings of Commissioners, or their

Quorum aforesaid, shall have full Power, at any Meeting called in Terms of this Act, to do, order, and transact all Matters and Things in pursuance of this Act, in the same Manner as if the whole Commissioners if present might have done, and in particular to appoint from Time to Time a Committee or Committees of their Number, on whom they may confer all or any of the Powers hereby vested in the said Commissioners, and of which Committee any Three shall form a Quorum.

Power to
appoint
Committees.

IV. And be it enacted, That the said Commissioners shall hold their First Meetings at *Lanark* on the Fourth *Tuesday* after the passing of this Act, and at *Hamilton* on the Fourth *Friday* after the passing of this Act, and then and there proceed to carry the Powers conferred on them by this Act into execution, and at each of their First Meetings, or any subsequent Meeting, shall elect and appoint Surveyors, Clerks, Treasurers, and Superintendents of Works, or other Officers, to perform the Duties imposed by this Act at the Will and during the Pleasure of the said Commissioners, with reasonable Allowances for their Trouble; and such Clerks and Treasurers, Superintendents, and other Officers, and also all Collectors employed in levying the Assessment hereby authorized to be imposed, shall find Security for the due Execution of their Offices respectively, before entering upon the Duties of the same, and shall at all Times obey the lawful Commands and Instructions of the said Commissioners, and shall render Accounts of all Business done or Intromissions had by them under this Act, at least once in every Year, and oftener if required.

First Meet-
ings.

Appoint-
ment of
Clerks, &c.

V. And be it enacted, That no Person appointed by this Act or elected in virtue of the Powers herein contained as a Commissioner for putting the same into execution, nor any of the Magistrates or Members of the Town Councils of *Lanark* or *Hamilton*, shall hold the Office of Clerk, Treasurer, or Superintendent, under the said Commissioners, or shall hold any Place of Profit arising out of or by reason of any Assessment hereby authorized to be levied.

Commission-
ers not to
accept of
Places of
Profit.

VI. And be it enacted, That it shall not be lawful for the said Commissioners respectively to appoint the Person or Persons who shall be appointed their Clerk or Clerks in the Execution of this Act; or the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks or of his or their Partner or Partners, the Treasurer or Treasurers for the Purposes of this Act, or to appoint any Person or Persons who may be appointed Treasurer or Treasurers, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers or of his or their Partner or Partners, the Clerk or Clerks to the said Commissioners respectively; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person or Persons, being the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks or of his or their Partner or Partners, shall accept the Office of Treasurer, or shall act

Same Per-
son not to
be Clerk
and Treas-
urer.

as

as Deputy of such Treasurer or Treasurers, or in any Manner officiate for such Treasurer or Treasurers, or being the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers or of his or their Partner or Partners, 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 or Treasurers shall hold or accept any Place or Office of Trust under the said Commissioners respectively other than that of Treasurer, every such Person so offending shall, for every such Offence, forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, in the same Way in which any of the Penalties by this Act imposed may be sued for and recovered.

Mode of
calling
Meetings.

VII. And be it enacted, That all Meetings of Commissioners for the Purposes of this Act, other than those before mentioned, shall be called by the Clerk to the Commissioners (on being required so to do by any Three of the Commissioners), by Circular Letters addressed to each Commissioner resident within the Ward in which the Meeting is to be held, and put into the Post Office, Ten Days at least previous to such Meeting, and at their First and all subsequent Meetings the Chief Magistrate of the Burgh for the Time, and in his Absence the Commissioner for the County present standing first on the Roll, shall be Preses; and a Majority of the Commissioners present at any Meeting shall decide; and, in case of Equality, the Preses shall, besides his deliberative Vote, have a casting Vote.

Funds, &c.
to be vested
in Commis-
sioners.

VIII. And be it enacted, That the whole Funds, and Property of every Description, heritable and moveable, to be raised and levied, purchased or acquired, in pursuance or for the Purposes of this Act, shall, to all Intents and Purposes, be held and deemed to be fully vested in and belonging to the said Commissioners for each Ward respectively for the Purposes of this Act for the Time being, to be by them used and disposed of as they shall consider most eligible for accomplishing such Purposes, by Conveyances thereof in favour of their Clerk for the Time being, and his Successors in Office, for behoof of the said Commissioners.

Commis-
sioners to
sue and be
sued in the
Name of
their Clerk.

IX. And be it enacted, That the said respective Commissioners may sue and be sued for any Matter or Thing to be done in the Execution of this Act in the Name of their Clerk or any One of such Commissioners for the Time being, and that no Action or Suit wherein the said Commissioners shall be concerned as Pursuers or Defenders in the Name of their Clerk or such Commissioner by virtue of this Act shall abate by the Death or Removal of any such Clerk or Commissioner, but the Clerk to the said Commissioners for the Time being or such Commissioner shall be deemed to be the Pursuer or Defender, as the Case may be, in any such Action or Suit.

Commission-
ers to erect
Court
Houses,

X. And be it enacted, That the said Commissioners respectively shall have Power and they are hereby authorized to build and erect, or cause to be erected, provided, established, and maintained, suitable

able Buildings in each of the said Burghs of *Lanark* and *Hamilton* for the Purposes of a Gaol, Gaol Yard or Court Yard, a Court House for the Accommodation of the Sheriff, Justice of the Peace, and Burgh and other Courts, Offices for the Sheriff and Town Clerks, and the Custody of the County and Burgh Records under their Charge, with a Council Chamber or Hall for County Meetings, and for Meetings of the Magistrates and Council of the said Burghs of *Lanark* and *Hamilton*, and such other Buildings as may be found requisite by the said Commissioners respectively, and to make and enter into all Contracts necessary for effecting the above Purposes, and also to provide and maintain such Areas and Court Yards adjoining to the said Buildings, and such Access thereto, and such Supply of Water and Light, as may appear to them necessary or advantageous, with proper Common Sewers; provided that the whole Extent of Ground to be taken for such Purposes shall not exceed One Acre and an Half in each of the said Burghs.

Gaols &c. in
Lanark and
Hamilton.

XI. And be it enacted, That the Magistrates and Town Council of the Burgh of *Hamilton* shall within Two Months after the passing of this Act convey to the Clerk of the said Commissioners, and his Successors in Office, for Behoof of the said Commissioners, in the Form herein-after prescribed, and give them full and complete Possession of the Ground specified in Schedule (A.) hereunto annexed, or so much thereof as shall be found requisite to be by the said Commissioners used and appropriated for the Purposes of this Act; and the said Commissioners shall be entitled, without Payment of any Price or Value therefor, to enter upon the Possession thereof, as if the same had been purchased and acquired by them in manner herein-after mentioned.

Burgh of
Hamilton to
provide a
Site for the
Gaol there.

XII. And be it enacted, That it shall and may be lawful for the said Commissioners in the Upper Ward to treat and agree with the several Persons whose Names are set forth in the Schedules marked (A.) and (B.) hereunto annexed, being the Owners and Occupiers, Liferenters and Lessees, and with every other Person interested, for the Purchase of and to acquire for the Purposes of this Act the Lands, Houses, Tenements, and other Heritages specified in the said Schedules, and to pay out of the Funds to be assessed and levied under this Act, as after mentioned, the Prices or Value thereof, and upon Payment of the Prices or Value of such Lands, Houses, Tenements, and other Heritages, or Consignation thereof, to enter into or on Possession of the same, as in manner herein-after mentioned; and it shall and may be lawful for the said Commissioners respectively to acquire any other Lands, Houses, Tenements, or Heritages, though not mentioned in the said Schedules, necessary for the Purposes of this Act, with the Consent of the Owners and Occupiers thereof.

Commission-
ers may ac-
quire Lands,
&c.

XIII. Provided always, and be it enacted, That although any of the Owners, Occupiers, or Liferenters of any of the said Lands, Houses, Tenements, and other Heritages shall have been omitted in the said Schedules, or any of the said Lands, Houses, Tenements, or other Heritages have been therein erroneously described, such Omission or Misnomer or erroneous Description shall not afford any Ground

Misnomers,
&c. not to
afford Ob-
jections.

or Pretence for objecting to or interrupting the Execution of the Works to be done by the Commissioners under this Act; provided that it shall be made to appear to the Satisfaction of any Two Justices of the Peace of the said County of *Lanark* that such Omission, Misnomer, or erroneous Description proceeded from Accident or Mistake, and was not wilful.

Bodies Politic, &c. authorized to sell.

XIV. And be it enacted, That it shall and may be lawful for all Bodies Politic or Corporate or Collegiate, Trustees, Heirs of Entail, Tutors or Curators for Infants, Minors, furious or fatuous Persons, and married Women, and to and for every other Person or Persons whomsoever, though under any legal Disability or Incapacity of any Kind whatever, who are or shall be seised or possessed of or interested in any Lands, Houses, Tenements, or other Heritages, whether held in Free Burgage, Feu Farm, Fee, or otherwise, or under Entail, to contract and agree for, sell, and convey to the said Commissioners respectively, all or any of such Lands, Houses, Tenements, or other Heritages, or any Part thereof, necessary for the Purposes of this Act; and all such Contracts, Agreements, Sales, and Conveyances shall be valid and effectual in Law to all Intents and Purposes, any Law, Statute, Usage, or any Matter or Thing to the contrary notwithstanding; and all and every such Body or Bodies Politic, Corporate, or Collegiate, Trustees, Heirs of Entail, Tutors or Curators, married Women, and other Persons, shall be and are hereby indemnified for what they shall do by virtue and in pursuance of this Act.

Sellers to grant Conveyances.

XV. And be it enacted, That it shall and may be lawful to and for all and every Person or Persons, Bodies Corporate or Collegiate, Trustees, Heirs of Entail, Tutors and Curators for Infants, Minors, furious or fatuous Persons, and married Women, and to and for every other Person or Persons whomsoever, though under any legal Disability or Incapacity of any Kind whatever, selling or conveying any Lands, Houses, Tenements, or Heritages to the said Commissioners respectively, to grant, and they are hereby required to grant, the Conveyance or Conveyances to such Lands, Houses, Tenements, or other Heritages in the following Words, or other Words to the like Effect :

Form of Conveyance.

‘ IN pursuance of an Act passed in the Year
 ‘ of His Majesty King *William* the Fourth, intituled [*here set*
 ‘ *forth the Title of this Act*], I [*or we*]
 ‘ of in consideration of the Sum of
 ‘ to me [*or us*] paid by the Com-
 ‘ missioners appointed by the said Act [*or other Consideration, as the*
 ‘ *Case may be*], do hereby assign, dispo, and convey to and in
 ‘ favour of [*here insert the Name of the Clerk*] as Clerk to the said
 ‘ Commissioners and to his Successors in Office, in Trust for the
 ‘ Use and Behoof of the Burgh of and the
 ‘ Ward of the said County of *Lanark*, all and
 ‘ whole [*here describe the Subjects conveyed*], together with all my
 ‘ [*or our*] Right, Title, and Interest in and to the said Subjects above
 ‘ conveyed, and every Part, Pertinent, and Portion thereof, to be
 ‘ holden

' holden by the said _____
 ' _____ as Clerk to the said Commissioners
 ' and his Successors in Office, but in Trust for the Use and Behoof
 ' of the said Burgh and Ward, from the _____ Day of
 ' _____ and from thenceforth for
 ' ever in all Time thereafter [*here insert the Conditions of Sale, if*
 ' *any be, and a Clause of Warrantice and Registration*]. In witness
 ' whereof, these Presents, written upon this and the
 ' preceding Pages, by _____ are subscribed by me [*or*
 ' us], at _____ the _____ Day of _____ in the Year
 ' One thousand eight hundred and _____ before these Witnesses,
 ' _____ and _____

And every such Conveyance, being registered in the particular Re-
 gister of Sasines, Reversions, *et cetera*, kept in and for the Burgh
 of *Lanark* as far as regards the Ground and other Heritages acquired
 for the Site of the Gaol within that Burgh, and in such Register
 kept at *Hamilton* for the County of *Lanark* so far as regards the
 Ground and Heritages acquired for the Site of the Gaol within the
 Burgh of *Hamilton* (and the Keepers of such Registers are hereby
 authorized and required to record the same), shall have and receive the
 same Effect, and be as valid and effectual to all Intents and Purposes,
 as if a formal, absolute, and irredeemable Disposition, or other Deed
 of Conveyance known in Law, had been granted and executed, and
 been followed by Infestment and Sasine thereon duly recorded
 according to the Law and Practice of *Scotland*, any Law, Custom, or
 Usage to the contrary notwithstanding.

Convey-
ances to be
recorded.

XVI. And be it enacted, That in case any Owner, Proprietor,
 Occupier, Body Politic, Corporate, or Collegiate, Trustee, Heir of
 Entail, or Tutor or Curator, married Woman, or any other Person or
 Persons interested as aforesaid in the said Lands, Houses, Tenements,
 or Heritages set forth in the said Schedules, after a written or printed
 Notice of Twenty-one Days, given to them, if they reside within the
 County of *Lanark* personally or at their Dwelling Place, or, if they re-
 side without the said County, left with some Tenant or Tenants in pos-
 session of such Lands, Houses, Tenements, and Heritages respectively,
 shall neglect or refuse to treat or shall not agree for the Sale of such
 Lands, Houses, Tenements, or Heritages, or any Part or Parts thereof,
 or for their Interest therein, or, by reason of Absence or other
 Circumstances, shall be prevented from treating, or shall not produce
 and evince a clear Title to the Premises of which they are in posses-
 sion, or to the Interest they claim therein, to the Satisfaction of the
 said Commissioners respectively, then and in every such Case it shall
 and may be lawful to and for such Commissioners to apply by Petition
 to the Sheriff of the County of *Lanark*, or Sheriff Substitute of the
 District of the said County in which such Lands, Houses, or
 Heritages are situated, setting forth this Act, and that the Parties
 interested have refused or neglected to treat or contract, or are
 prevented from treating or contracting for the Sale of such
 Lands, Houses, Tenements, or Heritages, or have not produced
 or evinced a clear Title to the Premises of which they are in
 possession, or to the Interest they claim therein, and therefore
 praying

Manner of
Proceeding
in case the
Parties fail
to agree for
the Sale, &c.

praying him to fix and ascertain the just Amount and Value of such Lands, Houses, Tenements, or Heritages respectively; and it shall and may be lawful to the said Sheriff or Sheriff Substitute, and he is hereby empowered and required, upon receiving such Petition; to order Notice thereof to be given by Advertisement in some One of the *Glasgow* Newspapers usually circulated in the said County; and also particular Notice to be given to the Owners and Occupiers of the several Houses, Tenements, or Heritages, if they reside within the County of *Lanark*, personally, or by a written Notice left at their Dwelling Houses, or, if they reside without the said County, at the Dwelling House of any of the Tenants or Occupiers of the Premises respectively, a full Copy of the said Petition, with an Order to give in their Answers or Objections, if they any have, within Ten Days after such Notice, after which Time is elapsed it shall and may be lawful for the said Sheriff or Sheriff Substitute and he is hereby empowered and required to issue his Precept or Precepts for summoning and impannelling a competent Number of substantial and disinterested Persons, in Number not less than Twenty nor more than Thirty, which Persons so to be summoned and returned are hereby required to appear before the said Sheriff or Sheriff Substitute at such Time and Place, or Times and Places, as in the said Precept or Precepts shall be directed and appointed, of which Time and Place, or Times and Places, for assembling the Jury, the said Parties interested shall have Notice given them by Advertisement in the said Newspaper, at least Six Days previous to the said Meeting; and out of such Persons so to be summoned and returned the said Sheriff or Sheriff Substitute shall appoint by Ballot a Jury of Fifteen Persons before whom the said Commissioners respectively and the Parties interested may bring a Proof by habile Witnesses for estimating and ascertaining the just and real Value and Price to be paid by the said Commissioners respectively for the said Lands, Houses, Tenements, or other Heritages, including such Damage as may be suffered by the Proprietors of the Ground or their Tenants in any Manner of Way; and the said Sheriff or Sheriff Substitute is hereby authorized to summon before him such Person or Persons as shall, by either Party, be thought necessary to be examined as Witnesses before the said Jury touching the Premises, and also to compel the Parties interested, and all other Persons having in their Custody or Possession any Title Deeds or other Papers containing the Rights of or relative to the Premises, to exhibit and produce the same in Judgment before the said Jury, and shall and may administer Oaths to such Person or Persons as shall be examined as Witnesses on the Matters aforesaid; and the said Sheriff or Sheriff Substitute, before proceeding to take the Evidence, shall administer an Oath to the Jury to return a true Verdict, and shall examine or allow to be examined on Oath in their Presence such Witnesses as shall be summoned for either Party, and upon the Depositions of the Witnesses, or other competent Evidence, such Jury shall determine the Price or Damages to be paid by the said Commissioners; and in estimating the Sums to be paid to the Owners and Occupiers of Lands, Houses, and Tenements or other Heritages, as aforesaid, and in making up their Verdict, the said Jury shall have Right and they are hereby empowered to take under their Consideration all Circumstances therewith connected; and after

Verdict is pronounced as aforesaid, the said Sheriff or Sheriff Substitute is hereby required to adjudge Payment of the Value and Amount of the Loss, Price, or Damage thereby awarded to the Persons having a Right thereto; and the said Proceedings and Orders of the said Sheriff or Sheriff Substitute shall be final, and not removable by Bill or Letters of Advocation or Suspension to or subject to Reduction by any Court whatever, any Law or Usage to the contrary notwithstanding.

XVII. And be it enacted, That the said Sheriff or Sheriff Substitute shall have Power and he is hereby authorized from Time to Time to impose any reasonable Fine or Fines, not exceeding the Sum of Five Pounds Sterling, on any Person who shall be summoned and returned on such Jury or Juries who shall not appear, or who shall refuse to be sworn (or being Quakers to affirm), on such Jury or Juries, or being so sworn shall not give his or their Verdict; and also on any Person or Persons who shall be summoned as aforesaid to give Evidence touching any of the Matters aforesaid, and shall not attend, after being paid or tendered a reasonable Sum for his or their Costs and Expences, or shall refuse to be sworn (or being Quakers to affirm), or who, being sworn, shall refuse to give his, her, or their Evidence, and on any other Person or Persons who shall in any Manner wilfully neglect his, her, or their Duty in the Premises, contrary to the true Intent and Meaning of this Act, and shall and may from Time to Time levy such Fine or Fines by Poinding and Sale of the Offender's Goods, together with the reasonable Charges of such Poinding and Sale, returning the Overplus (if any) to the Owner; and also shall and may use such Compulsitors as are competent by the Laws and Practice of *Scotland* to compel any Person or Persons who may be summoned as a Witness or Witnesses, or as Custodiars of Writings and Title Deeds, to appear and give Evidence as aforesaid, and to exhibit and produce such Writings and Title Deeds; all which Fines shall be paid and applied to and for the respective Purposes of this Act.

Sheriff may impose Fines for Non-attendance of Persons summoned as Jurors or Witnesses.

XVIII. And be it enacted, That upon Payment of such Sum or Sums of Money so to be settled and ascertained as aforesaid, within One Calendar Month after the same shall be so settled or ascertained, to the lawful Owner or Owners of the Lands, Houses, Tenements, or other Heritages set forth in the said Schedules respectively, or upon judicial Tender thereof made to him, her, or them respectively, by a Minute in the said Process before the said Sheriff or Sheriff Substitute, for ascertaining the said Value, whether Appearance be made in the Process for the Party or Parties interested or not, or in case they shall not be able to evince their Title to the Premises to the Satisfaction of the said Sheriff or Sheriff Substitute, or in case the Subjects are encumbered or entailed, so that the Price of the same cannot be legally paid to the Parties interested, then, upon Payment and Consignation thereof, within One Calendar Month thereof as aforesaid, with the Approbation and Warrant of the said Sheriff or Sheriff Substitute, into the Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of the *British Linen Company*, or the Bank of the *Commercial Banking Company of*

On Payment of Price awarded, or Consignation thereof, Property to be vested in Commissioners.

[Local.]

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Scotland,

Scotland, or the National Bank of *Scotland*, for the Use of the Parties interested, there to remain till it shall be issued in manner by this Act directed, and upon Notice of such Payment or Consignation, if the Party or Parties interested have made Appearance in the said Process by proper Evidence adduced of such Payment or Consignation, or if the Party or Parties interested have not made such Appearance, and reside within the County of *Lanark*, then upon such Notice being made to them personally or at their Dwelling Houses, but if they reside without the said County, then upon such Notice being given at the Dwelling House of some Tenant or Occupier of the Premises by a Notary Public and Witnesses, and the Evidence being adduced of such Payment or Consignation, then and in any of these Cases it shall be lawful for the said Sheriff or Sheriff Substitute to decree and adjudge the full Right and Property of the Lands, Houses, Tenements, or other Heritages respectively to belong to the said Commissioners respectively, as fully and effectually as if the respective Proprietors had disposed or conveyed or had resigned the same to and in favour of the said Commissioners; and it shall then, and not before or otherwise, be lawful to and for the said Commissioners respectively to enter upon the absolute Possession of the Premises, and to convert and dispose of the same for the Purposes of this Act.

Expences of
Jury how to
be paid.

XIX. And be it enacted, That in every Case in which the Verdict of a Jury shall be given for a greater Sum than shall have been previously offered by the said Commissioners for the Purchase of any Lands, Houses, Tenements, or Heritages, set forth in the said Schedules respectively, to be used or taken by them for the Purposes of this Act, or as Compensation or Satisfaction for any Damage or Loss which may happen or arise in the Execution of any of the Powers hereby granted, all the Costs of summoning such Jury, and the Expences of Witnesses, shall be defrayed by the said Commissioners respectively, and such Costs and Expences shall be settled and determined by the said Sheriff or Sheriff Substitute; and in case such Costs and Expences shall not be paid to the Party or Parties entitled to receive the same, within One Calendar Month after the same shall have been demanded, then the same shall and may be levied and recovered by Distress and Sale of any Goods or Chattels of the said Commissioners respectively, or of the Treasurer of the said Commissioners, (unless such Treasurer shall pay such Costs and Expences out of any Monies received by him by virtue of this Act, and which he is hereby authorized and required to do,) under a Warrant to be issued for that Purpose by any Justice of the Peace for the County of *Lanark* not interested in the Matter in question, which Warrant such Justice is hereby authorized and required to issue under his Hand, on Application made to him for that Purpose by any Party entitled to receive such Costs and Expences; but if the Verdict of the Jury shall be given for an equal or for a less Sum than shall have been previously offered by the said Commissioners, One Moiety or Half of the said Costs and Expences shall be defrayed by the Party or Parties with whom the said Commissioners shall have such Controversy or Dispute, and the Remainder shall be defrayed by the said Commissioners; and the former Moiety

of

of such Costs and Expences, having been ascertained and settled in manner herein-before mentioned, shall and may be deducted out of the Money adjudged to be paid to such Party or Parties as aforesaid, as so much Money advanced to and for his, her, or their Use, and the Payment or Tender of the Remainder of the Money so adjudged shall be deemed and taken, to all Intents and Purposes, to be a good Payment or Tender in satisfaction of the whole thereof; Provided always, that in Cases in which, by reason of Absence in Foreign Parts, or from any other Cause or Disability not herein-before provided for, any Person shall have been prevented from treating and agreeing as aforesaid, the whole of such Charges and Expences shall be borne and paid by the said Commissioners.

XX. And be it enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Heritages purchased, taken, or used by virtue of the Powers of this Act, for the Purposes thereof, which are held under Entail, or are subject to Liferents, Annuities, or other Incumbrances, or shall belong to any Corporation, married Woman, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds or upwards, under the Direction and by the Authority of the Court of Session, be with all convenient Speed paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, or the Bank of the *British* Linen Company, or Bank of the Commercial Banking Company of *Scotland*, or National Bank of *Scotland*; to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Heritages, in the Purchase or Redemption of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Heritages, or affecting other Lands, Tenements, or Heritages standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Heritages, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes and in the same Manner as the Lands, Tenements, or Heritages which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance or Settlement shall be existing undetermined and capable of taking effect; and in the meantime and until such Purchase shall be made the Interest or annual Produce of such Money shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Heritages so hereby directed to be purchased in case such Purchase or Settlement were made.

Application of Compensation Money when amounting to or exceeding 200*l*.

XXI. Pro-

If under
200l. and
above 20l.

XXI. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Heritages purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Heritages so purchased, taken, or used, or of his, her, or their Tutors and Curators in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, under the like Direction and Authority, be paid into any One of the said Banks, and be placed to his, her, or their Accounts as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid at the like Option to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by the said Commissioners respectively, or a Majority of them (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties); in order that such Principal Money, and the Interest arising thereon, may be applied in manner herein-before directed, so far as the Case may be applicable.

If 20l. and
under.

XXII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as last before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Heritages so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Commissioners respectively shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Tutors and Curators, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of
not making
out Titles, or
if the Person
entitled can
not be found.

XXIII. And be it enacted, That in case any Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Heritages to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Commissioners respectively, or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded or payable as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Heritages be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Commissioners to order the said Sum or Sums of Money so awarded or payable as aforesaid to be paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of the *British Linen Company*, or Bank of the Commercial Banking Company, or National Bank of *Scotland*, in manner before directed, to the Credit of the Parties interested in the said Lands, Tenements, or Heritages, (describing them, if they are known, and if they are not known, then generally to the Credit of the Parties interested in the said Lands, Tenements, or Heritages, without any Description of them.)

subject to the Order, Controul, and Disposition of the Court of Session; which Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Petition, shall be and is hereby empowered, in a summary Way of proceeding, or otherwise, as to the said Court shall seem meet, to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest, of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *Scotland*, or Royal Bank of *Scotland*, or the Bank of the *British Linen Company*, or Bank of the Commercial Banking Company, or National Bank of *Scotland*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for the same, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into such Bank as aforesaid.

XXIV. And be it enacted, That where any Question shall arise touching the Title of any Person or Persons to any Money to be paid into any of the said Banks, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Heritages, or of any Estate, Right, or Interest in any Lands, Tenements, or Heritages to be purchased in pursuance of this Act, or to any Lands, Tenements, or Heritages to be purchased with any such Money, or to the Rents or Profits thereof, the Person or Persons who shall have been in possession of such Lands, Tenements, or Heritages the Time of such Purchase, and all Persons claiming under such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Heritages, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court of Session; and the Rents and Profits of the Lands, Tenements, and Heritages to be purchased with such Money, and also the Lands, Tenements, and Heritages so purchased, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Heritages, or to some Estate or Interest therein.

In case of questionable Title, Possessors to be deemed to have a Title till the contrary be shown.

XXV. Provided always, and be it further enacted, That in case the said Commissioners respectively shall not purchase or acquire the said Lands, Tenements, or Heritages within the Space of Five Years from and after the passing of this Act, then and in such Case all the Powers hereby granted for purchasing and acquiring the same shall from thenceforth cease and determine, save and except with the Consent of the Owners thereof.

Lands to be acquired within Five Years

XXVI. And be it enacted, That the said Commissioners respectively, or their Quorum, or Committees appointed by them, shall have full Power and Authority to contract with and employ any Artists, Tradesmen, and other Persons, although not Freemen of the said Burghs, for making Plans and for erecting the said Gaols, Court Houses, Offices, and other Buildings, and supplying the same with

Power to contract for the several Works.

[Local.]

27 D

Water

Water and Light in all Time coming, and to direct Alterations and Improvements on the said respective Works at all Times during the Execution thereof, and to do whatever may be necessary, proper, and expedient for carrying the Purposes of this Act into complete Effect; and to purchase suitable Furniture for the said Court Houses, Offices, and Buildings, and also for the said Gaols when the same are respectively completed.

Amount to be disbursed for the Purposes of this Act.

XXVII. And be it enacted, That the whole Sum of Money to be disbursed in the Execution of the Purposes of this Act, including one Half of the Expence of applying for, obtaining, and passing this Act, shall not exceed the Sum of Five thousand Pounds for the Upper Ward of the said County and the Burgh of *Lanark*, nor the Sum of Five thousand Pounds, including the other Half of the Expence of applying for, obtaining, and passing this Act, for the Middle Ward of the said County and the Burgh of *Hamilton*, and such Money shall be assessed and raised in manner herein-after mentioned.

Assessment on the Upper Ward of the County;

XXVIII. And be it enacted, That it shall be lawful for the said Commissioners in the Upper Ward of the said County, and they are hereby authorized and empowered, to assess or cause to be assessed, rateably and proportionally as after mentioned upon all Lands, and Teinds, Lime Works, Coal Works, Mines, and Quarries, Houses, Buildings, Public Works, Manufacturing Premises, and other Heritages situated in the said Ward, exclusive of the said Burgh of *Lanark*, a Sum equal to Four Fifth Parts of the whole Sum to be expended for the Purposes of this Act in the said Ward, by such Proportions and Instalments and at such Times as the said Commissioners respectively may deem most proper; and it shall be lawful for the said Commissioners in the Middle Ward of the said County, and they are hereby authorized and empowered, to assess or cause to be assessed, rateably and proportionally as after-mentioned, upon all Lands, and Teinds, Lime Works, Coal Works, Mines, and Quarries, Houses, Buildings, Public Works, Manufacturing Premises, and other Heritages situated in the said Ward, exclusive of the said Burgh of *Hamilton* and Territory thereof, a Sum equal to Three Fourth Parts of the whole Sum to be expended for the Purposes of this Act in the said Ward, by such Proportions and Instalments and at such Times as the said Commissioners may deem most proper; and which Assessment shall be imposed by the said Commissioners in each of the said Wards, or a Committee of their Number, as follows; *videlicet*, upon all Lands and Heritages contained in the Valuation Books of the said County, according to the valued Rent of such Lands and Heritages, and upon all inhabited and other Houses and Buildings, Lime Works, Coal Works, Mines, and Quarries, Public Works, and Manufacturing Premises and other Heritages within the said Wards of the County, according to the annual Value, (that is to say,) for every Five Pounds *Scots* that shall be assessed on every One hundred Pounds *Scots* of the valued Rents of Lands and Heritages there shall be assessed the Sum of One Penny Sterling on every Pound Sterling of the annual Value according to which such inhabited and other Houses and Building, Lime Works, Coal Works, Mines, and Quarries, Public Works,

on Middle Ward of the County.

Works, and Manufacturing Premises shall be or have been assessed or the House Tax; or, if not so assessed, according as the Rent or yearly Value shall be estimated: Provided always, that no Assessment according to the real Value shall be imposed upon Farm Houses or other Buildings used exclusively for agricultural Purposes, or upon Hospitals or Houses for charitable Purposes, Churches and Places of Worship, Public or Parish Schools. Proviso.

XXIX. And be it enacted, That the Magistrates and Town Council of the said Burgh of *Lanark* shall contribute and pay a Sum equal to the other Fifth Part of the Sums to be expended for the Purposes of this Act in the Upper Ward of the said County, and the Magistrates and Town Council of the said Burgh of *Hamilton* shall contribute and pay a Sum equal to the other Fourth Part of the Sums to be expended for the Purposes of this Act in the Middle Ward of the said County, besides furnishing a Site for the said Buildings, as herein-before provided; and it shall be lawful for the Magistrates and Town Council of the said Burghs respectively, and they are hereby authorized, to pay the whole or any Part of the Contributions by each of the said Burghs from the Properties or Funds of the respective Communities of the said Burghs, or by a rateable Assessment upon all Lands, inhabited Houses, Shops, Warehouses, Counting-houses, and Manufacturing Premises, according to the real Rent of such Heritages, and at such Times and by such Instalments as to the said Magistrates and Town Council may seem proper. Contribution from each of the Burghs of Lanark and Hamilton.
Contribution may be paid from the Corporation Funds, or assessed on Inhabitants.

XXX. And be it enacted, That the said Assessments directed to be raised as herein-before mentioned from the Upper and Middle Wards of the County of *Lanark* shall be levied, collected, and recovered by the Collector of the Land Tax of the said County, in the Manner, and by the same Means, and at the same Time as the Land Tax of the said County shall be collected and recovered, and the Assessments from the said Burghs of *Lanark* and *Hamilton* shall be levied and collected by a Collector appointed by the Magistrates and Town Council of each of the said Burghs respectively, and shall be recoverable by such and the like summary Process as the Assessed Taxes of the said Burghs are by Law leviabie and recoverable, and the said Collectors shall account for and pay over the said Assessments, when levied, collected, or recovered, to the said Commissioners, or their respective Treasurers for the Time being, and the Collectors shall have an Allowance to be fixed by the said Commissioners, not exceeding Sixpence *per* Pound for the Sum collected by them respectively in full of every Claim for Trouble and Expence incurred by them in collecting the same. Mode of collecting Assessments.

XXXI. And be it enacted, That the whole Proprietors of Lands and other Heritages within the Upper and Middle Wards of the said County, as well as the Proprietors of Houses, Lands, and other Heritages within the said Burghs of *Lanark* and *Hamilton*, shall be liable in and chargeable with Five *per Cent.* additional to and along with all Arrears of the Assessments hereby imposed which shall remain unpaid at the End of Three Months from the Period at which the same are due, Interest to be payable on Arrears.

due, and the said Collectors shall be liable in and chargeable with Interest on all Monies above Twenty Pounds Sterling which may come into and while the same shall remain in their Hands under the Authority of this Act; and if any such Collector shall not pay or account for the Sums so to be levied, collected, or recovered by them, to the said Commissioners respectively, when required, or their respective Treasurers for the Time being, every such Collector so making Default shall forfeit Double the Sums so neglected to be paid, to be recovered, with Interest thereon, by the Clerk of the said Commissioners, who shall insist for the same before the Judge Ordinary of the Bounds, with Expences of Process; and such Forfeitures shall be applied to the Purpose for which such Assessment was imposed and levied.

Appeal.

XXXII. And be it enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Assessment imposed by virtue of this Act, it shall and may be lawful for such Person or Persons, within Three Months after any such Assessment shall have been demanded, but not afterwards, to appeal against the same to the Justices of the Peace at a Meeting to be held by them in each Ward for the Purpose, or to the Judge Ordinary of the Bounds, giving Fourteen Days Notice of such Appeal to the Collector of the Assessment, and lodging with such Appeal a Bond with sufficient Surety or Caution for fulfilling and implementing the Sentence to be pronounced, and for paying such Expences as shall be awarded by the said Justices of the Peace, who are hereby authorized to determine the Matter in dispute, and their Judgment shall be exclusive of all other Jurisdiction, and shall be final and conclusive, without being subject to Review in any Court whatsoever.

Assessment to be paid by Owners; but may be recovered from Occupiers in the first instance.

XXXIII. And be it enacted, That the Amount of every such Assessment shall be wholly paid by the Owners of Lands as well as Houses and other Heritages: Provided nevertheless, that the whole of such Assessment upon Houses, Shops, Warehouses, and other Buildings may be recovered from the Occupiers thereof in the first instance; but such Occupiers shall be entitled and they are hereby authorized to retain from their Landlords respectively, out of the first Year's Rent, the whole Amount of such Assessment, which such Landlords are hereby required and obliged to allow as Part of the Rent due for such inhabited Houses, Shops, Warehouses, and other Buildings, on Production and Delivery of the Collector's Receipt for the same: Provided always, that the Holders of such Houses, Shops, Warehouses, and other Buildings in virtue of Leases of the Endurance of Fifty-seven Years and upwards shall be held and considered to be the Owners thereof.

Assessments on entailed Estates.

XXXIV. And be it enacted, That every Proprietor of an entailed Estate who shall pay Assessments under this Act shall be a Creditor to the succeeding Heirs of Entail, in the manner after mentioned, for Three Fourth Parts of the Money so to be paid.

How to be recovered.

XXXV. And be it enacted, That the Person or Persons having Right to the Claim arising for Money so to be paid as aforesaid by the Proprietor

prietor of an entailed Estate in discharge of Assessments under this Act, may, after the Expiration of One Year from the Death of such Proprietor, require the Heirs succeeding to such Estate to repay the said Three Fourth Parts of the said Money so paid, with the legal Interest thereof from the Term at which the said succeeding Heir's Right to the Rents of the Estate shall commence, upon receiving a proper Assignment and Conveyance of the said Claim; and if the Money so due be not paid within Three Months after such Requisition, it shall be lawful for the Person or Persons having Right thereto to sue such Heirs in manner directed for the Recovery of Money expended on the Improvements of entailed Estates by an Act passed in the Tenth Year of the Reign of His Majesty King *George* the Third, intituled *An Act to encourage the Improvement of Lands, Tenements, and Hereditaments in that Part of Great Britain called Scotland held under Settlements of strict Entail.*

10G.3. c.51.

XXXVI. And be it enacted, That the same Rules of Relief among succeeding Heirs of Entail, and their Heirs and Successors, of the Claims for Debts and of Preference in Competition of Rents, and in subjecting Defenders to the Payment of Costs, shall take place with regard to Monies expended by the Proprietors of entailed Estates in Payment of Assessments under this Act as are enacted and prescribed by the said recited Act passed in the Tenth Year of the Reign of His Majesty King *George* the Third with respect to Monies expended by Proprietors of entailed Estates in making Improvements upon their Estates for increasing the Rents and Value thereof.

Rules of Relief among Heirs of Entail.

XXXVII. And be it enacted, That for raising the Money for defraying the Costs and Expences incident to or attending the obtaining and passing of this Act, and in carrying the several Powers thereof into execution, or for any other Purpose authorized by this Act, it shall and may be lawful for the said Commissioners in the said Wards respectively, and the Magistrates and Town Councils in their respective Burghs, and they are hereby authorized and empowered if they shall find it necessary, separately and from Time to Time to raise, borrow, and take up at Interest, from any Person or Persons whomsoever who shall be willing to advance and lend the same, any Sum or Sums of Money on the Credit of the Rates or Assessments hereby authorized to be raised in each separate Ward or Burgh, not exceeding in whole, Principal and Interest payable thereon, the Sum hereby authorized to be raised in such Ward or Burgh, and by Writing under the Hands of the said Commissioners respectively, or of their Quorum, and of the said respective Magistrates and Town Council, or of their respective Treasurers and Clerks duly authorized by them, to convey or assign over the Whole or any Part of the Rates or Assessments hereby imposed upon the Lands, Houses, and Heritages in the Upper and Middle Wards of the said County, and in each of the said Burghs for which such Money shall be borrowed, to the Person or Persons who shall lend or advance such Money, as a Security for or for the Repayment of the Money so to be borrowed as aforesaid, together with such Interest as the said Commissioners and the Party lending such Money shall agree upon; which Interest shall be charged against and allowed out of the Sums authorized

Power to borrow.

[Local.]

27 E

by

Commissioners, &c. not to be personally liable.

by this Act to be raised, levied, and assessed as Part of the Sums expended for the Purposes thereof; and the Charges and Expences of such Security or Securities respectively shall be from Time to Time defrayed out of the Money advanced upon such Security: Provided always, that the said Commissioners respectively, or their Clerk, or such Person or Persons as they may appoint to receive the Money so to be borrowed as aforesaid, shall not be personally subject or liable to pay the same by reason of their authorizing the Signature of or signing such Assignments as before mentioned; and in case of borrowing on their own personal Security for the said Purposes, the said Commissioners, or Magistrates and Town Council, shall have Security and Relief for Repayment of the Amount so borrowed, upon the Funds, Property, and Assessments within the Ward of the said County for which such Commissioners or Magistrates and Town Council shall have so borrowed.

Assignations to be transferable by Indorsation.

XXXVIII. And be it enacted, That all Bonds and Assignations to be granted in Security of Money to be so borrowed for the Purposes of this Act shall be transferable from Time to Time by Indorsation by the Creditor, on the Back thereof, subscribed by the Party transferring, in Presence of Two or more subscribing Witnesses.

Assignations and Transferences to be registered.

XXXIX. And be it enacted, That all such Assignations of the said Assessments in Security of Money to be borrowed as aforesaid, and all Transferences thereof, shall within Ten Days of the Date thereof respectively be produced to the Clerk of the said Commissioners in their respective Wards, or the Town Clerks in their respective Burghs, and shall be entered by them in a Book or Books to be kept for that Purpose; for which a Fee of One Shilling shall be payable; and after such Entry made, but not before, every such Assignation or Transference shall entitle the Assignee or Transferee to the Benefit of the Principal Sum and Interest thereby assigned or transferred respectively, without other or further Registration; and the Person or Persons to whom any such Principal Money and Interest shall be assigned or transferred, and their respective Executors, Representatives, or Assignees, shall be Creditors on the said Assessment, and of the Heritors or Owners of the Lands and Heritages, or Houses and Tenements assessed as aforesaid, and their Heirs and Assignees, so far as such Assessments respectively are due and remain unpaid by them or their foresaids.

Money raised under this Act to be lodged in a Bank.

XL. And be it enacted, That the said Commissioners or their respective Treasurers shall lodge all and every Sum or Sums of Money which they shall receive or borrow in virtue of the Powers of this Act with any Branch of the Bank of *Scotland*, or Royal Bank of *Scotland*, or of the *British Linen Company*, or Bank of the Commercial Banking Company, or National Bank of *Scotland*, at *Lanark* or *Hamilton*, therein to remain until the same shall be required for the Purposes of this Act.

The Gaols to be County Gaols.

XLI. And be it enacted, That each of the said Gaols to be erected at *Lanark* and *Hamilton* respectively shall be styled County Gaols of the County of *Lanark*; and each of the said Gaols shall consist of at least

least Three distinct Parts or Divisions, one of which in each Gaol shall be set apart for the Custody of Criminals subjected to Imprisonment only, another Division for the Custody of Culprits imprisoned and subjected to hard Labour as herein-after authorized, and the other for the Custody of Debtors.

XLII. And be it enacted, That when the said Gaols, Court Houses, and Public Offices are erected as aforesaid, such Gaols, together with the Yards or airing Grounds attached thereto, shall be held and declared to be legal Prisons, and shall be given over to the Magistrates of *Lanark* and *Hamilton* respectively as such, and shall remain in all Time thereafter for the Reception and Custody of Debtors imprisoned and to be imprisoned under legal Diligence, and of Persons committed or to be committed by Warrant of the Sheriff of the County of *Lanark* or his Substitutes, or the Magistrates of the said Burghs of *Lanark* and *Hamilton* respectively, so far as regards the Gaol of their Burgh, or the Justices of the Peace of the County of *Lanark*, or by other competent Authority or Warrant; and the keeping, regulating, and upholding of the said Gaols shall be vested in the said Magistrates of the Burghs of *Lanark* and *Hamilton* respectively, who shall thereafter be bound to provide a Gaoler, Turnkey, and all other Officers and Servants necessary for performing the proper Services and Duties of the Gaol, and to defray the whole Charges and Expences thereof, and shall have and be subject to the entire Responsibility for the same and the Persons committed therein, in such and the like Manner as they now have with respect to the present Gaols of the said Burghs, and nothing in this Act shall be deemed to alter the Rights and Responsibility of the said Magistrates as the same now are or stand by the Law and Usage of *Scotland*, in relation to the Gaols of Royal Burghs and Burghs of Regality of *Scotland*.

The Gaols to be legal Prisons, and to be delivered over to the Magistrates.

XLIII. And be it enacted, That when the said Gaols are erected, and declared by competent Authority to be legal Prisons as aforesaid, and shall be ready for the Reception of Prisoners, the Magistrates of the said Burghs of *Lanark* and *Hamilton* respectively for the Time being shall thereupon remove, or cause to be removed, to such new Gaols, all Debtors, Felons, and other Prisoners then in their Custody; and such Removal, and the Airings and Exercisings of the Debtors, Felons, and other Prisoners who shall be confined in the said new Gaols, in any Yards, Courts, Out-Offices, or Conveniences thereto belonging, shall not be deemed or taken to be an Escape or Escapes, or to infer any Risk or Damage whatever.

Prisoners to be removed to the new Gaols.

XLIV. And whereas there is no regular Bridewell or House of Correction in either of the Burghs of *Lanark* or *Hamilton*, but as One of the Three Divisions in each of the said Gaols to be erected under the Authority of this Act is to be set apart for the Confinement of Culprits subjected to hard Labour; be it enacted, That where by any Statute made or to be made subjecting a Culprit to Confinement in Bridewell or House of Correction and to hard Labour, or where such Punishment is inferred or authorized by the Common Law of *Scotland*, it shall and may be lawful for the Sheriff of the County of *Lanark*,

Gaols may be used as Houses of Correction.

Lanark, or his Substitutes, and the Justices of the Peace of the said County, and for the Magistrates of the Burghs of *Lanark* and *Hamilton*, so far as regards their respective Jurisdictions, and they are hereby authorized, to grant Warrants for committing Persons to the said Gaols, to be kept at hard Labour, where by the Statute or Common Law of *Scotland* the Offences of which such Persons have been convicted may be punished by Confinement in Bridewell or House of Correction, and to be kept at hard Labour; and the Magistrates of the said Burghs of *Lanark* and *Hamilton* respectively are hereby enjoined to make Provision for the Execution of such Warrants, and shall have Power to make such Bye Laws, Rules, and Orders, for the Regulation of Prisoners so confined, as shall appear to them necessary as to the receiving, separating, classing, dieting, clothing, maintaining, employing, reforming, governing, managing, treating, and watching the said Prisoners during their respective Confinements, provided that such Bye Laws shall be submitted to and approved of by the Commissioners of Supply of the said County at their Annual General Meeting on the Thirtieth Day of *April*, and shall not be repugnant to or inconsistent with the general Regulations herein prescribed or the Law of *Scotland*; and the said Magistrates shall have Power to provide for their respective Gaols a Stock of such Tools, Materials, or other Necessaries as shall be fit and requisite for the Employment and Labour of the different Classes of the Prisoners sentenced to hard Labour, and shall put the Prisoners so sentenced upon Work or Employment proportioned to and consistent with the Sex, Age, Health, and Ability of each Individual, and if necessary shall engage proper Persons for instructing the Prisoners in such Work, and shall apply the Proceeds of such Work towards the Maintenance of the Prisoners so employed.

Expence of
keeping Pri-
soners at
hard Labour.

XLV. And be it enacted, That in case any Loss should arise in the Maintenance of Culprits sentenced to hard Labour in the said Two Gaols, the extra Expence so to be incurred shall be contributed and paid by annual Assessments to be laid on the Lands and Teinds, Lime Works, Coal Works, Mines, and Quarries, Houses, Buildings, Public Works, Manufacturing Premises, and other Heritages in the Upper and Middle Wards of the said County respectively, for the Loss so incurred in the Gaol of each Ward respectively, in the same Manner as provided by this Act for defraying the Expence of erecting the said Gaols, Court Houses, Public Offices, and other Buildings, and out of the Funds of the said Burghs respectively, in Proportions corresponding to the Number of Culprits and Period of Confinement sent from each of the said Wards and Burghs respectively; of which extra Expence an Account shall annually be laid before the General Meeting of Commissioners of Supply on the Thirtieth of *April*, and shall be certified by an Affidavit by One of the Magistrates of the Burghs respectively, otherwise no Part thereof shall be sustained or assessed on the County.

Imprison-
ment not to
infer Settle-
ment.

XLVI. And be it enacted, That no Period of Confinement in either of the said Gaols, to be erected in virtue of this Act, shall be held to constitute, in whole or in part, a legal Settlement, so as in

virtue thereof to give any Claim on the Poor's Funds, or under that Pretence to enable any Person to become a Burden on the same,

XLVII. And be it enacted, That no Wine, or spirituous or fermented Liquors of any Sort, shall be sold within the said Gaols, nor be admitted therein, unless by Order of a Surgeon or other Medical Person, when necessary by way of Medicine; and no Profit or Advantage shall, directly or indirectly, arise to the Keeper, Gaoler, or any of the Assistants or Servants in the said Gaols, from the Sale or Admission of such Liquor; and any such Keeper, Gaoler, Assistant, or Servant offending against this Regulation, or receiving any Fee or Gratuity from any Prisoner confined in either of the said Gaols, shall be dismissed from his Office, and shall forfeit and pay a Sum not less than One Pound and not exceeding Five Pounds, to be recovered by a Prosecution at the Instance of any one Commissioner under this Act, in the same Form in which small Debts may be recovered in *Scotland*, and to be applied, after deducting the necessary Expences, in such Way as the Commissioners of Supply may point out.

Spirituos
Liquors, &c.
not to be
sold within
the Gaols.

XLVIII. And be it enacted, That the Magistrates of the said Burghs of *Lanark* and *Hamilton* respectively shall be authorized to make Regulations for the Government of the Gaols in their respective Burghs, for the Classification and Arrangement of Prisoners, and for fixing the Fees to be paid by Creditors on lodging Debtors in Gaol: Provided always, that the said Magistrates shall, in framing such Regulations, have due Regard to the Safety of the Prisoners, that the said Regulations shall not be inconsistent with any of the Provisions herein contained, or with the Law of *Scotland*, and that no Fees of any Description shall be exigible from any Prisoner, any Law or Practice to the contrary notwithstanding; and the Regulations so to be framed shall be hung up in the Court House of *Lanark* and *Hamilton* respectively, or the Town Clerk's Office, for the Inspection of the Public, and also in each of the said Gaols for the Inspection of Prisoners.

Magistrates
empowered
to frame
Regulations
for the
Government
of the Gaols.

XLIX. And be it enacted, That in all Prosecutions against Offenders for Crimes committed within the Upper and Middle Wards of the said County, or within the said Burghs of *Lanark* and *Hamilton* respectively, where the Punishment shall not exceed Sixty Days Confinement in either of the said Gaols, or Imprisonment accompanied with hard Labour for a Period not exceeding Sixty Days, or the Fine to be imposed shall not exceed Five Pounds Sterling, the Procedure against such Offender may be of a summary Nature, without any written Pleadings; and the Sheriff or Justices of the Peace of the said County, or the Magistrates of the said Burghs within their respective Jurisdictions, shall be authorized and empowered in all such Prosecutions to hear Parties and Witnesses *vivâ voce*, and to award such legal Punishment as the Crime requires, not exceeding that herein prescribed, or to remit the Case for Investigation and Trial in any other legal Form before a competent Court: Provided always, that in all such summary Trials a Record shall be kept of the Charge, and of the Judgment pronounced against such Offenders, by the Sheriff Clerk or his Deputes, and by the Clerk of the Peace

Prosecutions
in certain
Cases may
be summary.

[Local.]

27 F

or

or his Deputes, for the County, and by the respective Town Clerks for the said Burghs, in a Book to be kept in the Form set forth in Schedule (C.) hereunto annexed; the said Clerk of the Peace or his Deputes and the said Town Clerks acting as legal Assessor to the Justices and Magistrates respectively in such summary Convictions; and an Extract or Duplicate of the Entry in the said Book, signed by the Judge and by the Clerk or Depute Clerk acting for the Time, shall be the Authority to the Magistrates having charge of the said respective Gaols, and their Officers, and the Keepers of the said Gaols, for executing the Sentence in each Commitment.

Vagabonds,
&c. may be
committed
to Gaol.

L. And be it enacted, That it shall and may be lawful to the Sheriff or his Substitutes, or any One or more Justices of the Peace for the said County, or the Magistrates of the said Burghs, or any One of them, after summary Trial in the Form herein-before provided, to commit Vagabonds, public and sturdy Beggars, and all Persons who have no settled Place of Residence, and follow no lawful Employment, and who may be found within the Upper and Middle Wards of the said County, or the Burghs of *Lanark* and *Hamilton*, to the said Gaols, to be kept in solitary or other Confinement, or at hard Labour, for a Period not exceeding Thirty Days.

Penalties im-
posed by
Sheriffs,
Justices of
the Peace,
and Magis-
trates to be
applied for
the Purposes
of this Act.

LI. And be it enacted, That all Fines, Penalties, and Forfeitures awarded and recovered in Prosecutions before the Sheriff and Sheriff Substitutes and Justices of the Peace in the Upper and Middle Wards of the said County, and Magistrates in the said Burghs, not connected with the Revenue Laws, shall, after deducting the Expence of recovering the same, be paid to and made Part of the Funds to be applied under the Direction and Management of the said Commissioners towards defraying the annual Charges of the said Gaols, so far as incurred in reference to Prisoners subjected to hard Labour, and a Book shall be kept by the said Clerks or Depute Clerks, or the said Sheriffs, or the said Assessors of the said Justices or Town Clerk, in which shall be entered an accurate Statement of such Fines, Penalties, and Forfeitures; and which Book shall at all Times be patent and open to the said Commissioners, Sheriff, and Sheriff Substitutes, Justices of the Peace, and Magistrates, or any One of them, who may take Copies or Excerpts therefrom, without Payment of any Fee, Charge, or Expence, and which Fines, Penalties, and Forfeitures shall be paid over once in every Three Months to such Person as the said Commissioners shall appoint, to be applied in manner before mentioned.

Accounts of
Expences
to be made
up and
lodged.

LII. And be it enacted, That when the said Gaols, Court Houses, and Offices shall be erected an accurate Account of the whole Expence laid out shall be made up and attested by the said Commissioners or their Quorum aforesaid; which Account, along with the Books, Papers, Receipts, and all other Writings and Vouchers, Plans, Drawings, and Designs relative to the Execution of the Buildings, shall be deposited with the Town Clerks of the said Burghs of *Hamilton* and *Lanark* respectively, for which a Receipt shall be given by them to the said Commissioners, and a Copy of such attested Accounts, shall be sent to the Clerk of Supply
of

of the said County of *Lanark*, to remain in his Hands for the Information of all concerned.

LIII. And be it enacted, That the Provisions of an Act of the *Scottish* Parliament, passed in the Year One thousand six hundred and ninety-six, intituled *An Act anent the Aliment of Poor Prisoners*, and of another Act passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to amend an Act of the Scottish Parliament relative to the Aliment of Poor Prisoners*, shall extend and apply to all Prisoners committed to the Gaols of *Lanark* and *Hamilton*, under Letters of Lawborrows or as being *in meditatione fugæ* to avoid Payment of Debt, and also to any Prisoners that shall be committed to the said Gaols for Payment of any Debt or Penalty under any Statute relating to the Revenue: Provided always, that the Intimations directed by the said Acts to be made to Creditors shall, in relation to Debtors committed to the said Gaols of *Lanark* and *Hamilton*, be made either to the Person at whose Instance such Person shall have been committed, or to the nearest Collector of the Department of the Revenue to which such Debt or Penalty under any Statute relating to the Revenue shall belong.

Acts of 1696
and 6 Geo. 4.
to apply to
Prisoners
confined in
new Gaols.

LIV. And be it enacted, That the said Gaols, Court Houses, and Offices, with the Grounds and Buildings thereto belonging, shall not be subject to any County or Parochial Tax whatever, and the Magistrates of the Burghs of *Lanark* and *Hamilton* respectively shall be bound to insure the said Buildings, with the Goods, Materials, and other Articles therein, against Risks by Fire, to such Extent as the Commissioners under this Act may direct; and the Expence of such Insurance shall be paid out of the Funds of the respective Burghs.

Buildings
exempt from
Parochial
and County
Burdens.

LV. And be it enacted, That when the said Court Houses and other Public Offices shall be completed and fit for the Custody of Writings and Records, and so declared by Intimation published in any Newspaper circulated in the said County, the Sheriff Clerk of the Upper and Middle Wards of the said County, and the Town Clerks of the said Burghs respectively, shall thereafter, as soon as may be, remove or cause to be removed into the Public Offices hereby authorized to be erected, all the Public Books, Records, Documents, and Writings in their Custody and Keeping, as Public Officers respectively; and such Sums shall be paid annually to the said Commissioners by such Clerks, in name of Rent, for such Offices or Accommodation respectively, as shall be fixed by the said Commissioners; and in case of Difference as to the Amount of such Rent, the Amount thereof shall be fixed by the Sheriff of the County, whose Determination shall be final and conclusive, and not subject to Review by any Process at Law or in Equity; and the Rent to be so paid shall be appropriated by the said Commissioners respectively to the Maintenance and Improvement of such Public Offices, and the other Purposes of this Act.

Records to
be removed
to new
Buildings.

Sheriff and
Town Clerks
to pay Rent.

LVI. And

Commissioners of Supply may cause the Gaols to be inspected, and in case of Disrepair, intimate the same to the Magistrates, &c.

LVI. And in order more effectually to ensure the proper Maintenance and Support of the said Gaols by the Magistrates and Town Council of the said Burghs respectively, when the same shall be finished in manner by this Act appointed, be it enacted, That it shall and may be lawful for the Commissioners of Supply of the said County, at their Annual General Meeting on the Thirtieth Day of *April* in any Year, to cause proper and skilful Persons to inspect the said Gaols, and, in case of any Deficiency or Disrepair in any Part of the same, to report specially thereon, and on the Amount of the Sum necessary for the Repair thereof; which Report the said Commissioners of Supply shall, if necessary, intimate or cause to be intimated to the Magistrates and Town Council of the Burgh in which the Gaol is situated, who shall be bound within Six Months after such Intimation to execute and complete the necessary Repairs; and failing their doing so within such Time, it shall and may be lawful for the said Commissioners of Supply forthwith to direct such Repairs to be made, and to demand and recover the Expence incurred in making such Repairs from the Magistrates and Town Council of such Burgh, and to issue their Warrant against the Treasurer or Collector of the Funds of such Burgh therefor, or otherwise to proceed for the Recovery thereof as the Law directs.

Commissioners under this Act to cause Gaols to be inspected by Visitors appointed by themselves.

Sheriff, Magistrates, and Justices may visit them.

LVII. And for the better preventing Abuses in the said Gaols, be it further enacted, That the said Commissioners shall be empowered and they are hereby required to appoint from Time to Time a Committee of their Number for the Purpose of personally visiting and inspecting the said Gaols, who shall examine the State, Order, and Management of the said Gaols, and the Treatment, Health, and Condition of the Prisoners; and such Visitors shall enter a Report of all Matters which may occur to their Observation in a Book to be kept for that Purpose in each of the said Gaols, and which Books shall at all Times remain patent and open in the said Gaols for the Inspection of all who have a Right to enter the same as after mentioned; and it shall be lawful for the Sheriff or his Substitute or Substitutes, and for every Justice of the Peace for the said County, and any One of the Magistrates of *Lanark* or *Hamilton*, of his own Accord, and without being appointed a Visitor, to enter the said Gaols, and to examine the same at any Time during the Day, and if he shall discover any Abuses therein, he is hereby required to report the same in Writing to the said Commissioners or their Committee, or the Magistrates of the Burgh, who are hereby required without Loss of Time to take the said Report into their Consideration, and, if they shall find the Complaints there made well founded, to adopt the most effectual Measures for having the Grounds thereof removed and rectified.

Commissioners may sell Materials and Ground not used.

LVIII. And be it enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and empowered, to sell by Public Auction for an adequate Price, all Materials purchased or acquired, but not used, under the Authority of this Act; and also any Ground which may remain after all the Purposes of this Act shall have been complied with, and to apply the Money arising therefrom to and for the Purposes of this Act, and

and to no other Purpose whatsoever; and all Conveyances of such Property may be granted and signed by the Clerk of the said Commissioners, and that whether the same may be invested in his Person or not.

LIX. And be it enacted, That the Right to the Sites and Areas and to the Materials of the present Gaols of the said Burghs of *Lanark* and *Hamilton* shall be and are hereby vested in the Magistrates and Town Council of each of the said Burghs respectively, with full Power and Authority to them to dispose of the same by public Sale or private Bargain as to them shall seem most expedient, and to apply the Monies arising from the Sale of such Sites and Materials towards defraying in part their Proportion of the Expence of the said new Gaols: Provided always, that when the old Gaol of *Lanark* shall be removed the Entrance to the public Street called the *Wellgate*, adjoining thereto, shall be widened, so that no Part thereof shall be less than Twenty-two and a Half Feet in Width.

Sites of old Gaols to be vested in Magistrates of Burghs.

Wellgate Street, Lanark, to be widened.

LX. And be it enacted, That no Claim or Action for Damages or other Causes in respect of any thing done or caused by the said Commissioners in the Execution of this Act (except for the Value of any Lands, Tenements, Buildings, or Heritages taken or occupied by the said Commissioners) shall be competent against the said Commissioners, or any others acting under their Appointment, unless such Action be commenced within Two Months after the Fact so done, or Cause is known to the Party or Parties who may bring such Claim or Action.

Limitation of Actions.

LXI. 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, without being specially pleaded.

Public Act.

Schedules to which this Act refers.

SCHEDULE (A.)

Property to be appropriated for the Purposes of this Act in the Middle Ward of Lanarkshire.

Property, and where situated.	Owners and Occupiers.
Those Lands, Houses, Tenements, and Heritages situated within the Burgh of Hamilton, on the West Side of the Barrack Yard, comprehended between and bounded by the Barrack Yard Wall on the East, by the Street called Almeida Street, or Clayhole, on the South, and by the remaining Property of the Town of Hamilton on the West and North.	The Magistrates and Town Council of Hamilton, for behoof of the Community of the Burgh.

SCHEDULE (B.)

Property to be taken for the Purposes of this Act in the Upper Ward of Lanarkshire.

Property, and where situated.	Owners or reputed Owners.	Occupiers.
No. 1. The Lands, Tenements, and Heritages lying on both Sides of the new Road or Approach now called Hope Street, leading into the Burgh of Lanark from the Turnpike Road to Edinburgh by Wilsontown.	Thomas Sommerville.	James Semple.
No. 2. The Lands, Tenements, and Heritages lying on the East Side of the said new Road or Approach now called Hope Street, leading into the Burgh of Lanark from the Turnpike Road to Edinburgh by Wilsontown.	John Gibson.	John Gibson.

SCHEDULE (C.)

Form of the Record of the Charge and Judgment against Offenders,
to be kept by the Sheriff, Justice of the Peace, and Town Clerks.

Date.	Name and Designation of Complainer.	Name of Person complained on.	Offence charged.	Sentence.	Signature of Sheriff, Justice, or Magistrate.

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