ANNO QUINQUAGESIMO TERTIO

GEORGII III. REGIS.

Cap. 13.

An Act for continuing the Term and altering and enlarging the Powers of an Act made in the Thirty-second Year of His present Majesty, for making and repairing the Road from the Town of *Lanark* to the Town of *Hamilton*, in the County of *Lanark*. [23*d March* 1813.]

WHEREAS by an Act passed in the Thirty-second Year of the Reign of His present Majesty, intituled "*An Act for making and repairing the Road from the Town of* Lanark *to the Town of* Hamilton, *in the County of* Lanark," certain Trustees were nominated and appointed, and certain Tolls and Duties granted and made payable for surveying, making, amending, repairing, and widening the said Road, and for building and repairing the Bridges thereon: And whereas the Trustees by the said Act appointed have proceeded in the Execution thereof, but the said Road cannot be effectually amended and kept in Repair, nor the Money borrowed on the Credit of the Tolls thereby granted, repaid, unless the Term of the said Act be further continued and enlarged, and further and other Powers granted: 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, 32 G. 3.

Former Act continued.

assembled, and by the Authority of the same, That from and after the passing of this Act the said recited Act of the Thirty-second Year of the Reign of His present Majesty, and all and every the Clauses, Exemptions, Powers, Authorities, Articles, Rules, Penalties, Forfeitures, Matters, and Things therein contained (except in so far as the same are altered or varied by this present Act) shall be and the same are hereby continued in full Force and Effect during the Term hereby granted; and this Act and the Tolls and Duties hereby granted shall be and the same are hereby declared to be subject and liable to the Payment of all Monies now due and owing, or which shall or may hereafter be borrowed and become due on the Credit of the said recited Act, or of this Act, or either of them, and all Interest due and to become due for the same respectively.

Quorum.

II. And be it enacted and declared, That in all Meetings of Trustees for the Purpose of putting the said recited Act or this Act into Execution, Five Trustees shall be a Quorum, and competent to do any Business.

Tolls.

III. And be it enacted, That from and after the passing of this Act the Tolls and Duties by the said recited Act granted and made payable shall cease and determine, and instead thereof the said Trustees, or any Five or more of them, or any Person or Persons authorized by them in Manner as by the said recited Act directed, may and they are hereby empowered to demand, levy, and take the Tolls and Duties following, before Passage be permitted along the said Road; (that is to say,)

Carriages.

For every Coach, Landau, Barouche, Chariot, Berlin, Chaise, Hearse, Calash, Litter, or other such Carriage, drawn by One Horse or Beast of Draught, the Sum of Two Shillings; and drawn by Two Horses or Beasts of Draught, the Sum of Four Shillings; and drawn by Three Horses or Beasts of Draught, the Sum of Six Shillings; and drawn by Four or Five Horses or Beasts of Draught, the Sum of Eight Shillings; and drawn by Six or more Horses or Beasts of Draught, the Sum of Ten Shillings:

Waggons, &c.

For every Waggon, Wain, Cart, or other such Carriage drawn by One Horse, Ox, or Beast of Draught, the Sum of One Shilling; and drawn by Two Horses, Oxen, or Beasts of Draught, the Sum of Two Shillings; and drawn by Three Horses, Oxen, or Beasts of Draught, the Sum of Four Shillings; and drawn by Four Horses, Oxen, or Beasts of Draught, the Sum of Six Shillings; and drawn by Five Horses, Oxen, or Beasts of Draught, the Sum of Seven Shillings; and drawn by Six Horses, Oxen, or Beasts of Draught, the Sum of Eight Shillings; and drawn by Seven Horses, Oxen, or Beasts of Draught, the Sum of Nine Shillings; and drawn by Eight Horses, Oxen, or Beasts of Draught, the Sum of Ten Shillings:

Horses, &c.

For every Horse, Mare, Gelding, Mule, Ass, or other Beast of Burden, laden or unladen, and not drawing, the Sum of Sixpence:

For every Score of Oxen or neat Cattle, the Sum of Two Shillings and Sixpence; and so in Proportion for any greater or smaller Number:

For

For every Score of Calves, Hogs, Sheep, Lambs, or Goats, the Sum of One Shilling and Eight-pence; and ſo in Proportion for any greater or ſmaller Number:

Which ſaid Tolls and Duties ſo allowed to be levied in reſpect of travelling or paſſing the whole Road hereby directed to be repaired and kept in Repair, ſhall be apportioned by the ſaid Truſtees according to the Number of Gates erected or to be erected upon the ſaid Road, in ſuch Way and Manner as ſhall appear to them reaſonable.

Former Exemption from Tolls repealed.

IV. And be it enacted, That from and after the paſſing of this Act the Exemptions from Tolls, or Duties allowed by the ſaid recited Act ſhall ceaſe and determine.

Exemption from Tolls.

V. Provided always, and be it enacted and declared, That no Toll or Duty ſhall be demanded or taken at any of the Turnpikes erected or to be erected by virtue of this Act for Carriages, Horſes, or Cattle laden with any Materials for making or repairing the ſaid Road, or the Bridges thereon, or for amending any of the Highways within the Pariſhes in which the Road directed by this Act to be repaired doth lie, or going empty to carry or convey, or returning empty from carrying or conveying the ſame; nor ſhall any Toll or Duty be demanded or taken by virtue of this Act for any Waggon, Wain, Cart, or other Carriage, nor for any Horſe or other Beaſt of Burden, carrying or conveying Corn to any Mill, or carrying or conveying Flour or Meal from any Mill, ſuch Corn, Flour, or Meal belonging to Inhabitants of the Pariſhes in which ſuch Mills are reſpectively ſituated, nor for any Carriage or Beaſt of Burden going empty to carry or convey, or returning empty from carrying or conveying the ſame; nor for any Waggon, Wain, Cart, or other Carriage, Horſe, or other Beaſt of Burden, carrying Hay or Corn in the Straw, to be laid up in the Houſes, Outhouſes, Barns, or Yards of or belonging to the reſpective Inhabitants of the ſeveral Pariſhes or Places through which the ſaid Road leads, (without Prejudice nevertheleſs to Toll or Duty being paid for the ſaid Commodities when carried along the ſaid Road for Sale, or for Delivery after being ſold), nor for any Ploughs, Harrows, or other Implements of Huſbandry, or any other Thing whatſoever belonging to or employed by ſuch Inhabitants reſpectively only in Huſbandry, or the Stocking of Lands lying within ſuch Pariſhes or Places adjoining to the ſaid Road, nor for any Horſe or other Cattle going to or returning from Paſture or Watering Places, or Smithies, belonging to ſuch Pariſhes or Places, or to any of the neighbouring Inhabitants near to the ſaid Road; nor ſhall any of the aforeſaid Tolls or Duties be demanded or taken from any Perſon or Perſons reſiding in any of the Pariſhes within which the ſaid Road doth lie, who ſhall paſs through any of the Turnpike Gates on the ſaid Road, or Side Gates or Bars on the Sides thereof, to or from his, her, or their Pariſh Church, Chapel, or other Place of Religious Worſhip, on *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated, nor for any Perſon or Perſons attending the Funeral of any Perſon or Perſons who ſhall die and be buried within the Pariſh in which ſuch Perſon or Perſons reſided; nor for any Clergyman going to or returning from viſiting any ſick Perſon, or upon other his parochial or miniſterial Duty; nor for any Horſes or Carriages employed in carrying or conveying the Mails

Mails of Letters or Expreſſes under the Authority of His Majeſty's Poſt-Maſter General, either when employed in conveying the ſame, or in returning after having conveyed the ſame; nor for any Waggon, Wain, Cart, or other Carriage whatſoever, or the Horſe or Horſes, or other Cattle drawing the ſame, which ſhall be employed in conveying any Ordnance, Barrack, or Commiſſariat, or other Public Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces; nor for the Horſes or Carriages of Officers or Soldiers upon their March or upon Duty; nor for any Horſes, Cattle, or Carriages employed in carrying and conveying the Arms or Baggage of any ſuch Officers or Soldiers, or in carrying any ſick, wounded, or diſabled Officers or Soldiers, or in returning from carrying or conveying the ſame; nor for any Horſe, Mare, or Gelding furniſhed by or for any Perſons belonging to any Corps of Yeomanry, or Volunteer Cavalry, or Infantry, and rode by them in going to or returning from the Place appointed for and on the Days of Exerciſe: Provided always, that ſuch Perſons ſhall be dreſſed in the Uniform of their reſpective Corps, and have their Arms, Furniture, and Accoutrements, according to the Regulations appointed for ſuch Corps reſpectively; nor for Carts, Carriages, or Waggons travelling with and conveying Vagrants or Criminals ſent with legal Paſſes, or returning from conveying the ſame; and if any Perſon ſhall claim and take the Benefit of any of the ſaid Exemptions, not being legally entitled to the ſame, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay a Sum not exceeding Forty Shillings Sterling.

Penalty of claiming Exemption where not entitled.

Exempting Carriages with Stores.

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

Application of Compenſation where exceeding 200l.

VII. And be it further 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 Life-rents, Annuities, or other Incumbrances, or ſhall belong to any Incorporation, 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, 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*, 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 to be 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 Redemption or Purchaſe of the Land Tax, or Diſcharge of any Debt or Debts, or ſuch other Incumbrance 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, in the ſame Manner as the Lands, Tenements, and 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 and 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, and Heritages ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

Application where the Compenſation does not exceed 200l., nor leſs than 20l.

VIII. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Lands, Tenements, or Heritages ſo purchaſed, taken, or uſed for the Purpoſes aforeſaid, and belonging to any Incorporation, or to any Perſon or Perſons under Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds Sterling, and not leſs than Twenty Pounds Sterling, 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 Heritages ſo purchaſed, taken, or uſed, or of his, her, or their Tutors or 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 either of the ſaid Banks, and be placed to his or their Account as aforeſaid, in order to be applied in Manner hereinbefore 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 Five or more of the ſaid Truſtees, (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 Intereſt ariſing therefrom may be applied in any Manner hereinbefore directed, ſo far as the Caſe be applicable.

Application where the Money is leſs than 20l.

IX. 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 Sterling, 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 Heritages ſo purchaſed, taken, or uſed for the Purpoſes of this Act, in ſuch Manner as the ſaid Truſtees, or any Five or more of them, ſhall think fit; or in caſe of Infancy or Lunacy, then to his, her, or their Tutors or Curators,

to and for the Uſe and Benefit of ſuch Perſon or Perſons ſo entitled reſpectively.

In caſe of not making out Titles.

X. And be it further 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 Truſtees, or in caſe ſuch Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo awarded 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 Truſtees, or any Five or more of them, to order the ſaid Sum or Sums of Money ſo awarded as aforeſaid to be paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, to the Credit of the Parties intereſted in the ſaid Lands, Tenements, or Heritages, (deſcribing them,) ſubject to the Order, Controul, and Diſpoſition of the Court of Seſſion, which ſaid 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 ſame Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the Public Funds, and 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*, who ſhall receive ſuch Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for ſuch Sum or Sums of Money, 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 the Bank as aforeſaid.

Purchaſe Money to be paid into the Bank, ſubject to the Order of the Court of Seſſion.

Where any Queſtion ſhall ariſe touching the Right to ſuch Money.

XI. And be it further enacted, That where any Queſtion ſhall ariſe touching the Title of any Perſon to any Money to be paid into 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 thereof, the Perſon or Perſons who ſhall have been in Poſſeſſion of ſuch Lands, Tenements, or Heritages at the Time of ſuch Purchaſe, and all Perſons claiming under ſuch Perſon or Perſons, or under the Poſſeſſion of 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 ſhewn to the Satisfaction of the ſaid Court of Seſſion; and ſuch Money, and the Intereſt thereof, 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.

The Court may order

XII. Provided always, and be it further enacted, That where by reaſon of any Diſability or Incapacity of the Perſon or Perſons, or Corporation,

tion, entitled to any Lands, Tenements, or Heritages to be purchaſed under the Authority of this Act, the Purchaſe Money for the ſame ſhall be required to be paid into the ſaid Banks, and to be applied in the Purchaſe of other Lands, Tenements, or Heritages, to be ſettled to the like Uſes in purſuance of this Act, it ſhall be lawful for the ſaid Court to order the Expences of all Purchaſes from Time to Time to be made in purſuance of this Act, or ſo much of ſuch Expences as the Court ſhall deem reaſonable, together with the neceſſary Coſts and Charges of obtaining ſuch Order, to be paid by the ſaid Truſtees, who ſhall from Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct. reaſonable Expences of Purchaſes to be paid by Truſtees.

XIII. And be it enacted, That it ſhall and may be lawful for the ſaid Truſtees, at a General Meeting aſſembled, and they are hereby authorized and empowered to borrow, according to the Rules and Directions laid down and preſcribed in the ſaid recited Act, upon the Credit of the Tolls and Duties by this Act granted, any Sum or Sums of Money not exceeding Four thouſand Pounds, over and above and in addition to the Sum of Four thouſand Pounds authorized to be borrowed by the ſaid recited Act; and it ſhall and may be lawful for the ſaid Truſtees, at a General Meeting aſſembled, to aſſign and make over the whole or any Part of the ſaid Tolls and Duties by this Act granted, to any Perſon or Perſons from whom the Money ſhall be borrowed, in the Manner by the ſaid recited Act directed. Further Sum to be borrowed.

XIV. And be it enacted and declared, That all Actions and Complaints for all and every the Penalties and Forfeitures impoſed by the ſaid recited Act or this Act, or for any Wrongs done or Injuries ſuffered in any Matter relative thereto, or in conſequence of any of the Powers by the ſaid recited Act or this Act given and granted, ſhall be commenced within the Space of Six Calendar Months after the Penalty or Forfeiture is incurred, or Wrong done, or Injury ſuffered, and not afterwards. Limitation of Actions.

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

XVI. 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.

XVII. And be it further enacted, That the Powers by this Act granted ſhall commence from and after the paſſing of this Act, and ſhall continue for and during the Space of Twenty-one Years, and from thence to the End of the then next Seſſion of Parliament. Commencement and Continuance of this Act.

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