ANNO SEXTO & SEPTIMO

GULIELMI IV. REGIS.

Cap. lxxxix.

An Act for altering and extending the Powers of the Trustees upon the Road from *Livingston* by *Shotts* to the City of *Glasgow*, and placing under their Charge the Bridge across the River of *Clyde* called *Hamilton Bridge*, and the Avenues thereto, and the Road between the East and the West Ends of the Town of *Hamilton*.

[4th *July* 1836.]

WHEREAS an Act was passed in the Fourth Year of the Reign of His present Majesty, intituled *An Act for the better Maintenance, Improvement, and Repair of the Road from* Livingston *by* Shotts *to the City of* Glasgow, *and the making and maintaining certain Roads connected therewith*, whereby the Trustees therein appointed were, *inter alia*, authorized to make and maintain a new Line of Road from the old Turnpike Road at or near to *Broomhouse* to the said old Turnpike Road at or near to *Belshill*, and another new Line of Road from the above-mentioned new Line of Road, through the Lands of *Uddingston*, to the Road from *Glasgow* to *Hamilton* at or near to the Village of *Uddingston*: And whereas the foresaid last-mentioned Road through the Lands of *Uddingston* has not yet been begun to be made, and a better and more convenient Line has been found, leading by or through the said Lands of *Uddingston* to the foresaid Road from *Glasgow* to *Hamilton*, and it is highly expedient

4 W. 4. c. 30.

expedient that the said original Line of Road should be abandoned, and the foresaid better and more convenient Line adopted and authorized to be made instead thereof: And whereas an Act was passed in the Tenth
10 G. 3. c. 93. Year of the Reign of His Majesty King *George* the Third, intituled *An Act for building a Bridge over the River* Clyde *near the Town of* Hamilton *in the County of* Lanark, *and for making and maintaining certain Roads and Avenues leading to the same;* and another Act was passed in the Fifty-fourth Year of
54 G. 3. c. 199. the Reign of His said Majesty King *George* the Third, intituled *An Act for altering, amending, and enlarging an Act passed in the Tenth Year of the Reign of His present Majesty, intituled 'An Act for building a Bridge over the 'River* Clyde *near the Town of* Hamilton *in the County of* Lanark, *and 'for making and repairing certain Roads and Avenues leading to the same;' and for building and maintaining in place thereof another Bridge over the said River* Clyde *further up the River, and a Bridge over the River* Avon *near its Junction with the said River* Clyde, *with the necessary Roads and Avenues to and from both Bridges:* And whereas the Powers of the said last-recited Act, so far as the same relate to the Erection of the said Two Bridges over the Rivers of *Clyde* and *Avon* respectively, were never carried into execution, and have long since lapsed and expired; but the foresaid Bridge by the said recited Act passed in the Tenth Year of the Reign of His Majesty King *George* the Third authorized to be erected, having been erected in pursuance thereof, has been since its Erection repaired and maintained under Authority of the foresaid last-recited Two Acts passed in the Tenth and Fifty-fourth Years of the Reign of His said Majesty King *George* the Third respectively; and a great Part of the Expence of erecting, repairing, and maintaining the said Bridge, and of effecting the other Purposes of the said last-mentioned Two Acts, is still owing and unrepaid; and it is right and proper that Provision should be made for the Repayment of the same, and for the farther and better maintaining and repairing of the said Bridge, and of the Roads and Avenues leading to and from the same: And whereas the said Bridge over the River of *Clyde*, and the Roads and Avenues leading to and from the same, are in the Line and form a Portion of the Road leading from the foresaid Town of *Hamilton* to the Village of *Motherwell*, and from thence towards the City of *Edinburgh*, which Road is one of the Turnpike Roads under the Charge of the Trustees now acting in virtue of the foresaid first-recited Act passed in the Fourth Year of the Reign of His present Majesty, and the said Trustees and their Predecessors, Trustees on the said Turnpike Roads, have for a great Number of Years past disbursed almost entirely from their own Funds the Expence of repairing and maintaining the said Roads or Avenues leading to and from the said Bridge, and Disputes have been begun regarding the Expence of maintaining the said Avenues, and the Duties of the several Trustees on the said Bridge and Avenues thereto, and on the said Turnpike Roads in relation thereto: And whereas it would put an end to the said Disputes, and would be highly expedient and conducive to the Public Advantage and Convenience, if the said Bridge and Avenues leading thereto were to be incorporated and consolidated with the foresaid Turnpike Road, of which they form a Part and Portion, leading from the Town of *Hamilton* towards the City of *Edinburgh*, and if they were for that Purpose to be transferred to and put under the Charge of the Trustees upon the said Turnpike Road acting in virtue of the foresaid first-recited Act passed in the Fourth Year of His present Majesty: And whereas an Act was passed in the First and Second Years of the Reign of His present Majesty King *William* the Fourth,

Fourth, intituled *An Act for amending and making more effectual the Laws concerning Turnpike Roads in* Scotland: 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 Authority of the same, That the said recited Acts passed in the First and Second Year and in the Fourth Year of the Reign of His present Majesty, and all the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, save and except so much thereof as are hereby varied, altered, or repealed, shall be as good, valid, and effectual for carrying this Act into execution as if the same had been repeated and re-enacted in the Body of this Act.

1 & 2 W. 4. c. 43.

Powers of recited Acts 1 & 2 W. 4. c. 43. & 4 W. 4. c. 30. applied to this Act.

II. And be it further enacted, That from and after the passing of this Act as much of the said recited Act passed in the Fourth Year of the Reign of His present Majesty as relates to the making and maintaining of the foresaid Road through the Lands of *Uddingston* from the new Line of Road thereby authorized to be made between *Broomhouse* and *Belshill* to the Road from *Glasgow* to *Hamilton* at or near to the Village of *Uddingston*, shall be and the same is hereby repealed; and that in lieu and instead of the foresaid Road through the Lands of *Uddingston* the said Trustees acting under Authority of the said recited Act passed in the Fourth Year of the Reign of His present Majesty, and their Successors, shall be and are hereby authorized and empowered to make and maintain a Road from the said new Line of Road by the said last-mentioned Act authorized to be made from *Broomhouse* to *Bellshill*, at a Point at or near to where the said new Line of Road is intended to cross the Farm Road leading to the Farm of *Bog* and others, by or through the Lands of *Uddingston*, until the the said Road join the Turnpike Road from *Glasgow* to *Hamilton* at a Point at or near to the North-east End or Side of the Village of *Uddingston*; provided always, that the said Road shall not be made through any Orchard, Garden, Lawn, Policy, Nursery for Trees, planted Walk or Avenue to any House, nor through inclosed Ground planted as an Ornament or Shelter to a House, without the Consent of the Owners and Occupiers thereof, save and except in the Case of the Persons whose Names are set out in the Schedule hereunto annexed.

Power to make Road through the Lands of Uddingston repealed, and new Line of Road to be made instead thereof.

III. And be it further enacted, That from and after the passing of this Act as much of the said recited Acts passed in the Tenth Year and in the Fifty-fourth Year of the Reign of His Majesty King *George* the Third as relates to the Appointment of the Magistrates and Town Council of *Hamilton* as Trustees under the said Acts, and as much thereof as is inconsistent with the Enactments and Provisions herein-after made, shall be and the same is hereby repealed; and thef oresaid Bridge over the River *Clyde*, and other Works by the said Act authorized to be made and maintained, shall be and are hereby transferred and committed to the Charge and Management of the Trustees acting under the Authority of the said recited Act passed in the Fourth Year of the Reign of His present Majesty, who shall from and after the passing of this Act be Trustees for carrying into execution the whole Powers and Authorities of the said recited Acts passed in the Tenth and Fifty-fourth Years of the Reign of His Majesty King *George* the Third.

Appointment of Trustees on Hamilton Bridge repealed, and the Management thereof transferred to the Shotts Road Trustees.

IV. And

Hamilton Bridge Trust consolidated with Shotts Road Trusts, and the Acts 10 G. 3. c. 93. 54 G. 3. c. 199. 56 G. 3. c. 83. & 2 W. 4. c. 100. applied to this Act, and continued during the term of 4 W. 4. c. 30.

IV. And be it further enacted, That from and after the passing of this Act the Trust upon the said Bridge and Avenues thereof, and upon the improved Piece of Road between the East and West Ends of the Town of *Hamilton* herein-after mentioned, shall be and the same is hereby incorporated and consolidated with the Trust existing by virtue of the said recited Act passed in the Fourth Year of His present Majesty, and the said Trusts shall be put in force and carried into execution as one and the same Trust under the Authority of the said Act passed in the Fourth Year of the Reign of His present Majesty and this Act, and for that Purpose the said recited Acts passed in the Tenth and Fifty-fourth Years of the Reign of His Majesty King *George* the Third, and all the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, save and except such Parts thereof as are hereby varied, altered, or repealed, as also as much of an Act passed in the Fifty-sixth Year of the Reign of His Majesty King *George* the Third, Chapter Eighty-third, and another Act passed in the Second Year of the Reign of His present Majesty, Chapter One hundredth, as relates to the said Acts passed in the Tenth and Fifty-fourth Years of the Reign of His Majesty King *George* the Third, shall be as good, valid, and effectual for carrying this Act into execution as if the same had been repeated and re-enacted in the Body of this Act; and the same, so far as not hereby varied, altered, or repealed, shall continue and remain in force during the Remainder of the Term of the said recited Act passed in the Fourth Year of the Reign of His present Majesty.

Separate Accounts to be kept of the Receipts and Disbursements under the Hamilton Bridge Acts, and Revenues to be applied towards the existing Debts thereon until the same be discharged.

V. Provided always, and be it enacted, That the said Trustees shall be obliged and they are hereby required to keep a separate and distinct Account of the Monies received and disbursed by them in virtue of the Powers and Authorities hereby transferred to them of the said recited Acts passed in the Tenth, Fifty-fourth, and Fifty-sixth Years of the Reign of His Majesty King *George* the Third, and in the Second Year of His present Majesty, until the whole of the Debts and Obligations at present owing and incurred in virtue and by Authority of the said recited Acts passed in the Tenth and Fifty-fourth Years of the Reign of His Majesty King *George* the Third shall be fully paid, and implemented or discharged by the Persons having a Right to such Debts or to the Fulfilment of such Obligations; and until such Payment be made, Implement given, or Discharge obtained, it shall not be in the Power of the said Trustees to reduce or lower the Rate of Pontage at present exacted at the said Bridge without the Consent of the Creditors thereon; and the whole of such Monies, after Deduction of the necessary Expences of maintaining and supporting the said Bridge, shall be annually applied by the said Trustees, at the Sight of the said Persons having Right for the Time being to such Debts or any Part thereof, or to the Implement of such Obligations, to the Payment, in the first place, of the Interest due to such Persons, and thereafter towards the Payment of the Principal Sums of such Debts and the Fulfilment of such Obligations in rateable Proportions: Provided always, that the said Magistrates and Town Council of *Hamilton* and the Persons in right of the said Debts shall have full Power to inspect or cause to be inspected the Accounts of the said Monies so to be kept at all Times when they think proper, in order to see that the same are regularly applied as hereby directed; and provided also, that an Account of the Revenue and Expenditure of the said Bridge shall be annually transmitted to the Clerk of

Supply of the County of *Lanark*, to be laid before the Meeting of the Commissioners of Supply of the said County, on the Thirtieth *April*, yearly.

Revenues of Shotts Road Trust not to be liable for present Debts of Hamilton Bridge Trust unless the Trustees think fit.

VI. Provided further, and be it enacted, That, unless in the event hereinafter provided for, the Rates, Tolls, and Duties granted by the said recited Act passed in the Fourth Year of the Reign of His present Majesty, and the other Monies raised under Authority of the same, shall not be liable for nor applicable to the Payment of any Part of the said existing Debts or Obligations incurred under Authority of the said Acts passed in the Tenth and Fifty-fourth Years of the Reign of His Majesty King *George* the Third: Provided nevertheless, that it shall be in the Power of the said Trustees and they are hereby authorized, if they should think fit, to pay the said existing Debts or the Interest thereof, or any Part of the same, out of the Rates, Tolls, and Duties, and other Monies to be raised under the Authority of the said recited Act passed in the Fourth Year of the Reign of His present Majesty and this Act, or to grant Bonds or Mortgages therefor over the said Rates, Tolls, and Duties, upon such Conditions as they may think fit, such Bonds and Mortgages being always postponed to any other Bonds or Mortgages over the same Rates, Tolls, and Duties previously granted by the said Trustees; and in the event of the said Trustees making Payment of the said existing Debts or any Part thereof they shall thereafter be entitled to recover Payment of the same and Interest thereon out of the Tolls, Rates, and Duties authorized to be levied on the said Bridge by the said recited Acts passed in the Tenth and Fifty-fourth Years of the Reign of His Majesty King *George* the Third and in the Second Year of His present Majesty.

After present Debts are paid, Bridge may be maintained out of the Tolls on the Roads.

VII. Provided further, and be it enacted, That as soon as the whole of the said Debts and Obligations at present owing and incurred in virtue and by Authority of the said recited Acts passed in the Tenth and Fifty-fourth Years of the Reign of His Majesty King *George* the Third shall be fully paid and implemented or discharged by the Persons having a Right to such Debts or to the Fulfilment of such Obligations, then the said Bridge may thereafter be maintained and supported by the said Trustees, if the said Trustees shall so think fit, out of the Monies to be raised by them in virtue of the said recited Act passed in the Fourth Year of His present Majesty, any thing in the said recited Act passed in the Tenth Year of His Majesty King *George* the Third to the contrary notwithstanding: Provided always, that in the event of the said Trustees not supporting and maintaining the said Bridge and Avenues out of the said Monies, the Right of Control or other Right vested in the Commissioners of Supply of the County of *Lanark* by the said recited Acts or any of them shall continue and remain in the same Manner as if this Act had not been passed.

Disputed Claims between the Hamilton Bridge Trust and Shotts Road Trust discharged.

VIII. Provided further, and be it enacted, That from and after the passing of this Act no Claim shall be competent to the Trustees upon the said Bridge heretofore acting under the said recited Acts passed in the Tenth and Fifty-fourth Year of the Reign of His Majesty King *George* the Third, or to the Trustees hereby appointed on the said Bridge, or to any other Person or Persons, against the Trustees upon the said Roads acting under the said recited Act passed in the Fourth Year of the Reign of His present Majesty and this Act, nor shall any Claim be competent to the last-

mentioned Trustees against the first-mentioned on account of the Situation in which the Toll Bars have been or are placed upon the said Roads, or the Manner in which the Tolls upon the said Bridge and Roads respectively have been collected or applied, or on account of any Payments having been made or Expences disbursed out of the Revenues of either of the said Trusts on account or for behoof of the other, all such Claims, if any, being hereby discharged, and declared to be to all Intents and Purposes null and void, and the said Toll Bars as now erected on the said Bridge and Roads being hereby declared to be legal, any thing in the said recited Acts to the contrary notwithstanding.

Saving the Powers of Magistrates and Council of Hamilton to levy and apply Statute Labour Money.

IX. Provided further, and be it enacted, That nothing herein contained shall be held or construed to repeal, abridge, take away, or affect the Powers of the Magistrates and Town Council of the Town of *Hamilton*, under Authority of the said recited Act passed in the Tenth Year of the Reign of His Majesty King *George* the Third, to levy and apply the Statute Labour Conversion Money exigible within the Burgh of *Hamilton*, all which Powers are hereby reserved entire to the said Magistrates and Town Council and their Successors; provided that the said Magistrates and Town Council, as representing the Community of the said Burgh of *Hamilton*, shall from and after the passing of this Act be under no Obligation to support and maintain the said Bridge and Avenues to and from the same, of which they are hereby freed and relieved in all Time coming.

Shotts Road Trustees to take charge of improved Road between the East and West End of Hamilton.

2 W. 4. c. 100.

X. And whereas by an Act passed in the Second Year of the Reign of His present Majesty King *William* the Fourth, intituled *An Act for amending and enlarging the Powers and renewing the Term granted by certain Acts passed for improving the Communication between the City of* Glasgow *and the City of* Carlisle, it was made lawful to and for the foresaid Trustees acting under the Authority of the said recited Act of the Fourth Year of the Reign of His present Majesty, and to the Trustees acting under certain other Acts therein recited, or to any of them, to carry into execution certain Improvements between the East and the West End of the Town of *Hamilton;* and the said Improvements, which consist of a Piece of new Road branching from the Turnpike Road under Charge of the said *Shotts* Road Trustees, near the South Gate of *Hamilton* Palace, to the *Quarry Loan Foot* of *Hamilton*, and a Bridge on the Line thereof over *Cadzow Burn*, have accordingly now been made and executed: And whereas it is expedient that the foresaid new Piece of Road and Bridge were consolidated as after written with the Trust of the Remainder of the Road from *Hamilton* to *Glasgow* under Charge of the said *Shotts* Road Trustees; be it therefore enacted, That it shall and may be lawful to and for the foresaid *Shotts* Road Trustees, and they are hereby authorized and empowered, to take the entire and exclusive Charge of and to uphold and maintain the whole of the above-described Piece of new Road between the East and West Ends of the Town of *Hamilton*, and to agree or compound in regard to the Debts affecting the same, and undertake for the proper Maintenance thereof in Time coming, upon such Terms and Conditions as shall be mutually arranged and agreed upon between them the said *Shotts* Road Trustees and the other Trustees and Creditors interested in the Debts and Maintenance of the said Piece of new Road; and the said other Trustees and all the other Persons interested in the said new Piece of Road are hereby authorized to transact, agree, or compound with the said *Shotts* Road Trustees

in

in regard to the Debts and future Maintenance and Management of the same accordingly.

Carriages returning same Day not to be liable in new Toll unless Load exceed 1 cwt.

XI. And whereas Doubts have arisen as to the Right of the said Trustees to levy Toll under the said recited Act passed in the Fourth Year of the Reign of His present Majesty for and in respect of Waggons, Wains, Carts, and other Carriages returning or passing more than once in the same Day through the Toll Bars by the said recited Act authorized to be erected; be it enacted, That the said Trustees may and they are hereby authorized to levy and receive the respective Rates and Toll Duties granted by the said recited Act for and in respect of Waggons, Wains, or Carts, or other such Carriages, for each Time that such Waggons, Wains, Carts, or other such Carriages shall pass through any such Toll Bar in the same Day with a new Loading, if the Weight of such new Loading shall exceed One Hundred Weight.

Expences of Act.

XII. And be it further enacted, That the whole of the Expence of obtaining this Act shall be paid by the said Trustees acting under Authority of the said recited Act passed in the Fourth Year of the Reign of His present Majesty, out of the Funds of the Trust under their Charge.

Public Act.

XIII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

Term of Act.

XIV. And be it further enacted, That the Powers granted by this Act shall commence from and after the passing thereof, and shall continue during the whole of the Remainder of the Term of the said recited Act passed in the Fourth Year of the Reign of His present Majesty.

The

The SCHEDULE referred to in the foregoing Act.

Owners.	Occupiers.	Parish.	County.
Andrew Rae or John Rae - - -	John Rae junior - -	Bothwell -	Lanark.
Alexander Barr's Heirs	Mrs. Barr - - -	Ditto - -	Ditto.
Andrew Jack, Portioner, Uddingstone -	Alexander Young, Widow Rae, and John Rynard	Ditto - -	Ditto.
Lord Douglas - -	William Colgate and John Lindsay - -	Ditto - -	Ditto.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE,
Printers to the King's most Excellent Majesty. 1836.