



ANNO QUINQUAGESIMO PRIMO

# GEORGI III. REGIS.

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## Cap. 70.

An Act for erecting and maintaining a Bridge over the River *Clyde*, near *Garion* and *Dalserf*, in the County of *Lanark*. [14th May 1811.]

**W**HEREAS the Fords on the River *Clyde* near *Garion*, in the County of *Lanark*, have become very deep, variable and dangerous, and the Ferry at *Dalserf*, near the same Place, is always inconvenient and often impassable: And whereas the erecting of a Bridge over the said River near the Places aforesaid, and maintaining and upholding the same, would be highly beneficial to the Publick; but as those useful Purposes cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty, That it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the Authority of the same, That the Proprietor or Owner of the Lands of *Carnfilloch* in the Parish of *Dalserf* and County of *Lanark*, now and for the time being, Sir *James Stewart Denham* of *Coltness* in the County of *Lanark*, Baronet, or the Proprietor or Owner of the Lands of *Garion-Haugh*, in the Parish of *Cambusnetban* and County of *Lanark* aforesaid, for the time being, and every Person who has already subscribed or shall hereafter subscribe to the Extent of Fifty Pounds Sterling and upwards, for carrying into Effect the Purposes of this Act, shall be and are hereby appointed Trustees for erecting, building and maintaining a Bridge over the said River *Clyde*, at the Place which shall be found most convenient betwixt the publick Ferry at *Dalserf* and the Ford below *Garion Miln* in the County of *Lanark*; with Power to the said Trustees to dig and make proper Foundations in the

[Loc. & Per.] 16. M. said

faid River, and on the Lands on each Side thereof, for the Piers and Abutments of the faid Bridge; and to remove all Trees, Gravel, Sand, Mud, or any other Impediment whatsoever which may hinder the erecting and completing the faid Bridge; and from time to time and at all Times hereafter, to do all other Matters and Things necessary and convenient for erecting, maintaining and supporting the faid Bridge, and for executing all the Purposes of this Act.

Meeting of Trustees.

II. And be it further enacted, That the First General Meeting of the Trustees under this Act shall be held at *Dalserf* on the Third *Monday* after the passing of this Act, or as soon thereafter as conveniently may be; and their Second General Meeting on the First *Saturday* of *October* next, and thereafter the said Trustees shall hold Two stated General Meetings at *Dalserf* in each Year, during the Continuance of this Act, One upon the First *Saturday* of *April*, and the other on the First *Saturday* of *October*; and at all such General Meetings Three Trustees shall be a Quorum, and if it shall happen that there shall not appear at any such Meeting a sufficient Number of Trustees to act at such Meeting, it shall be in the Power of any One or more Trustees who may attend to adjourn the Meeting, to be held at the same or any other convenient Place, on any lawful Day, not less than Ten Days nor more than Three Weeks from the Day appointed for the last Meeting; and in case no Trustee shall attend, then, and in such Case, the Clerk to the said Trustees shall, by an Advertisement in any Newspaper published in the City of *Glasgow*, at least Ten Days before the next Meeting, appoint the said Trustees to meet at the Place where the last Meeting of the said Trustees was appointed to be held, on that Day Fortnight on which the last Meeting of the said Trustees was appointed to be held; and at all Meetings of Trustees to be held under the Authority of this Act, the said Trustees shall pay their own Expences.

Quorum.

Trustees to pay their own Expences.

Officers to be appointed.

III. And be it further enacted, That it shall and may be lawful to and for the said Trustees, at a General Meeting assembled as aforesaid, to choose and appoint fit Persons to be Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, and Clerk or Clerks to the said Trustees, for receiving the Tolls or Pontage granted and made payable by this Act; or such other Officers as they shall think proper, and from time to time to remove such Treasurers, Receivers, Collectors, Clerks or other Officers, or any of them, and to appoint new ones in case of the Death or Remoyal of them or any of them; and all and every Person or Persons who is, are, or shall be liable by this Act to pay the said Pontage, is and are hereby required to pay the same to the said Collector or Collectors, or Receiver or Receivers so from time to time to be appointed as aforesaid; and such Collector or Collectors, Receiver or Receivers, or Person or Persons to be appointed as aforesaid for receiving the said Tolls and Pontage shall, on the First *Monday* of every Month, or at any other Time or Times to be appointed by the said Trustees, give in a true, particular, exact and perfect Account in Writing under their respective Hands, with their respective Vouchers, of all Money which they, every, or any of them have received or paid and disbursed by virtue of this Act, by reason of their respective Offices, and verify the same upon Oath if required; and in case any Overplus Money so received shall remain in their or any of their Hands, they shall pay the same.

To account.

same in to the said Trustees, or to such Person or Persons as they at a General Meeting assembled, shall authorize and appoint to receive the same, to be laid out and applied for the Purposes of this Act; and the said Trustees, at a General Meeting assembled, shall and may, and they are hereby authorized and empowered, out of the Money arising out of the said Tolls or Pontage, to make such Allowances to the Officers so appointed by them, for and in consideration of their Care and Pains in the Execution of their respective Offices, as to them shall seem good, over and above the necessary Disbursements made by them; and in case the said Collector or Collectors, Receiver or Receivers, or any other Person or Persons concerned in the Collection or Receipt of the aforesaid Tolls or Pontage, or any of them, shall not make such Account and Payment as aforesaid, or shall misapply the Monies received, then it shall be lawful for any Two or more Justices of the Peace for the said County to make Enquiry of and concerning such Offence, as well by the Confession of the Parties themselves as by the Testimony of One or more credible Witnesses or Witnesses upon Oath, (which Oath any One of the said Justices is hereby empowered to administer,) or by other legal Evidence; and if any Person or Persons shall be convicted of any of the Offences aforesaid before such Justices, they the said Justices shall be and they are hereby empowered to levy a Sum or Sums of Money from such Person or Persons, not exceeding Double the Amount of the Sum or Sums not accounted for, or unduly detained or misapplied as aforesaid; and in case such Person or Persons shall refuse or be unable to pay the same, then, and in such Case, it shall and may be lawful to and for the said Justices to commit such Person or Persons to the Common Gaol of the said County, there to remain until he, she or they shall have rendered a true and particular Account, and made Payment as aforesaid, or until he, she or they shall have compounded and agreed for the same with the said Trustees, or any Three or more of them, (which Composition they, or any Three or more of them, are hereby empowered to make,) and have paid such Composition to the Treasurer or Treasurers of the said Trustees for the time being, or such Person or Persons as the said Trustees shall have appointed to receive the same: Provided always, that no Officer or Person, who shall be committed for such Offence as aforesaid, shall be detained in Prison by virtue of this Act, for any longer Space of Time than Three Calendar Months.

Penalty for  
not account-  
ing.

IV. And be it further enacted, That the said Trustees shall be and are hereby required to take such Security from the Treasurer or Treasurers, or Collector or Collectors, to be appointed for the Purposes of this Act, for the due Execution of their Offices, as to the said Trustees shall seem meet.

Treasurer or  
Collector to  
find Security.

V. Provided always, and be it further enacted and declared, That no Person or Persons appointed by this Act a Trustee or Trustees for putting this Act in Execution, shall have or accept of any Place of Profit arising out of, or by reason of any Pontage by this Act granted, but such Person or Persons shall be incapable of acting as a Trustee or Trustees from the Time of accepting such Place of Profit as aforesaid; and no Person who shall keep a Publick House, for the selling or retailing of Beer, Ale, or Spirituous Liquors, shall be capable to act as a Trustee, or to be appointed

Trustees not  
to accept a  
Place of  
Profit, &c.

appointed an Officer for the Execution of any of the Trusts or Powers of this Act.

Avenues to  
the Bridge.

VI. And be it enacted, That the said Trustees shall be, and they are hereby authorized and empowered to make from the North East End of the said Bridge a proper Avenue and Road of Forty Feet in Breadth, passing in the most convenient Direction to join the present Publick Road which leads by *Horselybrae* to *Overton* and the Highway from *Glasgow* by *Carlisle* to *Lanark* and *Carnwath*, on the North of the *Clyde*, and to maintain and repair the said Avenue and Road to the Extent of One hundred Yards from the said Bridge; and also from the South West End of the said Bridge, to make another proper Avenue and Road of Forty Feet in Breadth, passing in the most convenient Direction to join the present Publick Road which leads betwixt *Lanark* and *Hamilton* on the South Side of the *Clyde*, and to raise and bank up the same where necessary above the Level of the highest Flood, and to maintain and repair the said Publick Road to the Extent of One hundred Yards from the said Bridge; and from time to time and at all Times hereafter to do all Things necessary or convenient for making, maintaining and repairing the said Avenues and Roads.

Power to  
open Quar-  
ries, &c.

VII. And be it further enacted, That the said Trustees shall be, and they are hereby authorized and empowered, upon making Satisfaction to Owners and Occupiers as herein-after mentioned, to open Stone Quarries, and to dig, gather, take and carry away any Gravel, Furze, Heath, Stones, Sand or other Materials out of the Grounds of any Person or Persons (not being the Ground whereon any House or Buildings stand, or a Garden, Orchard, Yard, planted Walk or Walks, or Avenue to a House, or any Piece or Parcel of enclosed Grounds planted and set apart as a Nursery for Trees) where such Materials are or may be found, and from time to time to carry away the same or so much thereof as the said Trustees shall judge necessary for building, making, repairing and maintaining the aforesaid Bridge, Avenues, and Roads: Provided always, that nothing in this Act contained shall extend or be construed to extend to enable the said Trustees to open any Stone Quarries, nor to dig, gather, take or carry away any Gravel, Furze, Heath, Stones, Sand or other Materials at a greater Distance from the said Bridge than Three Statute Miles.

Proprietors  
under Entail  
or not, may  
renounce  
Claims of  
Damage.

VIII. Provided always, and be it enacted, That it shall be in the Power of all Proprietors and Occupiers of Land, as well entailed as unentailed, to give up and renounce every Claim of Damage or otherwise competent to them in regard to the Matters aforesaid, and that such Renunciation is and shall be equally binding on the Heirs of such Proprietors.

Compen-  
sation to be  
made to  
Owners and  
Occupiers  
of Grounds.

IX. And be it enacted, That the said Trustees shall pay such Damages to the Owners and Occupiers respectively of any Lands, Grounds, or Houses, Walls or Fences which shall be damaged by the building, making or maintaining the said Bridge, Roads and Avenues, or by taking and carrying away Materials for the same, or otherwise as the said Trustees shall judge fair and reasonable; but if any such Owners or Occupiers shall not be satisfied with the Offer made to them by the said Trustees, or shall

shall refuse to treat with them, the said Trustees shall be and they are hereby authorized to apply to the Sheriff Depute of the said County, or his Substitutes, who, upon such Application, is and are hereby authorized and required to summon and impanel a Jury of Fifteen discreet, substantial and disinterested Persons, being either Owners or Occupiers of Lands within the County, to come and appear before him or them at such Time and Place as by his or their Warrant and Precept shall be directed, Information of Fifteen Days being given by the Trustees of such Appointment to the Parties or their known Agents, and on such Day the Jury being duly sworn, the Sheriff Depute or his Substitute shall proceed to examine upon Oath in their Presence such Witnesses as shall be summoned by either Party, and upon their Depositions and other competent Evidence such Jury shall determine the Price to be paid by the said Trustees, and their Verdict shall be final and conclusive on all Parties, without being subject to Review or Stay by Advocation, Suspension or Reduction, or in any Manner whatsoever; and the Sheriff Depute or his Substitute shall thereupon order Payment to be made of the Sums awarded by the Jury, and shall ordain the Owners and Occupiers of the Premises, or their Trustees, Tutors or Curators, upon Payment or lawful Tender thereof, quietly to permit and suffer the said Trustees to take Possession of the said Grounds.

X. Provided always, and be it enacted, That if such Jury shall by their Verdict adjudge the said Premises to be of greater Value than the said Trustees shall have offered for the same, but less than the Owner or Owners, Occupier or Occupiers shall have required, the Expence of such Jury shall be borne and defrayed by such Trustees, and such Owner or Owners, or Occupier or Occupiers equally; but in case the said Jury shall award to such Owner or Owners, Occupier or Occupiers, the Sum required, or any greater Sum, the Whole of the said Expence shall be paid by the said Trustees; and in case the said Jury shall award the Sum so offered by the said Trustees, or any less Sum, the Whole of the said Expence shall be paid by the said Owner or Owners, Occupier or Occupiers: Provided also, that in all Cases where any Person or Persons shall by reason of Absence have been prevented from treating; such Expences shall be borne by the said Trustees in Manner aforesaid.

Expences of Jury, by whom to paid.

XI. And, to prevent unnecessary Trouble and Delay, be it further enacted, That in case any Person interested shall apply for and obtain from any Judge competent, a Warrant for stopping the Execution of any of the Purposes to be carried on by the said Trustees under the Authority of this Act, the said Judge is hereby directed and empowered to recal such Warrant, and remove any Sift obtained as aforesaid, provided sufficient Caution is found by the Trustees therein named, for the Amount of such Damages as may be ultimately awarded to the Person suing for the same.

Any Warrant for stopping the Work to be recalled on Caution found.

XII. And be it further enacted, That all Lands and Premises which may be acquired by the said Trustees in pursuance of this Act, shall be vested in the said Trustees by the simple Discharge for the agreed Price or appraised Value thereof, or by Consignation of the said Price or Value in the Bank of Scotland, or Royal Bank of Scotland, in Manner herein-after directed, with regard to Consignations as the Case may be; and it shall

How Lands are to be vested in the Trustees.

be sufficient to record the Discharge or the Voucher of Consignation in the Sheriff Court Books of the said County, whereupon the said Trustees shall be entitled to take and use the said Lands and Premises, and shall hold the same as validly and effectually to all Intents and Purposes as if the respective Owners thereof had executed in their Favour regular Dispositions of the same, and Infeftments had followed thereupon.

Incorporated  
Persons, &c.  
empowered  
to convey.

XIII. And be it further enacted, That the said Trustees shall be and they are hereby empowered to take and acquire, and all Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, Heirs of Entail, Husbands, Trustees, Tutors and Curators, and all and every Person and Persons whatsoever, though under any legal Disability or Incapacity, are hereby empowered and required to sell, feu, let, and convey all such Lands or Premises as may be necessary for the Purposes of this Act, upon such Satisfaction being made to the Owner or Owners, and Occupier or Occupiers as can be agreed upon by and between the said Trustees, and such Owner or Owners, Occupier or Occupiers; and in the Event that they cannot agree, then upon Payment of such Sum or Sums of Money as shall be awarded by a Jury in the Manner herein-before directed. •

Application  
of Com-  
pensation  
where  
amounting to  
200l.

XIV. 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, Lunatick 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 Sterling, 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 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 Intents, Uses 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 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 mean Time, 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.

XV. Pro-

XV. 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 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 the Sum of 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 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 Three 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 the Interest arising therefrom, may be applied in any Manner herein-before directed, so far as the Case be applicable.

Application where the Compensation is less than 200l. and not less than 20l.

XVI. 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 Three 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.

Application where the Money is less than 20l.

XVII. 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 Three 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 Publick 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

In case of not making out Title, &c.

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

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.

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

XVIII. 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 reasonable Expences of Purchases to be paid by Trustees.

XIX. Provided always, and be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons, or Corporation 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 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 to time pay such Sums of Money for such Purposes as the said Court shall direct.

Ground taken, not to diminish valued Rent.

XX. Provided always, and be it enacted, That in every Case where it may be necessary to exchange or take Ground, as herein-before allowed, for the Purposes of this Act, the same shall not affect, alter or diminish the valued Rent of the Lands from which such Grounds shall be so taken.

Trustees may erect Turnpikes.

XXI. And be it further enacted, That as soon as the said Bridge shall be completed and the Passage thereof opened, the said Trustees shall be, and they are hereby authorized and empowered to erect a Gate or Gates, Turnpike or Turnpikes, upon or at the End of the said Bridge or near thereunto, to erect and build a Toll House, and set off a Piece of Garden Ground in a convenient Place adjoining thereunto, the House, Steading and Garden not occupying more than a Rood of Land Scots Measure, the Value of which, if disputed, to be ascertained by a Jury in Manner herein-before directed; and, before any Passage shall be permitted over the said Bridge, it shall be lawful to ask, demand, receive, recover,



recover, and take, a Toll or Pontage not exceeding the Sums following ;  
(that is to say),

For every Coach, Chariot, Berlin, Landau, Calash, Chaise, Chair, or Hearse, drawn by Six Horses, Mares, Geldings, or Mules, the Sum of Six Shillings Sterling ; and drawn by Four Horses, Mares, Geldings, or Mules, the Sum of Four Shillings Sterling ; and drawn by Three Horses, Mares, Geldings, or Mules, the Sum of Three Shillings Sterling ; and drawn by Two Horses, Mares, Geldings, or Mules, the Sum of Two Shillings and Sixpence Sterling ; and drawn by One Horse, Mare, Gelding, or Mule, the Sum of One Shilling and Sixpence Sterling :

For every Waggon, Wain, Cart, Sledge with Wheels, or other Carriage, drawn by Six or more Horses, Oxen, or other Beasts of Draught, the Sum of Three Shillings and Sixpence Sterling, and drawn by Five Horses, Oxen, or other Beasts of Draught, the Sum of Three Shillings Sterling ; and drawn by Four Horses, Oxen, or other Beasts of Draught, the Sum of Two Shillings and Sixpence Sterling ; and drawn by Three Horses, Oxen, or other Beasts of Draught, the Sum of Two Shillings Sterling ; and drawn by Two Horses, Oxen, or other Beasts of Draught, the Sum of One Shilling and Sixpence Sterling ; and drawn by One Horse, Ox, or other Beast of Draught, the Sum of Nine-pence Sterling :

For every Sledge without Wheels, drawn by One Horse, Ox, or other Beast of Draught, the Sum of One Shilling and Sixpence Sterling :

And for every Horse, Mare, Gelding, Ass, or Mule, whether in Hand, loaded, or bearing a Rider or Riders, the Sum of Nine-pence Sterling :

For every Drove of Oxen or neat Cattle, Horses or Fillies unshod, the Sum of Two Shillings and Sixpence Sterling *per* Score ; and so in proportion, for any greater or lesser Number :

For every Drove of Calves, Sheep, Lambs, Goats, or Hogs, the Sum of One Shilling and Sixpence Sterling *per* Score ; and so in proportion for any greater or lesser Number :

And for every Passenger on Foot, One Penny Sterling :

Which respective Sums so to be demanded and taken in Name of Toll or Pontage, and the Money so to be raised and received, shall be and is hereby vested in the said Trustees, and shall be applied to and for the several Uses and Purposes of this Act, and in such Manner as is herein directed.

XXII. And be it enacted, That all Persons passing over the said Bridge shall be liable in Payment of the Pontage Duties hereby granted, notwithstanding such Persons may be carried in or upon any Waggon, Wain, Cart, or other such Carriage, or on Horseback, or otherwise riding, and that over and above, and besides the Pontage Duties payable for every such Waggon, Wain, Cart, or other such Carriage, and for every Horse, Mare, Gelding, Mule or Ass, excepting always the proper Driver or Drivers of every such Waggon, Wain, Cart, or other such Carriage, and the Person or Persons for whose proper Use every such Waggon, Wain, Cart, or other such Carriage, may be *bonâ fide* employed when so passing, and excepting also One Rider upon every Horse, Mare, Gelding, Mule, or Ass, not drawing ; and if any Person shall claim Exemption from the Payment of the said Pontage Duties, not being entitled thereto, every such Person shall forfeit and pay any Sum not exceeding Forty Shillings Sterling for every such Offence.

To prevent  
Evasion of  
Duty.

Tolls to be  
recovered by  
Distress and  
Sale.

XXIII. And be it enacted, That if any Person or Persons, subject to the Payment of any of the said Tolls or Pontage, shall refuse to pay the same, or any Part thereof, it shall be lawful for the Person or Persons appointed to collect the said Tolls or Pontage as aforesaid, to seize and distrain any Horse or other Cattle, or any Carriage, or other Matter or Thing upon or in respect whereof any such Toll or Pontage are by this Act imposed, or the Goods and Chattels of any such Person or Persons as ought to pay the same, and to detain and keep such Distress for any Time not exceeding the Space of Six Days, and then, if such Tolls or Pontage, together with the Charges of such Seizure, Distress, and Detainer, shall not be fully paid and satisfied; the Person or Persons so distraining shall and may, upon obtaining a Warrant for that Purpose from One of the Justices of the Peace for the County of *Lanark*, (which Warrant any One of such Justices is hereby authorized and empowered to grant,) sell the Cattle or other Goods so distrained, returning the Overplus in Money, (if any be,) upon Demand to the Owner thereof, after such Tolls or Pontage and all reasonable Charges occasioned by such Distress, Detention, and Sale shall be deducted.

Fords and  
Ferries to be  
shut up.

XXIV. And be it further enacted, That from and after the completing of the said Bridge, Avenues, and Roads, and opening of the Passage thereof, the Fords of the said River *Clyde* known by the Names of *Darnford*, *Dalserf-ford*, *Stream* or *Mauldsly-ford*, *Burnetholm-ford*, *Castle Willows* or *Willance-ford*, and all other Fords, and also all Ferries on or across the said River, within the Distance of Two Miles below the said Bridge, to *Castle Willows* or *Willance-ford*, above the said Bridge, including in the said Space the said *Darnford*, and the said Ford called *Castle Willows* or *Willance-ford*, and all other Fords or Ferries within the Distance of Two Miles above, and Two Miles below the said Bridge, shall cease to be Publick Fords or Publick Ferries; and that if any Person or Persons after the said Bridge and Avenues are completed, and the Passage thereof opened, shall, with an Intent to evade the Payment of all or any Part of the said Tolls or Pontage, pass the said River, at any Ferry or Ford, on or across the said River, within the Limits before mentioned; or shall take off, or cause to be taken off, any Horse, or other Beast, from any Carriage, on either Side of the said Bridge, or shall forcibly or wilfully pass through the said Gate or Gates, Turnpike or Turnpikes to be erected by the said Trustees, without Payment of the said Tolls or Pontage, or any Part thereof, or shall quit the Publick Road before coming to the said Bridge, and shall drive or shall pass through the said River with any Beast or Beasts at any of the Fords or Ferries above-mentioned, above or below the said Bridge, by means whereof the said Toll or Pontage may be evaded; every Person so offending, in each of the Cases aforesaid, shall, for every such Offence, forfeit and pay the Sum of Forty Shillings Sterling, over and above the respective Toll Duties; whereof One Moiety shall be paid to the Informer or Informers, and the other Moiety shall be applied to the Purposes of this Act: and if any Person or Persons shall ply upon, work, or use any Ferry within the Limits or Boundaries above-mentioned, he, she or they shall forfeit and pay the Sum of Forty Shillings Sterling for every Person, Beast, or Carriage whatsoever, which shall be so ferried or conveyed across the said River; whereof One Moiety shall be paid to the Informer or Informers, and the other Moiety shall be applied to the Purposes of this Act.

XXV. Pro-

XXV. Provided always, That the said Trustees shall make Compensation to the Proprietors of such Ferries for the Damage thereby occasioned, where such Compensation shall be demanded by such Proprietors, and in case of any Difference such Compensation shall be settled and ascertained by a Jury, and ordered to be paid by the Sheriff of the said County, in Manner as herein-before mentioned, with regard to the ascertaining and ordering Payment of the Value of the Lands and Houses to be taken for the Purposes of this Act.

Compensation to be made.

XXVI. Provided always, and it is hereby enacted and declared, That nothing in this Act contained shall extend, or be construed to extend, to hinder or prevent the Proprietor of the Lands and Estate of *Mauldslie* now and for the Time being, or those in his Service or Employment, or the Family residing at the House of *Mauldslie*, or their Friends and Visitors and their Servants, when going to and coming from the House or Offices of *Mauldslie*, or to and from the Lands belonging to the Proprietor of that Estate on the opposite Side of the said River *Clyde* to the said Lands of *Mauldslie* from passing and repassing the said River *Clyde*, by the said Ford called *Stream* or *Mauldslie-ford*, or by any Private Ferry Boat or Boats on the said River, worked directly opposite to any Part of the said Lands and Estate of *Mauldslie*; such passing and repassing being confined solely to the Uses and Purposes of going and coming to and from the said House or Offices of *Mauldslie*, or to and from the said Lands belonging to the Proprietor of that Estate on the opposite Side of the said River *Clyde* to the said Lands of *Mauldslie*; and the Proprietor of the said Lands and Estate of *Mauldslie* shall in consideration thereof be and is hereby bound to pay annually to the Collector of the Pontage Duties at the said Bridge, a certain Sum to be fixed by the Trustees appointed for executing the Purposes of this Act, not exceeding the Sum of Five Pounds Sterling.

Exception in favour of the Proprietors of certain Estates.

XXVII. Provided also, and be it further enacted and declared, That nothing in this Act contained shall extend, or be construed to extend, to hinder or prevent the passing or repassing the said River *Clyde*, to and from the Lands and Estate of *Milton*, by the said Fords called *Burnetholmford*, and *Castle Willows* or *Willance-ford*, or either of them, or any other Ford, or by any Private Ferry Boat or Private Bridge directly opposite to any Part of the said Lands and Estate of *Milton*, such passing and repassing being for the Uses and Purposes of the said Lands and Estate of *Milton* only.

XXVIII. And be it further enacted, That if any Person employed to collect the said Tolls or Pontage shall absent himself from the Gate or Turnpike, where his Duty may be, so as to occasion Delay to Travellers, or shall knowingly exact any higher Rate of Toll or Pontage than what is hereby authorized to be taken, he shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds Sterling, One Half thereof to be paid to the Informer and the other Half to the said Trustees for the Purposes of this Act.

Penalty on Toll-gatherers guilty of Malversation.

XXIX. Provided also, and it is hereby further enacted, That no Person or Persons shall be liable to pay any Toll or Pontage at the Gates or Turnpikes to be erected by virtue of this Act, for any Horses or Carriages employed in carrying or conveying the Mails of Letters or Expresses,

Exemptions from Toll and Pontage.

under

under the Authority of His Majesty's Postmaster 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 publick 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 each 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; provided such Carts, Carriages or Waggons shall be drawn respectively by One Horse or other Beast of Draught, otherwise the same shall be liable to pay the Tolls or Pontage before mentioned; 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.

Penalty for assaulting Officers.

XXX. And be it enacted, That if any Person or Persons liable to pay the said Tolls or Pontage shall assault any Collector of the Tolls or Pontage, or any other Person acting under the Authority of the said Trustees, and shall be convicted of any such Offence before any One or more Justice or Justices of the Peace for the said County, every Person so offending shall forfeit and pay a Sum not exceeding Five Pounds Sterling, besides making Payment of the Tolls or Pontage to which such Person was liable.

Penalty on Obstructions.

XXXI. And be it further enacted by the Authority aforesaid, That no Carman, Carter or Driver shall wilfully remain with his Cart, Wain, Waggon or other Carriage on the said Bridge longer than shall be necessary for going over the same, or leave any empty Carriage upon the said Bridge; and no Person or Persons shall put any Rubbish, Dung, Filth, Ashes, or any other Nuisance on the said Bridge, or on the Roads or Avenues leading thereunto, or do any Act which may be an Obstruction or Annoyance to the Passage thereof; and each and every Person so offending and being thereof convicted shall, for every such Offence, forfeit and pay the Sum of Forty Shillings Sterling.

Tolls may be let.

XXXII. And be it further enacted, That it shall and may be lawful for the Trustees, upon making publick Advertisement for the same in some one of the *Glasgow* Newspapers, Ten Days previous to the Day of letting by publick Auction or Roup, to lease the Tolls or Pontage arising by virtue of this Act, to any Person or Persons, for any Time not exceeding Three Years, for the highest Rent that can be gotten for the same, payable at such Times and to such Person or Persons, and under such Security

curity for Payment of the same as the said Trustees shall think proper; and the Monies thereby arising shall be applied in such Manner as the Tolls so leased are hereby directed to be applied.

XXXIII. And be it further enacted, That if the said Bridge shall by any Accident receive such Damage as to render it for some Time impassable; it shall, during such temporary Impediment, be lawful for the Trustees, as often as it shall be necessary, to erect and work a Ferry or Ferries across the said River, at such Place or Places as they shall judge most convenient, and there to take for Passage over the said River the same Tolls and Duties which are hereby granted for Passage over the said Bridge; and that all the Monies arising from any such Ferry or Ferries, after deducting the necessary Charges in erecting and working the same, shall be applied to and for the same Uses and Purposes as the Toll or Pontage to be collected at the said Bridge is by this Act directed to be applied: Provided always, That such Ferry or Ferries shall not be continued longer than is necessary for the Reparation of the said Bridge.

In case of Damage to the Bridge Ferries may be used.

XXXIV. And be it further enacted, That out of the Monies arising by the Tolls hereby granted, or out of such Monies as shall be raised for the Purposes of this Act, the said Trustees shall, in the first Place, pay and discharge all the Expences and Costs of procuring and passing this Act, and all such Tolls and Monies shall be afterwards, from time to time, applied in defraying the Expence of erecting, building and supporting the said Bridge, and the said Gate or Gates, Turnpike or Turnpikes, and making and maintaining the aforesaid Roads and Avenues to the said Bridge, and in defraying the necessary Expences attending the same, and for making Satisfaction to all Persons prejudiced thereby; and for executing all the other necessary Purposes of this Act, and to no other Use or Purpose whatsoever.

Application of Monies to be levied and recovered.

XXXV. And be it further enacted, That it shall and may be lawful for the said Trustees; from time to time, to lessen and diminish the Tolls or Pontage granted by this Act, and afterwards again to raise and augment the same, so as not to exceed the Tolls or Pontage hereby granted; and also to remit the Tolls hereby made payable by Foot Passengers, when they shall think proper; and the Tolls or Pontage so lessened and reduced shall and may be collected and levied in such Manner, and applied for such Purposes only as the Tolls or Pontage hereby granted are directed to be collected, levied and applied.

Tolls and Pontage may be lessened.

XXXVI. And be it further enacted, That it shall and may be lawful for the Trustees, upon the Credit of the Tolls and Pontage hereby granted, or any Part or Parts thereof, from time to time, to borrow and take up at Interest any Sum or Sums of Money not exceeding at any one Time the Sum of Four thousand Pounds Sterling, at an Interest not exceeding Five Pounds Sterling *per Centum per Annum*; and they are hereby authorized and empowered to assign over the said Tolls or Pontage, or any Part or Parts thereof, to any Person or Persons, as a Security for the several Sums of Money that shall be so borrowed and the Interest thereof as aforesaid; and all the Sums of Money so to be borrowed shall be applied in such Manner as the Tolls or Pontage hereby granted are directed to be applied, and for no other Use or Purpose whatsoever.

Money may be borrowed and Tolls or Pontage assessed.

XXXVII. And be it further enacted, That all Resolutions for fulfilling the different Purposes of this Act, shall be taken at a Meeting or Meetings consisting of Three Trustees at the least, in which Meeting or Meetings a full Power is hereby vested to treat, contract, agree or give Orders for paying or borrowing Money, building, making or repairing the said Bridge, Avenues and Roads, and carrying into Effect the other Purposes of this Act.

Books to be kept.

XXXVIII. And be it further enacted, That all Orders and Proceedings of the said Trustees shall be entered in a Book or Books, to be kept by them, or under their Authority; and that such Book or Books shall be open at all reasonable Times to any One or more of the Commissioners of Supply for the County of *Lanark*, who shall require Inspection of the same for Payment of One Shilling Sterling, and that the said Trustees shall be accountable to the said Commissioners of Supply, and, if required, shall be obliged once every Year to produce to a General Meeting of the said Commissioners a distinct State of their Management of the Monies arising from the Tolls or Pontage to be collected at the said Bridge, and from the Exercise of the several Powers with which they are invested by this Act; and in case it shall appear that any of the said Monies shall have been misapplied, the Person or Persons who shall have misapplied the same, or by whose Authority the same shall have been so misapplied, shall forfeit and pay double the Sum so misapplied, to be recovered at the Suit of the said Commissioners of Supply, or any Three of them, before the Sheriffs Depute or Substitute, or Justices of the Peace for the County of *Lanark*; and the Money so recovered shall be applied towards the building, repairing and maintaining of the said Bridge, and to the other Uses and Purposes of this Act, after defraying the necessary Charges with which such Action or Suit may be attended.

Trustees to receive Subscriptions.

XXXIX. And whereas, during the Continuance of this Act, it may be thought expedient that a Publick Subscription or Subscriptions should be made for defraying the Expence of building, repairing and maintaining the said Bridge, and for defraying the Expences of making and repairing the said Roads and Avenues therewith connected; be it further enacted, that the said Trustees shall be bound to receive the Monies arising from such Subscription or Subscriptions, and in proportion to the Amount thereof to lessen the Tolls or Pontage to be levied at the said Bridge; and if the Money arising from such Subscription or Subscriptions shall amount to the Sum borrowed as aforesaid, or such Part thereof as shall be expended in executing the Purposes of this Act, and remaining unpaid at the Time such Subscription shall be effected; then, and in that Case, upon Payment thereof to the said Trustees, the Toll or Pontage granted by this Act shall be reduced to such Part of the Tolls or Pontage hereby granted, at the Discretion of the said Trustees, as shall be sufficient for creating a Fund extending to One-third of the Money expended in building the said Bridge, and what is necessary for keeping the same in Repair.

For Recovery of Subscriptions.

XL. And be it enacted, That if any Person or Persons who has or have subscribed towards the building the Bridge by this Act intended to be built, shall neglect or refuse to pay his, her, or their Subscription Money at such Time or Place as shall be appointed by the said Trustees, or any Three or more of them, it shall and may be lawful for the said Trustees to sue

sue for and recover the same, in any Court competent in that Part of the United Kingdom called *Scotland*.

XLI. Provided nevertheless, That the Money so subscribed and paid, amounting to Twenty Pounds Sterling or more Money, shall at the Option of the Person or Persons subscribing the same be repaid out of the Monies allowed to be borrowed by virtue of this Act; and out of the Monies arising from the Tolls and Duties by this Act imposed, when it shall be found by the said Trustees that the Funds can afford the same, and until Repayment, the Monies advanced by such Subscribers shall be a Lien and preferable Charge upon the said Tolls and Duties.

Subscriptions to be repaid, &c.

XLII. And be it further enacted, That if any Person or Persons shall wilfully or maliciously damage the said Bridge, or any Part thereof, or any Gate or Turnpike belonging thereunto, or shall wilfully and maliciously, and without Authority from the Trustees, remove or take away any Works thereunto belonging, or in any Way direct or procure the same to be done, or shall be aiding or assisting therein, whereby the said Bridge or the Works thereof may be damaged, or any Toll-gatherer be disturbed in the Exercise of his Office, the Person or Persons offending in the Premises being lawfully convicted thereof before the Sheriff's Depute or Substitute, or any Two of the Justices of the Peace for the County of *Lanark*, either by the Confession or Oath of the Offender, or by the Oath of One credible Witness, shall not only pay the whole Damages and Expences, but also be fined in a Sum not exceeding Ten Pounds Sterling, at the Discretion of the said Sheriff or Justices, or be imprisoned for any Time not exceeding Three Calendar Months, in case of Non-payments, and the Fine, when recovered, shall be applied to the Purposes of this Act, after defraying the necessary Charges attending the Suit.

For preventing wilful Damage to the Bridge, &c.

XLIII. Provided always, That in case the above Penalties shall not be found adequate to the Crime committed, the Offender may be prosecuted for the Crime in common Form, before His Majesty's Criminal Courts of Jurisdiction competent in such Cases.

Offenders may also be prosecuted criminally.

XLIV. And be it enacted and declared, That the said Trustees 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 Treasurer for the time being; and no Action or Suit, wherein the said Trustees shall be concerned as Pursuers or Defenders in the Name of their Clerk or Treasurer by virtue of this Act, shall abate by the Death or Removal of any such Clerk or Treasurer, but the Clerk or the Treasurer to the said Trustees for the time being shall be deemed to be the Pursuer or Defender (as the Case may be) in every such Action.

Trustees may sue and be sued in the Name of their Clerk or Treasurer.

XLV. And be it further enacted, That any Trustee appointed to put this Act in Execution, who is or shall be in the Commission of the Peace for the County of *Lanark*, shall and may act as a Justice of the Peace within the same, for the more effectually putting in Execution the several Authorities and Powers in this present Act mentioned and contained, notwithstanding such Justice of the Peace is or shall be a Trustee as aforesaid, or a Creditor upon the Tolls.

Trustees may act as Justices.

XLVI. And be it enacted, That in all Cases where any Dispute, Suit, or Litigation shall arise touching, concerning, or in any ways relating to the

Toll-gatherers may give Evidence.

the said Tolls or Pontage, the Person or Persons appointed to collect the same, or any other Person or Persons acting by or under the Authority of the said Trustees, shall not by reason thereof be disqualified from giving Evidence in any such Dispute, Suit, or Litigation.

Recovery of  
Tolls, Pe-  
nalties, &c.

XLVII. And be it further enacted, That all Tolls and Pontage, and all Penalties and Forfeitures by this Act imposed, the Recovery whereof is not herein otherwise provided for, may be recovered by summary Complaint at the Instance of any of the said Trustees, or of any Person acting by their Orders, before any One or more of the Justices of the Peace for the County of *Lanark*; and the Fact or Facts being verified and proved by the Confession of the Party, or by the Oath or Oaths of One or more credible Witness or Witnesses, or by other legal Evidence, the said Justices are hereby authorized and required to grant Warrant for distraining the readiest moveable Goods or Effects of the Defaulter or Offender, and the Persons distraining the same are hereby authorized and empowered to sell the Goods and Effects so distrained, and to return the Overplus Money (if any there be) upon Demand to the Owners of such Goods or Effects, after such Tolls, Pontage, Penalties and Forfeitures, the Expence of the Warrant, and the reasonable Charges of distraining, keeping, and selling such Goods or Effects, shall be deducted and paid; and all Penalties and Forfeitures, if not otherwise directed to be applied by this Act, shall be paid to the said Trustees, and shall be laid out for the Purposes of this Act; and in case sufficient Distress cannot be found, or such Tolls, Pontage, Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for any Justice or Justices of the Peace for the said County, and he and they is and are hereby authorized and required, by Warrant under his or their Hand or Hands, to cause such Defaulter or Defaulters, Offender or Offenders, to be committed to the House of Correction or Common Gaol of the said County, there to remain for any Time not exceeding Three Calendar Months, unless the said Tolls, Pontage, Penalties and Forfeitures, and all reasonable Charges, shall be sooner paid and satisfied.

Appeal.

XLVIII. And be it further enacted, That if any Person or Persons shall think himself, herself or themselves aggrieved by any Order or other Proceedings of the said Trustees, or of any One or more Justice or Justices of the Peace of the said County, not assembled in Quarter Sessions, it shall and may be lawful for him, her and them (except in the Cases which are already otherwise provided for), to appeal to the said Justices of the Peace of the said County, in their General Quarter Sessions assembled, who are hereby authorized and empowered to hear and determine the Matter in Dispute, and whose Order therein shall be final and conclusive; and the Proceedings of the Justices on Appeal shall not be subject to Review in any Court, by Suspension, Advocation, Reduction or otherwise.

Publick Act.

XLIX. And be it enacted, That this Act shall be deemed and taken to be a Publick Act, and shall be judicially taken Notice of as such by all Judges, Justices and others, without being specially pleaded.