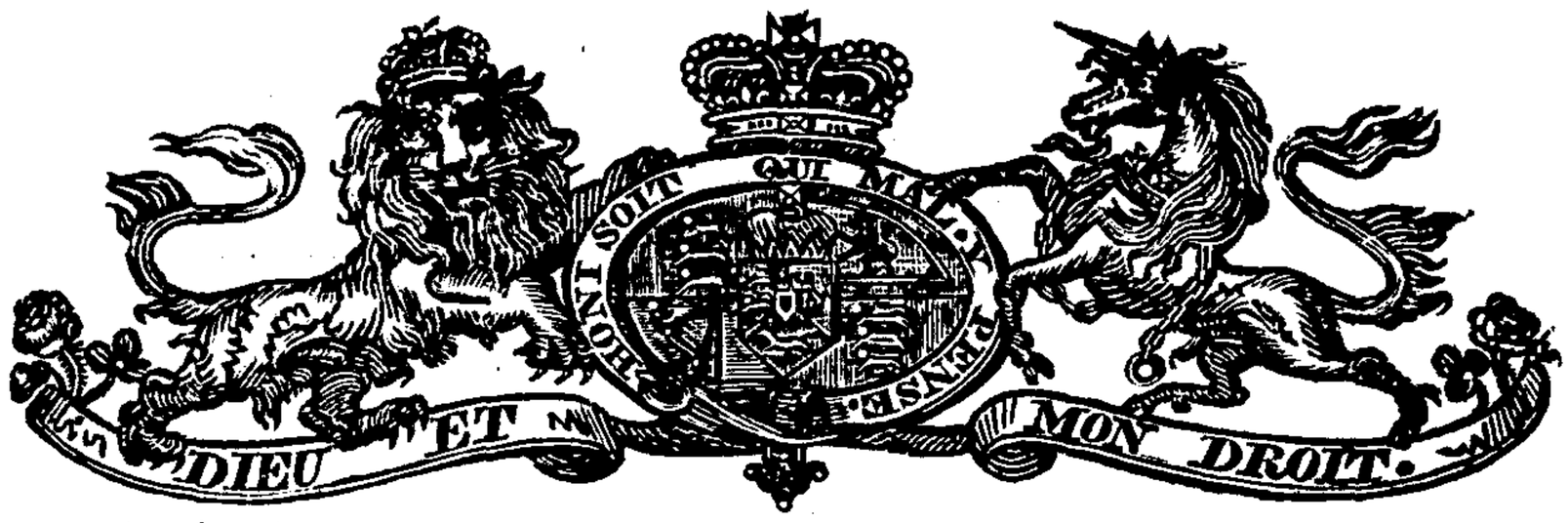

ANNO NONO

GEORGII IV. REGIS.

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Cap. lxxxvii.

An Act for making and maintaining a Road from *Wilsontown* Iron Works to the Road leading from *Edinburgh* to *Ayr* by *West Calder* and *Allanton* in the County of *Lanark*. [23d *May* 1828.]

WHEREAS the Roads leading from the Parishes of *Carnwath* and *West Calder* to the Road leading from *Edinburgh* to *Ayr* by *West Calder* and *Allanton,* and connecting the said Parishes with the Parish of *Cambusnethan,* are not only circuitous, hilly, and ill laid out, but have fallen into great Disrepair, and are nearly impassable for Convenience and public Purposes: And whereas it would be of great Advantage to the Proprietors and Farmers of Land in the said Parishes and in the adjoining Parishes, and to the Public at large, if a Road were formed, made, and maintained from the Road leading from *Edinburgh* by *West Calder* to *Lanark,* at or near *Wilsontown* Iron Works, by or near *Clympy* and *Causeyhill,* to the aforesaid Road leading from *Edinburgh* to *Ayr,* in the Counties of *Lanark* and *Edinburgh;* but which cannot be effected without the Aid and Authority of Parliament: And whereas an Act was passed in the Fourth Year of the Reign of His present Majesty King *George* the Fourth, intituled *An Act for regulating Turnpike Roads in that Part of* Great Britain *called* 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 4 G. 4. c. 49.

Trustees appointed.

Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Honourable Admiral *Charles Hopkinstone Fleming* of *Biggar* and *Cumbernauld*, General Sir *James Stewart Denham* of *Coltness* and *Westshiel* Baronet, Sir *Michael Shaw Stewart* of *Greenock* and *Blackhall* Baronet, the Honourable *Charles Douglas*, Sir *Henry Steuart* of *Allanton* Baronet, Sir *Charles Macdonald Lockhart* of *Lee* and *Carnwath* Baronet, the Honourable Sir *Alexander Inglis Cochrane* of *Murdiston*, *John Maxwell* younger, of *Pollok*, *Walter Frederick Campbell* of *Islay*, General *John Hamilton* of *Dalziel*, *William Elliott Lockhart* of *Cleghorn*, *Henry Monteith* of *Carstairs*, *William Dixon* of *Govan Hill*, *Alexander Gillespie* of *Sunnyside Lodge*, *Robert Brown* of *Dumbrexhill*, *Norman Lockart* of *Granaton*, *William Paterson Wishart*, *Nathaniel Stevenson* of *Braidwood*, *James Calder* of *Davies Dykes*, *John Baird* of *Shotts* Iron Works, *Alexander Christie* of *Calder* Iron Works, *Archibald Graham* Writer, *Glasgow*, *James Christie* Accountant, *Glasgow*, the Convener or Conveners of the County of *Lanark* for the Time being, and also all and every Persons and Person who shall subscribe or become bound for the Payment of Two hundred Pounds Sterling of the Expence of making and maintaining any Part of the said Road, shall be and they are hereby nominated and appointed Trustees for surveying, making, maintaining, keeping, and repairing; and they are hereby authorized and empowered to survey, make, maintain, keep, and repair a Road from the Road leading from *Edinburgh* by *West Calder* to *Lanark*, at or near *Wilsontown* Iron Works, by or near *Clympy* and *Causey Hill*, to the Road leading from *Edinburgh* to *Ayr* by *West Calder* and *Allanton*, and for executing all the Powers given and granted by this Act and the said recited Act in relation to the said Road: Provided always, that no Person shall be qualified or capable of acting as a Trustee in the Execution of this Act, unless he shall be in Possession as Proprietor or Liferenter of the full Property or *Dominium utile* of Lands valued in the Tax Rolls or Cess Books of the County of *Lanark* to the Extent of One hundred Pounds Scots *per Annum*, or unless he shall be possessed of or entitled to a Personal Estate alone, or Real and Personal Estate together, of the Value of Three thousand Pounds Sterling.

Qualification of Trustees.

Powers and Provisions of 4 G. 4. c. 49. extended to this Act.

II. And be it further enacted, That the said recited Act of the Fourth Year of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, save and except such Parts thereof as are 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.

Meetings of Trustees.

III. And be it further enacted, That the said Trustees hereby appointed shall meet at some convenient House or Place in or near the said Road on the Second *Thursday* of the Month immediately succeeding the passing of this Act, or upon some other convenient Day, and proceed to put this and the said recited Act into Execution; and at the said Meeting, and all subsequent Meetings of the Trustees, the Majority of the said Trustees assembled (the Number present not being less than Three) shall be and they are hereby authorized and empowered

powered to do, order, and perform all Acts, Matters, and Things which the Trustees appointed by this Act are by the said recited Act of the Fourth Year of the Reign of His present Majesty, and this Act, authorized to do, order, or perform; and all such Acts, Matters, and Things so done shall be as good, valid, and effectual as if the same were done by the whole of the said Trustees.

Trustees may appoint a Committee for the Purposes of this Act.

IV. And be it further enacted, That the said Trustees shall, at the said First General Meeting to be held after the passing of this Act, name and appoint a Committee for the Purposes of this Act, consisting of any Three or more of their Number; and it shall be lawful for them, at any of their General Stated Meetings, to alter such Nomination and Appointment in whole or in part, but so as to keep up a permanent Committee, consisting of Three or more of their Number, which Committee shall hold such and so many Meetings as they may think proper, the major Part of those named being a Quorum.

Breadth of the Road, &c.

V. And be it further enacted, That the said Road may be made, completed, and maintained of such Breadth as the said Trustees may think proper and advantageous, not exceeding Sixty Feet from Side to Side, including the Footpaths that may be formed along the Sides thereof.

Map or Plan to remain with the Clerks of the Peace, and be open to Inspection.

VI. And whereas a Map or Plan, describing the said Road hereby authorized to be made, together with a Book of Reference, containing a List of the Names of the Owners and Occupiers of such Lands, have been deposited in the Offices of the Clerk of the Peace of the County of *Lanark*, at *Hamilton* and *Lanark*, and of the Clerk of the Peace of the County of *Edinburgh*, at *Edinburgh*; be it therefore further enacted, That the said Maps or Plans and Books of Reference shall remain in the Custody of the said Clerks of the Peace, and every Person being an Owner or Occupier of any Lands or Tenements upon the Line of the said Road shall at all reasonable Times have Access to the said Maps or Plans and Books of Reference, and shall be entitled to examine and make Extracts from or Copies of the same, such Person paying after the Rate of Sixpence for every Seventy-two Words of such Copies or Extracts.

Trustees not to deviate more than 100 Yards from Plan without Consent.

VII. And be it further enacted, That the said Trustees, in making the said Road, shall not deviate more than One hundred Yards from the Line described in the said Map or Plan, without the Consent in Writing of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviation shall be made, nor take down or remove any Dwelling House or other Building, the Side Walls of which exceed Twenty Feet in Height, nor take or make use of any Policy, Orchard, or Garden, the Contents of which exceed Half an Acre, or any Land, planted Walk, or Avenue to a House, or any inclosed Ground, planted as an Ornament or Shelter to a House, without the Consent in Writing of the Owner thereof: Provided always, that it shall be lawful for the said Trustees to make the said Road in, to, through, across, or over the several Lands and Tenements of any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, who is or are or shall be Owner or Owners

Omissions in Book of Reference not to prevent the Execution of the Act.

Owners of Land over which the same is set out and described in the said Map or Plan, although the Name or Names of such Person or Persons may happen to be omitted in the said Book of Reference, in case it shall be made appear to any Two or more Justices of the Peace for the County or Place where such Lands shall lie or be situate, and certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

Trustees may treat and contract with Owners and Occupiers of Lands, &c.

VIII. And be it further enacted, That the said Trustees shall and they are hereby authorized and empowered to treat and contract with the Owner or Owners, Occupier or Occupiers of the Lands and other Heritages required for the Purposes aforesaid, and to purchase, take, acquire, and enter into Possession thereof, and all Persons, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Heirs of the all, Husbands, Trustees, Guardians, Tutors and Curators for Minors or Lunatics or furious Persons, and all and every Person or Persons, although under any legal Disability or Incapacity, shall and they are hereby empowered and required to treat with and to sell and convey to the said Trustees all such Lands and other Heritages as may be necessary for the Purpose aforesaid, upon such Satisfaction being made by the said Trustees to such Owner or Owners, Occupier or Occupiers, as may be agreed on between the said Trustees and such Owner or Owners, Occupier or Occupiers, or in the Event of their not agreeing as to such Satisfaction, then upon Payment or Consignation of such Sum or Sums of Money as shall be awarded and determined in manner after provided.

Manner of Proceeding if Trustees cannot agree with Occupiers, &c.

IX. And be it further enacted, That if the said Trustees cannot agree with the Owner or Owners, Occupier or Occupiers of any Lands or other Heritages required for the Purposes aforesaid, upon the Price of such Lands or other Heritages, or the Damage done to the same, then the Price or Damage to be paid by the said Trustees shall be fixed, ascertained, adjudged, and disposed of in the Manner provided by the said recited Act of the Fourth Year of the Reign of His said Majesty for fixing, ascertaining, adjudging and disposing of the Price of Subjects required to be taken for widening, diverting, altering, and improving Turnpike Roads, and the Damage done thereby.

Lands not to be taken after Five Years without Consent.

X. Provided also, and be it further enacted, That in case the said Trustees shall not purchase such Houses, Tenements, or other Heritages authorized by this Act, for the Purposes of this and the said recited Act of the Fourth Year of His present Majesty, within the Space of Five Years next after the passing of this Act, then in such Case it shall not be lawful for the said Trustees to purchase any of the said Houses, Tenements, or other Heritages so remaining unpurchased, without the Consent in Writing of the Owners thereof first had and obtained.

Toll Houses, &c. may be erected.

XI. And be it further enacted, That it shall be lawful for the said Trustees, in a General Meeting assembled, and they are hereby authorized and empowered, to erect or cause to be erected a Gate or Gates, Turnpike or Turnpikes, in, upon, or across any Part or Parts of the said Roads, or on the Sides thereof, or across any Part of any

any Lanes or Ways leading out of or into the same, and also such Number of Toll Houses, with proper Gardens adjacent thereto, as to them shall seem expedient, the Site of any such Toll House or Garden not exceeding the Eighth Part of an Acre; and from Time to Time to alter the Situation of such Gates and Turnpikes, and Toll Houses and Gardens, as they shall think proper.

Tolls may be levied.

XII. And be it further enacted, That the said Trustees, or any Person or Persons duly authorized by them, shall be and they are hereby authorized and empowered to demand and take, or cause to be demanded and taken, at the several Gates and Turnpikes which shall be erected by virtue of this Act, a Sum not exceeding the Rates and Duties herein-after specified, before any Horse, Beast, or other Cattle shall pass through any Gate or Turnpike to be erected on the said Roads; (that is to say,)

Tolls.

For every Horse or Beast drawing any Coach, Barouche, Chariot, Landau, Chaise, Calash, Chair, Taxed Cart, Hearse, or other such Carriage, or any Stage Coach, Long Coach, or Diligence, or Carriage of the like Kind, the Sum of One Shilling; and for any Number of Horses or Beasts exceeding Five, drawing any such Carriage, the Sum of Six Shillings:

And, if the Trustees shall think proper, for every Horse or other Beast, not more than Six in Number, drawing any Stage Coach, Long Coach, or Diligence, or Carriage of the like Kind, any Sum in addition to the aforesaid Rates not exceeding One Half more thereof:

For every Horse, Ox, or Beast, if more than Three in Number, drawing any Waggon, Wain, or Cart, or other such Carriage, the Sum of One Shilling:

For every Horse, Ox, or Beast, if not more nor less than Three in Number, drawing any Waggon, Wain, or Cart, or other such Carriage, the Sum of Ten-pence:

For every Horse, Ox, or Beast, if not more nor less than Two in Number, drawing any Waggon, Wain, or Cart, or other Carriage, the Sum of Sixpence:

For every Horse, Ox, or Beast, where not more than One is drawing any Waggon, Wain, or Cart, or other such Carriage, the Sum of Eight-pence:

For every Saddle Horse or Mule, with or without a Rider, the Sum of Four-pence:

For every other Horse or Mule, laden or unladen, and not drawing, the Sum of Four-pence:

For every Ass, loaded or unloaded, the Sum of Two-pence:

For every Score of Oxen or Neat Cattle, the Sum of Two Shillings and Sixpence, and so in proportion for any greater or less Number:

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

And for every Drove of Horses or Fillies unshod, Two Shillings and Sixpence *per* Score, and so in proportion for any greater or less Number.

Tolls, &c. vested in Trustees.

XIII. And be it further enacted, That the said Tolls, together with the Right of Property of all and every Gate or Turnpike, Toll House and Garden, and whole Premises to be acquired by virtue hereof

hereof and of the said recited Act of the Fourth Year of His present Majesty's Reign, are and shall be vested in the said Trustees, and the said Tolls, and every Part thereof, shall be paid over, applied, and assigned to and for the several Uses, Intents, and Purposes of this Act.

Tolls to be paid only Once in Five Miles.

XIV. Provided always, and be it further enacted, That in case there shall be erected, in the Course of the said Road, any Gate or Gates, Turnpike or Turnpikes, at less Distance from each other than Five Statute Miles, then any Person or Persons, producing a Ticket to show that the Toll has been paid at any One of such Gates, shall not, for the same Carriage or Horse or other Cattle, on the same Day, pay any Toll at any other Gate on the same Road which shall be within Five Statute Miles of the former at which the Toll denoted by such Ticket shall have been paid; and such Ticket shall also entitle the Person producing the same to repass at such Gate or Gates, returning the same Day, reckoning from Twelve of the Clock at Midnight to the same Hour on the next succeeding Night.

Weight of Carriages.

XV. And be it further enacted, That every Waggon, Wain, Cart, or other such Carriage shall be allowed to pass without paying any additional Toll, provided that, with its Loading, it shall not weigh more than the Weights following; (that is say,)

Every Waggon, Wain, Cart, or other such Carriage drawn by One Horse, Ox, or Beast, One Ton five Hundred Weight; and drawn by Two Horses, Oxen, or Beasts, One Ton and a Half; and drawn by Three Horses, Oxen, or Beasts, One Ton One thousand five Hundred Weight; and drawn by Four Horses, Oxen, or Beasts, Two Tons; and drawn by Five Horses, Oxen, or Beasts, Two Tons One thousand five Hundred Weight; and drawn by Six Horses, Oxen, or Beasts, Three Tons five Hundred Weight; and drawn by Seven Horses, Oxen, or Beasts, Three Tons One thousand five Hundred Weight; and drawn by Eight Horses, Oxen, or Beasts, Four Tons Five Hundred Weight.

Application of Monies.

XVI. And be it further enacted, That the said Trustees in General Meeting assembled shall, out of the Monies in virtue of the said recited Act and this Act, and the Tolls to arise at the Gates or Turnpikes to be erected on the said Roads, direct the Costs and Expences relative to the obtaining this Act, in the first place, to be paid, with Interest for the same; and the Remainder of all such Monies to be applied towards the making, completing, and repairing and keeping in repair the said Roads, and other necessary Purposes of this and the said recited Act in relation to the same; and thereafter towards the Payment of the Interest of the Sums subscribed or to be subscribed and borrowed by virtue of this and the said recited Act, and then to the Payment of the Principal Sum so subscribed or borrowed; and the Clerk to the said Trustees shall be and is hereby authorized and required to record and enter such Orders and Directions as regards the Application of the Tolls in a Book to be kept for that Purpose.

Trustees may enter upon Lands taken

XVII. And be it further enacted, That it shall be lawful for the said Trustees, and for their Surveyor or Surveyors and Workmen,

from

from Time to Time to enter upon the Lands and Premises through which or whereupon the said Roads hereby authorized to be made are intended to pass, and also upon any adjoining Lands or Grounds, and to stake out the said Roads, and to cut and make any Drains or Ditches or Arches through or into any Lands or Grounds adjoining or lying contiguous to any Part thereof, and to make a temporary Way or Ways through or over any such adjoining Lands, (not being a Garden, Yard, Orchard, Park, Paddock, planted Walk, or Avenue to a House, or inclosed Ground planted and set apart as a Nursery for Trees,) as the said Trustees shall think fit, without being subject or liable to any Fine, Penalty, or Punishment for entering and continuing upon any Part or Parts of such Lands or Grounds respectively, for any of the Purposes of this Act, the said Trustees making Satisfaction to the Owners and Occupiers of such Lands and Grounds for the Damages that shall be thereby occasioned, such Damage being ascertained and settled, in case of Dispute concerning the same, in the Manner that the Value of Lands to be acquired and taken for the Purposes aforesaid is directed to be ascertained and settled in case of Dispute; and if any Person shall pull up, remove, or destroy any of the Stakes or other Marks used or the Fences made in laying out any Part of such Roads, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds. for the Purposes of this Act.

XVIII. 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, without being specially pleaded. Public Act.

XIX. And be it further enacted, That this Act shall commence from and after the passing thereof, and shall continue during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament. Term of Act.

LONDON: Printed by George Eyre and Andrew Strahan, Printers to the King's most Excellent Majesty. 1828.