Anno decimo

Georgii III. Regis.

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.

WHEREAS the Fords in the River Clyde, near the Town of Hamilton, in the County of Lanark, have become very deep, variable, and dangerous; and the Ferry near the ſame Place, belonging to the Burgh of Hamilton, from the Situation of the River, is always inconvenient, and ſometimes impaſſable: And whereas the erecting of a Bridge over the ſaid River is neceſſary for completing the publick Roads from Edinburgh, by the Town of Hamilton, through the County of Lanark, and would greatly promote the commercial Intercourſe between the County of Air and other Weſtern Parts and the Eaſtern Preamble.

Eastern Counties of Scotland: But as so useful and expensive a Work cannot be effectually executed without the Aid 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 Magistrates and Town-council of the said Town of Hamilton, and their Successors in Office, shall be authorised and impowered, from and after the Passing of this Act, to erect and build a Bridge over the River Clyde, at the Place which shall be found most convenient, any where betwixt the Mouth of the River Aven and the Boat-house of Hamilton; and to dig and make proper Foundations in the said River, and on the Lands on each Side, for the Piers and Abutments of the said Bridge; and to remove all Trees, Gravel, Sand, Mud, or any other Impediment whatsoever which may hinder the erecting and completing the said 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 said Bridge, and for executing all the Purposes of this Act.

Magistrates and Town-council of *Hamilton* to build the Bridge, &c.

And, that convenient Avenues and Roads may be provided and properly maintained for the Use of the said Bridge; be it further enacted, That the said Magistrates and Town-council, and their Successors in Office, shall be and they are hereby authorised and impowered to make, from the East End of the said Bridge, a proper Avenue and Road of Thirty Feet in Breadth, passing in the most convenient Direction through Part of the Lands of Motherwell, to join the present publick Road which leads to the Kirk of Shotts, and to maintain and repair the said publick Road to the Extent of Two Miles from the said Bridge; and also, from the West End of the said Bridge to make another proper Avenue and Road of Thirty Feet in Breadth, passing in the most convenient Direction to and through the Town of Hamilton, to join the present publick Road which leads to the Town of Strathaven, 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 Two Miles 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; any Law or Statute to the contrary notwithstanding.

Avenues and Roads to be made.

And be it further enacted, That the said Magistrates and Town-council, and their Successors in Office, shall be and they are hereby authorised and impowered 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 an House, or any Piece or Parcel of inclosed Grounds planted and set apart and used as a Nursery for Trees, where such Materials are or may be be found; and from Time to Time to carry away the same, or so much thereof as the said Magistrates and Town-council, or their Successors in Office, shall judge necessary for building, making, and repairing the aforesaid Bridge, Avenues, and Roads. Materials gotten for repairing the Road.

Provided always, and it is hereby declared, That the said Magistrates and Town-council, and their Successors in Office, shall be bound to make Satisfaction to the respective Owners, Occupiers of, or Persons interested in, any Lands, Tenements, or Hereditaments, which shall be made use of or altered, or which shall be in anywise prejudiced or damaged by the building, making, or repairing the said Bridge and Roads, by taking and carrying away Materials for the same, or by executing any of the Powers contained in this Act: And for ascertaining and determining the Extent of the Value of such Lands, Tenements, or Hereditaments, and of such Damage as aforesaid, in case the Person or Persons interested therein shall refuse to treat or agree with the said Magistrates and Town-council, or their Successors in Office, it shall be lawful for the Sheriff-depute of the County of Lanark, and he is hereby impowered and required, at the Suit of either Party, to impanel a Jury of Fifteen substantial and disinterested Persons, and according to the Verdict of such Inquest to judge and finally determine the same. Satisfaction to be made to Persons injured. On Refusal to treat, Jury to ascertain the Damage; whose Determination to be final.

Provided also, That the Settling of such Value or Damage shall not in the mean Time delay or hinder the said Magistrates, or their Successors in Office, from carrying on the said Bridge and Roads, or any of the Works relating thereto. Dispute not to delay the carrying on the Bridge, &c.

And be it further enacted, That as soon as the said Bridge shall be completed, and the Passage thereof opened, the said Magistrates and Town-council, and their Successors in Office, shall be and they are hereby authorised Turnpikes may be erected upon, or near the Bridge.

and impowered to erect a Turnpike or Turnpikes upon or at the End of the said Bridge, or near thereunto; and that the following Tolls or Pontage Duty shall and may be demanded and taken, by such Person or Persons as the said Magistrates and Town-council, or their Successors in Office, shall from Time to Time appoint for that Purpose, at the said Turnpike, before any Passage over the said Bridge shall be permitted; that is to say,

Tolls. For every Coach, Chariot, Landau, Berlin, Chaise, or Hearse, drawn by Six Horses, or other Beasts of Draught, the Sum of Three Shillings and Sixpence Sterling; and drawn by Four Horses, or other Beasts of Draught, the Sum of Two Shillings and Two-pence; and drawn by Three Horses, or other Beasts of Draught, the Sum of One Shilling and Sixpence; and drawn by Two Horses, or other Beasts of Draught, the Sum of One Shilling; and drawn by One Horse, or other Beast of Draught, the Sum of Sixpence.

For every Waggon, Wain, Cart, or other Carriage, drawn by Six Horses, or other Beasts of Draught, the Sum of Two Shillings and Sixpence; and drawn by Five Horses, or other Beasts of Draught, the Sum of Two Shillings and One Penny; and drawn by Four Horses, or other Beasts of Draught, the Sum of One Shilling and Eight-pence; and drawn by Three Horses, or other Beasts of Draught, the Sum of One Shilling and Three-pence; and drawn by Two Horses, or other Beasts of Draught, the Sum of Nine-pence; and drawn by One Horse, or other Beast of Draught, the Sum of Three-pence.

But Carriages loaded with Coals, Lime, or Dung, or with Corn in the Straw passing from the Field to the Barn Yard, shall only be liable for the Half of the aforesaid respective Sums in the Name of Toll or Pontage Duty; which shall be accepted of as the full Toll for such Carriages going and returning the same Day with One Loading.

For every Horse, Mare, Gelding, Ass, or Mule, whether in Hand, loaded, or bearing a Rider or Riders, the Sum of Two-pence Sterling.

For every Drove of Oxen or Neat Cattle, Horses, or Fillies unshod, the Sum of One Shilling per Score, and so in proportion for a greater or lesser Number.

For every Drove of Calves, Sheep, Lambs, Goats, or Hogs, the Sum of Sixpence per Score, and so in proportion for a greater or lesser Number.

And for every Passenger on Foot, the Sum of One Halfpenny.

Which said respective Sums shall be demanded and taken in Name of a Toll; and the Money so to be raised and received is hereby vested in the said Magistrates and Town-council, and their Successors in Office, and shall be applied to and for the several Uses and Purposes, and in such Manner as is by this Act directed; and if any Person or Persons, subject to the Payment of any of the said Tolls, 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 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 is 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 Four Days; and then, if such Toll, 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, sell the Cattle or other Goods so distrained, returning the Overplus, if any be, upon Demand, to the Owner thereof, after such Toll, and all reasonable Charges occasioned by such Distresses, shall be deducted.

Tolls vested in the Magistrates, &c.

Penalty on refusing Payment.

Provided always, That no Soldiers on their March, or Horses or Carriages loaded with Military Baggage or Artillery, or any Person or Persons going on Foot or with Horses and Carts to perform their Statute-duty, or returning from performing the same, shall be subject or liable to the Payment of any Toll imposed by virtue of this Act for passing the said Bridge.

Exemptions from Tolls.

Provided also, That all Carriages, Horses, or other Beasts of Draught or Burthen which shall have Occasion to pass the said Turnpike oftener than Once in One Day, shall only be liable in Payment to the above respective Pontages for each Passing; and shall have a Right to demand Tickets, which shall intitle them to repass free (providing they repass on the same Day on which they passed); any Thing herein contained to the contrary notwithstanding.

Carriages, &c. passing more than Once, not to pay at repassing.

And

Tolls may be leased.

And be it further enacted, That it shall and may be lawful for the said Magistrates and Town-council, and their Successors in Office, upon making publick Proclamation thereof, and advertising the same in the Glasgow Newspapers by publick Auction or Roup, to lease the Tolls arising by virtue of this Act to any Person or Persons, for any Time not exceeding Four Years, for the best Rent that can be got for the same; payable at such Times, and to such Person or Persons, and under such Security for Payment of the same, as the said Magistrates and Town-council, and their Successors in Office shall think proper; and the Monies arising thereby shall be applied in such Manner as the Tolls so leased are hereby directed to be applied.

When Bridge, &c. completed, the same to be publick.

And be it further enacted, That as soon as the aforesaid Bridge and Roads are completed and opened to Passengers, the Passage thereof shall be the only publick Road from the Town of Hamilton, across the River Clyde, by the Village of Motherwell; and it shall not be lawful for any Person or Persons to pass through the said River, within Half a Mile above, or Half a Mile below the said Bridge.

Penalty on evading the Tolls.

And be it further enacted, That if any Person or Persons shall take off, or cause to be taken off, any Horse or Beast, from any Carriage on either Side of the said Bridge, with an Intention to evade the Payment of the said Tolls, or any Part thereof; or shall forcibly or wilfully pass through the said Turnpike without Payment of the Toll, or any Part thereof; or shall quit the publick Road before coming to the said Bridge, and shall drive any Beast or Beasts, or shall pass through the said River, within Half a Mile above, or Half a Mile below the said Bridge, by means whereof the said Toll or Pontage may be evaded; or shall interrupt or disturb any Person or Persons employed by the said Magistrates and Town-council, or their Successors in Office, in digging or gathering any Materials for building, making, or repairing the said Bridge or Roads; every Person so offending, in each of the Cases aforesaid, shall for every such Offence forfeit the Sum of Twenty Shillings, 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 these Penalties shall be recovered summarily by Application to any One of the Justices of the Peace, or the Sheriff-depute of the Shire of Lanark, or his Substitutes; and shall be levied by Distress as

Application thereof.

above

above directed; and the Judgement of any such Judge therein shall be final.

No Ferry to be used within a certain Distance of the Bridge.

And be it further enacted, That after the said Bridge, Avenue, and Roads shall be completed, and the Passage thereof opened, no Person or Persons shall work or use any Ferry for the Carriage of any Person, Cattle, or Carriage whatsoever across the said River, half a Mile above, or half a Mile below the said Bridge: And in case any Person or Persons shall work or use such Ferry, he, she, or they shall forfeit the Sum of Twenty Shillings for every Person, Beast, or Carriage whatsoever which shall be so ferried or conveyed across the said River; which Penalties shall be recovered, levied, and applied in the same Manner as other Penalties and Forfeitures are directed by this Act to be recovered, levied, and applied.

The Burgh of *Hamilton* to be Indemnified for Loss of their Ferry.

Provided always, That before the Passage along the said Bridge shall be opened, the Burgh of Hamilton, Proprietors of the aforesaid Ferry near to the said intended Bridge, shall be allowed the Sum of Four hundred Pounds Sterling; which Sum the said Burgh shall agree to accept of as a full Indemnification for the Loss of their Right to the said Ferry, and of the Profits arising from the Tolls collected thereat, which shall thenceforth cease and determine; any Law or Usage to the contrary notwithstanding.

The Lessee thereof to be also indemnified.

Provided also, That the present Lessee of the said Ferry shall, before quitting his Possession thereof, be allowed a reasonable Indemnification for his Loss or Damage for the Years of his Lease then to run; which Indemnification shall be ascertained in Manner as is appointed for ascertaining the other Damages that may be incurred in the Execution of this Act: And the Indemnification which is hereby provided to the Burgh of Hamilton, Proprietors of the said Ferry, and to the Lessee thereof, shall be paid out of the Monies arising from the aforesaid Toll or Pontage to be collected at the said Bridge.

Indemnifications to be paid out of the Tolls.

When Bridge impassable, a Ferry may be worked, and Tolls taken.

And be it further enacted, That if, before the Expiration of this Act, 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 said Magistrates and Town-council, and their Successors in Office, 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 or Duties which are hereby granted for Paſſage along 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.

Ferry to be diſcontinued when Bridge is repaired.

Provided always, That ſuch Ferry or Ferries ſhall not be continued longer than is neceſſary for the Reparation of the ſaid Bridge.

Turnpike at Eaſt End of *Hamilton* to be removed.

And whereas in conſequence of an Act paſſed in the Twenty-ſixth Year of His late Majeſty King George the Second, intituled, An Act for repairing the Road from *Livingſton*, by the Kirk of *Shotts*, to the City of *Glaſgow*, and by the Town of *Hamilton* to the Town of *Strathaven*, there is at preſent a Turnpike erected at the Eaſt End of the Town of Hamilton, and between the ſaid Town and the River Clyde; and as the Duties thereof, together with thoſe which are propoſed within ſo ſmall a Diſtance to be levied at the aforeſaid Bridge, would occaſion too ſevere a Burthen upon Paſſengers from the neighbouring Parts of the Country; be it therefore enacted, That the ſaid Turnpike ſhall be removed; and that it ſhall not be lawful for any Perſon or Perſons to erect a Turnpike upon the ſaid publick Road within Two Miles of the ſaid Bridge, or to demand any Toll or Duty for any Paſſenger, Horſe, or other Beaſt, or for any Carriage whatſoever within the above-mentioned Space, excepting the Toll or Pontage granted by this Act to be collected at the ſaid Bridge; any Statute to the contrary notwithſtanding.

No Tolls to be taken within 2 Miles of the Bridge, except the Pontage.

Truſtees of *Hamilton* Turnpike to receive 90 *l. per Annum*, ſubject to a Deduction of 5 *l. per* Mile for that Part of the Road falling under the preſent Act.

Provided always, and it is hereby enacted, That as the aforeſaid Turnpike at the Eaſt End of the Town of Hamilton has, for ſeveral Years paſt, been let by the Truſtees for the aforeſaid Road for the Sum of Fifty Pounds Sterling yearly, the ſaid Magiſtrates and Town-council, and their Succeſſors in Office, ſhall be obliged, out of the Monies ariſing from the Tolls or Pontage hereby granted, to make up and pay that Sum yearly to the ſaid Truſtees during the Continuance of the aforeſaid Turnpike Act; they the ſaid Magiſtrates and Town-council, and their Succeſſors in Office, being always allowed to retain, as a Part of the ſaid Payment, the Expence of maintaining the aforeſaid Four Miles of publick Road, Two Miles of which leading Eaſtward, and the other Two Miles Weſtward from the different Ends of the ſaid Bridge, at the Rate

Rate at present paid by the said Trustees for maintaining the same

Provided also, That if any new Turnpike, besides those at present subsisting, shall be erected by the said Trustees upon the said Road between the Kirk of Shotts and the Town of Strathaven, the Duties arising from thence shall be imputed in Payment of the aforesaid Sum of Fifty Pounds Sterling yearly; and the Deficiency thereof only, if there be any, shall be payable by the said Magistrates and Town-council, and their Successors in Office, as an Indemnification to the said Trustees for the Removal of the aforesaid Turnpike.

If Trustees erect any new Turnpike between the *Kirk* of *Shotts* and *Strathaven*, the Tolls to be imputed in Payment of said 50 *l.*

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 Magistrates and Town-council, and their Successors in Office, 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 Turnpike or Turnpikes, and in 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.

Expences of this Act how to be defrayed.

Application of Monies.

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

Tolls may be varied.

And be it further enacted, That, immediately after the passing of this Act, it shall and may be lawful to and for the said Magistrates and Town-council, and their Successors in Office, upon the Credit of the Tolls hereby granted, or any Part or Parts thereof, to borrow and take up at Interest any Sum or Sums of Money not exceeding Three

3000 *l. Sterling* may be borrowed.

Three thousand Pounds Sterling, at an Interest not exceeding Five Pounds Sterling per Centum per Annum; and they are hereby authorised and impowered to assign over the said Tolls, 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 hereby granted are directed to be applied, and for no other Use or Purpose whatsoever.

Tolls may be assigned as Security.

Application of Monies borrowed.

Officers maybe appointed, with Salaries.

And be it further enacted, That it shall be lawful to the said Magistrates and Town-council, and their Successors in Office, and they are hereby authorised and impowered to nominate and appoint Overseers or Surveyors of the said respective Works directed by this Act to be executed; and to nominate and appoint Collectors or Receivers of the aforesaid Tolls or Pontage; to remove such respective Officers, and to appoint new Ones in case of Death or such Removal; and out of the Monies arising by virtue of this Act to allow them reasonable Salaries for their Care and Pains.

Officers to give Security.

And be it further enacted, That the said Magistrates and Town-council shall and may, and they are hereby authorised and required to take such Security from the Treasurer or Treasurers, Collector or Collectors, and other Officers, who shall be employed or concerned in the Receipt, Payment, or Disbursement of any of the Monies to be borrowed or collected under or by virtue of this Act, for the due Execution of their respective Offices, as to the said Magistrates and Town-council shall seem proper and requisite.

Power of Quorum of Town-council.

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 a Quorum of the Town-council; in which Meeting or Meetings a full Power is hereby vested to treat, contract, agree, or give Orders for paying Money, building, making, or repairing the said Bridge, Avenue, and Roads.

Books to be kept, subject to Inspection of the Commissioners of Supply for the County of *Lanark*.

And that the Monies arising from the Tolls or Pontage of the said Bridge may be properly applied to the aforesaid Purposes, and that no Part thereof may be embezzled, be it further enacted, That all Orders and Proceedings of the said Magistrates and Town-council, and their Successors in Office, shall be entered in a Book or Books to be kept by them; and that such Book or Books shall be open at

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, without Fee or Reward; and that the ſaid Magiſtrates and Town-council, and their Succeſſors in Office, 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 be done, ſhall forfeit and pay Double the Sum ſo miſapplied, to be recovered at the Suit of the ſaid Commiſſioners of Supply, or any Two of them, before the Sheriff or Juſtices of the Peace for the County of Lanark; and the Money ſo recovered ſhall be applied towards the building and repairing 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.

Penalty on Miſapplication.

And whereas, during the Continuance of this Act, it may be thought expedient that a publick Subſcription ſhould be made for defraying the Expence of building and maintaining the ſaid Bridge, and for defraying the Expences of making and repairing the ſaid Roads and Avenues thereto; be it further enacted, That the ſaid Magiſtrates and Town-council, and their Succeſſors in Office, 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 the ſaid Subſcription or Subſcriptions ſhall amount to the Sum of Three thouſand Pounds Sterling 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 Magiſtrates and Town-council, or their Succeſſors in Office, the Toll or Pontage granted by this Act ſhall totally ceaſe, and the Paſſage of the ſaid Bridge and Roads ſhall thereafter be open to every Perſon, Beaſt, or Carriage, without Payment

If Subſcription ſufficient, Toll to ceaſe, and Bridge, &c. be free; or Tolls may be leſſened in proportion to Money advanced.

ment of any Toll or Duty whatsoever, other than what is necessary for keeping the same in Repair.

Penalty on damaging the Bridge, or interrupting the Building.

And for preventing the wilful and malicious damaging the said Bridge, or any Part thereof, or any Turnpike belonging thereto, or hindering or interrupting the Building of the same; be it further enacted, That if any Person or Persons shall wilfully or maliciously damage the said Bridge, or any Part thereof, or any Turnpike belonging thereto, or shall abuse or maltreat any Person or Persons appointed to gather the Toll thereat, or attempt so to do, or shall wilfully or maliciously, and without Authority from the said Magistrates and Town-council, or their Successors in Office, remove or take away any Works thereunto belonging, or in any-wise direct or procure the same to be done, or who shall be aiding or assisting therein, whereby the said Bridge or the Works thereof may be damaged, or the Toll-gatherer or Toll-gatherers disturbed in the Exercise of their Office; such Offender or Offenders, being lawfully convicted thereof before the Sheriff, or any Two of the Justices of the Peace for the County of Lanark, either by the Confession or Oath of the Party Offender, or by the Oath of One or more credible Witness or Witnesses, 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 to be imprisoned for Six Months in case of Insolvency; and the Fine when recovered shall be applied to the Purposes of this Act, after defraying the necessary Charges attending the Suit.

Penalty found inadequate, Offender may be prosecuted in common Form.

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

Avenues belonging to *Hamilton* may be widened, &c. making Satisfaction.

And whereas certain Avenues of the Town of Hamilton, namely, One leading towards the City of Glasgow, and another towards the Town of Lanark, are in many Places narrow, and inconvenient; be it therefore enacted, That it shall be lawful for the said Magistrates and Town-council, and their Successors in Office, to amend and repair the aforesaid Avenues from the Head of the Street called The Muirwind, through the Town of Hamilton, and to the Bridge over Aven at the South End of the said Town, and to remove and take away all Stairs, Buttresses,

Buttreſſes, Dunghills, and other Obſtructions, and to pull down, level, or fill up all Walls, Hedges, and Ditches, or other Impediments which may hinder the Improvement of the ſaid Avenues, and to widen the ſame to any convenient Breadth not exceeding Forty-two Feet, and to ſtreight or alter the ſaid Avenues wherever it ſhall be found neceſſary; they the ſaid Magiſtrates and Town-council, and their Succeſſors in Office, paying always the Damage which ſhall be ſuſtained by any Perſon or Perſons by ſtreighting, widening, or altering the ſaid Avenues beyond Twenty Feet, beſides Syvers the Breadth eſtabliſhed by Statute; which Damage ſhall be aſcertained in the Manner appointed for aſcertaining the other Damages which may be incurred in the Execution of this Act: But any Diſpute that may ariſe with relation to ſuch Damage ſhall in no wiſe delay or interrupt the Improvement and Reparation of the aforeſaid Avenues.

Statute-work may be applied to widening the Avenues, or converted into Money for that Purpoſe.

And, for the more effectual Execution of the ſaid laſt-mentioned Works, be it further enacted, That the ſaid Magiſtrates and Town-council, and their Succeſſors in Office, ſhall be authoriſed and impowered to call out yearly before Harveſt all Perſons liable to perform Statute-work within the Liberties of the ſaid Burgh of Hamilton, to perform the Whole of their Statute-work in the Improvement and Reparation of the ſaid Avenues; and if the ſaid Magiſtrates and Town-council, and their Succeſſors in Office, ſhall think proper, they are hereby impowered to demand a Converſion in Money for all or any Part of the Service above-mentioned; provided always, that the Converſion to be demanded ſhall not exceed the ordinary Rate or Hire of Labour in and about the ſaid Town of Hamilton: The ſaid Converſion ſhall be payable to the Magiſtrates and Town-council, and their Succeſſors in Office, or to any Perſon or Perſons authoriſed by them, on or before the Fifteenth Day of May yearly, the Demand thereof being always made Fourteen Days before the ſaid Term of Payment.

Limitation of Statute-work.

And be it further enacted, That all Perſons within the Liberties of the ſaid Burgh, keeping Waggons and Carts, ſhall only be liable to work Three full Days yearly, with all the Horſes and Waggons or Carts they keep, or pay a reaſonable Converſion for the ſame; and all Perſons keeping Horſes for Hire, either for Chaiſe or other

other Carriage, or for Saddle; and all Persons occupying Lands within the Liberties of the said Burgh, whether in Grass or Tillage, shall be obliged to work or pay for each Horse they keep, or in proportion to the Number of Horses it would require to labour the Lands in their respective Possessions, at the same Rate with Persons keeping Carts or Waggons; and if such Payment shall be refused or neglected, it shall and may be recovered in such Manner as is appointed in the former Part of this Act for recovering the Toll or Pontage to be collected at the aforesaid Bridge; the Money arising from the aforesaid Conversion being hereby appointed to be applied, in the first Place, in improving and repairing the said Avenues, and in defraying the Expence of the Damage incurred thereby; and in the second Place, in maintaining and repairing any of the other Inlets and Avenues of the said Burgh, and to no other Use or Purpose whatsoever.

Power to relieve poor Persons from Statute-work, &c.

Provided always, That it shall be lawful for the said Magistrates, and their Successors in Office, totally to relieve any Person or Persons that shall be in indigent Circumstances, within the Liberties of the said Burgh, from their respective Statute-work, or to demand such Part thereof as they think their Circumstances can bear.

Penalty on annoying the Avenues.

And be it further enacted, That it shall not be lawful for any Person or Persons to lay upon the aforesaid Avenues and Roads, or any other Avenues or Streets within the Liberties of the Burghs of Hamilton, Dung, Timber, Rubbish, or other Impediments which may hinder the free Use of the said Avenues, Roads, and Streets, except what may be immediately necessary for Building; and if any Person or Persons shall lay such Impediment thereon, and shall not remove the same within Twelve Hours after being required so to do by the said Magistrates, and their Successors in Office, or by any Person or Persons commissioned by them for that Purpose, he, she, or they shall forfeit, for every such Offence, Five Shillings, over and above the Expence of removing the same; which Sums shall be recovered as the other Forfeitures and Penalties of this Act, and be applied in improving and repairing the last-mentioned Streets, Avenues, and Roads.

Tolls and Duties when to cease.

And be it further enacted, That as soon as the Monies to be borrowed upon the Credit of the aforesaid Tolls, together

together with the Interest thereof, shall be fully paid and satisfied, from thenceforth the Tolls to be collected by virtue of this Act, shall either cease and determine, and the Passage become free, and the said Bridge and Avenues thereto be kept in Repair at the Expence of the County of Lanark; or it shall be lawful for the said Magistrates and Town-council, and their Successors in Office, to meet with the Commissioners of Supply of the said County of Lanark, and to concert with them from Time to Time, and settle on such Proportions of the Pontage hereby granted as shall be sufficient for keeping the said Bridge and Avenues thereto in proper Repair; which said Proportions shall be levied and managed as herein before directed, and applied to the repairing of the said Bridge, and Roads leading to and from the same, and all the other Works relating thereto, and to no other Use or Purpose whatsoever; and if any sudden and extraordinary Damage shall at any Time happen to the said Bridge so as to render the same impassable, it shall be lawful for the said Magistrates and Town-council, and their Successors in Office, to repair the said Damage, and to augment the Pontage for paying the Expence incurred by such Repair, so as not to exceed the Pontage hereby granted; which augmented Pontage shall continue no longer than shall be necessary for defraying such Expence.

Writings to be without Stamps.

And be it further enacted, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, Mortgage, or Assignment, or other Security for the Borrowing of Money, or other Writing whatsoever relating to the Execution of this Act, shall be charged or chargeable with any Stamp-duty whatsoever.

Actions to be commenced within Six Months.

And be it further enacted, That if any Person or Persons shall think themselves aggrieved or prejudiced by the said Magistrates and Town-council, or any Person employed by them in the Exercise of any of the Powers granted by this Act, it shall and may be lawful for such Person or Persons either to seek Redress by the Means appointed by this Act, or to bring their Suit and Complaint before the Justices of the Peace of the County of Lanark, at any of the Adjournments of their Quarter-Sessions at Hamilton, within Six Months after such Grievance shall have been committed; and the Justices met at such Adjournments only, are hereby impowered and required to hear and determine in all such Complaints;

Determination of Justices of *Lanark* to be final.

which Determination shall be final and conclusive to all Parties.

Publick Act. And be it further enacted, That this Act shall be deemed a Publick Act; and be judicially taken Notice of by all Judges, Justices, and other Persons whomsoever, without specially pleading the same.

FINIS.