CHAPTER xcvii.

An Act for making a diversion of a portion of the Glasgow and Yoker Turnpike Road, in the County of Lanark, and of the Tramway laid down thereon; and for other purposes. [29th June 1875.] A.D. 1875.

WHEREAS an Act was passed in the session of Parliament held in the eighth and ninth years of the reign of Her present Majesty, intituled "An Act for more effectually maintaining, "improving, and repairing the Road leading from the City of "Glasgow to Yoker Bridge and certain roads communicating "therewith" (herein-after called "The Yoker Road Act, 1845"): 8 & 9 Vict. c. cxcv.

And whereas the turnpike road from Glasgow to Yoker Bridge (herein-after called "the Yoker Road") is under the management of the Trustees appointed by the Yoker Road Act, 1845 (herein-after called "the Trustees"), and is maintained by them under the powers of that Act and of an Act passed in the session of Parliament held in the first and second years of the reign of King William the Fourth, intituled "An Act for amending and making "more effectual the laws concerning Turnpike Roads in Scotland" (herein-after called "the General Turnpike Act"), and is an important public thoroughfare: 1 & 2 W. 4. c. 43.

And whereas the said road, at and near the place where it is carried across the River Kelvin, in and adjoining to the city of Glasgow, might be materially improved, as respects curve, gradients, and width, by a diversion of a portion thereof, including the bridge over that river, and it is expedient that the Trustees should be empowered to make and maintain such diversion, including a new bridge over the said river (herein-after called "the diversion"), and to acquire lands for the purposes thereof and in connexion therewith, and to stop up the portion of the Yoker Road (including the existing bridge) lying between the points of commencement and termination of the diversion, and for which the diversion is to

A.D. 1875.

be substituted (herein-after called "the superseded portion of road"), and to sell, feu out, or dispose of the site thereof, and any other lands not required for their works, and to remove and dispose of the materials of the existing bridge, and to stop up and alter the levels of certain portions of a private road in connexion with the diversion:

And whereas, under the provisions of the Glasgow Street Tramways Act, 1870 (herein-after called "The Glasgow Tramways Act"), a double line of tramway has been laid down along a considerable part of the Yoker Road, including the superseded portion of road, of which tramway the lord provost, magistrates, and council of the city of Glasgow (herein-after called "the Corporation") are the owners, and the Glasgow Tramway and Omnibus Company, Limited (herein-after called "the Tramway Company"), are the lessees, and it is expedient that the Trustees should be empowered to lay down a double line of tramway along the diversion, in substitution for the existing tramway laid along the superseded portion of road, and to remove and dispose of the materials of the portion of tramway for which such new tramway is to be substituted as aforesaid, and that the Trustees and the Corporation and the Tramway Company should be enabled to enter into agreements with each other in relation to the removal and laying down of the said tramways, the cost of these operations, and other matters connected therewith:

And whereas the expense of the diversion and of the line of tramway along the same, and other works herein-before mentioned, was nineteen thousand pounds according to the deposited estimate which was prepared on the footing of the new bridge being sixty feet in width, but it has been arranged that the Corporation shall pay the cost of the land required for the diversion and other works before mentioned, whereby, and by lessening the width of the said bridge to fifty feet, the estimated expense will be reduced to fourteen thousand pounds, and the Trustees have at present on hand a sum of about fourteen thousand pounds:

And whereas it is expedient that all the provisions of the Yoker Road Act, 1845, should apply to the diversion, and that all the provisions of the Glasgow Tramways Act (save as otherwise provided by this Act) should apply to the line of tramway to be laid down along the diversion:

And whereas plans and sections describing the lines, situation, and levels of the diversion authorised by this Act, and of the tramway to be laid down thereon, and of the alteration of private road by this Act authorised, and a book of reference containing the names of the owners or reputed owners, lessees or reputed lessees,

and occupiers of the lands which may be taken for the purposes of the said works or under the powers of this Act, were duly deposited with the principal sheriff clerk of the county of Lanark, at Glasgow, and are herein-after respectively referred to as the deposited plans, sections, and book of reference:

And whereas the objects of this Act cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen'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, as follows:

Short titles.

1. This Act may be cited as "The Glasgow and Yoker Road Act, 1875," and the Yoker Road Act, 1845, may be cited as "The Glasgow and Yoker Road Act, 1845."

Interpretation of terms.

2. In the Tramways Act, 1870, as thereby partially incorporated with this Act, the expression "the promoters" means the Trustees previously to the completion of the tramway by this Act authorised, but after such completion means the Corporation and the Tramway Company, for their respective interests as owners and lessees of the tramways authorised by the Glasgow Tramways Act.

Power to make and maintain diversion of turnpike road and alteration of private road.

3. Subject to the provisions of this Act, the Trustees may make, in the lines and according to the levels shown on the deposited plans and sections, the diversion of the Yoker Road, and the alteration of the private road leading from the Yoker Road to the flour mills belonging to the Incorporation of Bakers in Glasgow, called Bunhouse Mills, both herein-after described, with all proper footpaths, walls, banks, and other works and conveniences in connexion therewith, and may enter upon, take, and use, temporarily or permanently, such of the lands delineated on the said plans and described in the deposited book of reference as may be required for those purposes, and also the lands adjoining thereto which lie between the superseded portion of road and the northern bank of the River Kelvin, and are delineated on the said plans and included within the lines marked thereon "limit of additional land to be acquired," and described in the said book of reference. The diversion and alteration of roads herein-before referred to and authorised by this Act are,—

(1.) A diversion of the Yoker Road, to commence at a point on the said road at or near the point where the street in the burgh of Partick called Queen Street joins the said road,

A.D. 1875.

and to be carried over the River Kelvin by a new bridge, and to terminate at a point on the said road about one hundred and twenty-one yards southward from the keystone of the centre arch of the existing bridge by which the said road is carried over that river, in the parish of Govan and barony parish of Glasgow, and in the county of Lanark:

(2.) An alteration of the levels of the said private road, to commence at a point about twenty-four yards westward from the point of junction of that road with the superseded portion of the Yoker Road, and to terminate at a point about one hundred and thirty-six yards westward from the said point of junction, in the barony parish of Glasgow and county of Lanark.

Errors and omissions in plans and book of reference may be corrected by sheriff, who shall certify the same.

4. If any omission, misstatement, or erroneous description shall have been made of any lands, or of the owners, lessees, or occupiers of any lands, in the deposited plans or book of reference, the Trustees may apply to the sheriff of the county of Lanark for the correction thereof, after giving ten days notice to the owners, lessees, and occupiers of the lands affected by such proposed correction; and if it shall appear to such sheriff that such omission, misstatement, or erroneous description arose from mistake, he shall certify the same accordingly, and shall in such certificate state the particulars of any such omission, and in what respect any such matter shall have been misstated or erroneously described; and such certificate shall be deposited in the office at Glasgow of the principal sheriff clerk of the said county, and duplicates of such certificate shall also be deposited with the schoolmaster, or, if there be no schoolmaster, with the session clerk of each of the parishes of Govan and barony of Glasgow, and with the town clerk of the city of Glasgow; and such certificate and duplicates thereof shall be kept by such sheriff clerk, schoolmasters, or session clerks, and town clerk respectively along with the other documents deposited with them respectively in relation to the application for this Act, and the deposited plans and book of reference shall be deemed to be corrected according to such certificate, and it shall be lawful for the Trustees to make the works in accordance with the deposited plans and book of reference as so corrected.

Certificate to be deposited.

Power of lateral deviation.

5. The Trustees may deviate from the lines of the diversion and of the alteration of road by this Act authorised, as delineated on the deposited plans, to any extent within the limits of deviation shown on those plans, provided that the works shall not, by means of such deviation, be made to extend into any lands other than those shown

on the deposited plans as being within the limits of compulsory purchase, without the previous consent in writing of the owners, lessees, and occupiers of such lands.

Power of vertical deviation.

6. The Trustees may deviate from the levels of the diversion and of the alteration of road authorised by this Act, as referred to the datum line described on the deposited sections, and as marked thereon, to any extent not exceeding five feet.

Trustees to lay down tramway on diversion of road, in substitution for tramway on superseded portion of existing road.

7. The Trustees may and shall lay down along the centre of the diversion a double line of tramway (which will be one furlong five chains and ten yards or thereabouts in length) in substitution for, and of the same gauge with, and not inferior, as respects materials, weight of rails, construction, or otherwise, to the tramway now laid down along the superseded portion of road, and shall connect the same in a proper and efficient manner with the existing double line of tramway laid along the Yoker Road, at the points of commencement and termination of the diversion, and shall open the same when completed for public traffic; and such double line of tramway shall be laid so that at no point a less space than ten feet six inches shall intervene between the outside of the footpath on either side of the road and the nearest rail of such double line of tramway.

Trustees to construct sewers, drains, and pipes on and under diversion of road, in substitution for those on and under superseded portion of existing road.

8. The Trustees may and shall construct and lay, on and under the diversion, sewers, drains, gas pipes, and water pipes, in substitution for and not inferior, as respects materials, dimensions, number, position, construction, or otherwise, to those now laid on and under the superseded portion of road, and shall connect the same in a proper and efficient manner with the existing sewers, drains, gas pipes, and water pipes laid on and under the Yoker Road at the points of commencement and termination of the diversion.

When new works completed Trustees may stop up portions of existing roads, and use or sell materials of works on and under same.

9. When and as soon as the Trustees have completed the diversion and opened the same for public traffic, and have completed, connected, and opened for public traffic the said double line of tramway along the diversion in manner herein-before provided, and have completed and connected the said sewers, drains, gas pipes, and water pipes on and under the diversion as aforesaid, and have completed the said alteration of the private road herein-before mentioned and connected the same with the diversion, they may stop up the superseded portion of road and the double line of tramway laid down thereon, and may remove, and use, sell, or otherwise dispose of the materials of the tramway, sewers, drains, gas pipes, and water pipes laid along, on, and under the superseded portion of road, and the materials of the said existing bridge, and

A.D. 1875.

may stop up that portion of the said private road which lies between the point of junction thereof with the superseded portion of road and the said point about twenty-four yards westward therefrom,

Trustees may dispose of site of superseded portion of road and any lands not required.

10. The Trustees may sell, feu out, or otherwise dispose of the site of the superseded portion of road, so far as the same is not situate above the River Kelvin, and also such of the lands which they may have acquired under the powers of this Act as they may find not to be necessary for the purposes thereof.

Diversion to form part of Yoker Road, and tramway to form part of Glasgow tramways.

11. The diversion shall for the purpose of tolls and in all other respects be held to form part of the Yoker Road, and shall be maintained by the Trustees, and all the provisions of the Yoker Road Act, 1845, and of the General Turnpike Act, shall apply thereto; and the double line of tramway to be laid along the diversion shall be held for the purposes of tolls, rates, and charges, and in all other respects, to form part of the tramway laid along the Yoker Road under the powers of the Glasgow Tramways Act, and shall be maintained by the parties liable to maintain that tramway, and all the provisions of that Act and of the Tramways Act, 1870, and the Glasgow Corporation Tramways Act, 1872 (save as respects matters otherwise provided for in this Act), shall apply thereto.

Trustees, Corporation, and Tramway Company may enter into agreements as to removal and relaying of tramways.

12. The Trustees, the Corporation, and the Tramway Company may enter into agreements with each other in relation to the removal and laying down of the lines of tramway herein-before mentioned, the costs of these operations, and other matters connected therewith.

Trustees not required to purchase the Bunhouse Flour Mills, though they interfere with the mill lead thereof.

13. And whereas, in exercising the powers of this Act, it may happen that the Trustees may require to take, alter, or interfere with a mill lead and certain other properties which are numbered on the deposited plans 15, 16, 17, and 18, and are connected with the flour mills herein-before mentioned, and that the same may be done without material detriment to the said mills; therefore the owners of and persons interested in the said mill lead and other properties may, if the same can be taken, altered, or interfered with as aforesaid without material detriment to the said mills, be required to sell and convey to the Trustees the portions only of the premises which may be required for the purposes of this Act, without the Trustees being obliged or compellable to purchase the whole or any other portion thereof, the Trustees paying for the portions which may be so required by them, and making compensation for any damage sustained by the owners thereof, and any other persons interested therein, by severance or otherwise,

Time for completion of works limited.

14. On the expiration of three years from the passing of this Act the powers granted to the Trustees for constructing the works by this Act authorised shall cease.

Expenses of Act.

15. All costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Trustees.

LONDON: Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1875.