CHAPTER xxv.

An Act for uniting and continuing the term of the Glasgow and Renfrew Bridge and the Glasgow and Three Mile House Turnpike Road Trusts, and appointing a new body of Trustees; and for other purposes. [13th May 1872.] A.D. 1872.

WHEREAS an Act was passed in the second and third year of the reign of Her present Majesty, intituled "An Act for "more effectually maintaining and repairing the road leading from "the west side of the entry to the new or Jamaica Street Bridge of "Glasgow, by or near Parkhouse, to the east end of the bridge at "Renfrew," by which the previous Acts relating to that road were repealed, and certain persons named in that Act and others holding the offices and land qualifications therein mentioned were appointed trustees for managing, maintaining, repairing, and improving the said road, and empowered to levy the tolls therein specified, during the term of twenty-one years from the passing of the said Act, and from thence to the end of the then next session of Parliament: 2 & 3 Vict. c. l.

And whereas the term of the said Act has long since expired, but the powers and provisions thereof have from year to year up to the present time been continued by successive Public Acts for continuing Turnpike Acts:

And whereas an Act was passed in the sixth year of the reign of Her present Majesty, intituled "An Act for more effectually main- "taining, improving, and repairing the road leading from the south "end of the new bridge of Glasgow, by or near Parkhouse, to Three "Mile House in the county of Lanark," by which the previous Acts relating to that road were repealed, and certain persons named in that Act and others holding the offices and land qualifications therein mentioned were appointed trustees for managing, maintaining, and repairing the said road, and empowered to levy the tolls therein specified, during the term of thirty-one years from the passing of 6 & 7 Vict. c. xxxix.

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the said Act, and from thence to the end of the then next session of Parliament:

And whereas the portion of the said roads lying to the eastward of Parkhouse toll bar is common to both trusts, and it would be advantageous to the public using the roads, as well as productive of economy in management, if the said roads were united and placed under the charge of one body of trustees, and subjected to the same tariff of tolls; and it is expedient that the tolls now leviable on the said roads should be modified and altered:

And whereas nearly all the persons who were named in the said Acts as trustees on the said roads respectively are now dead, and it is difficult to obtain the attendance of a sufficient number of trustees to conduct the business of the trusts; and it is expedient to appoint a new body of trustees:

And whereas the term granted by the secondly above recited Act will shortly expire, and it is expedient that powers should be granted for a new term of years, to such new body of trustees, to maintain and manage such united roads, and levy such modified and altered tolls; and for these purposes that both the recited Acts should be repealed:

And whereas certain portions of the said roads are situate within the city of Glasgow and the burghs of Govan and Kinning Park respectively; and it is expedient that the local authorities of the said city and burghs respectively, and the trustees of the said roads, should be enabled, if they think fit, to enter into agreements with each other for the transference to such local authorities respectively of the maintenance and management of the portions of road situate within their respective jurisdictions, and for the removal of toll bars therefrom:

But the objects aforesaid 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; (that is to say,)

Short title and commencement of Act.

1. This Act may be cited for all purposes as "The Glasgow, Renfrew, and Three Mile House Turnpike Roads Act, 1872," and shall commence and take effect on and from the first day of October next following the passing of this Act.

Interpretation of terms.

2. In this Act the following words and expressions have the meanings hereby assigned to them respectively, unless there be

something in the subject or context repugnant to such construction; (that is to say,)

The expression "the roads" means and includes the roads hereinbefore described, with their appurtenances, as hitherto maintained under the provisions of the recited Acts, excepting any portions thereof the management of which may have been or may be transferred to the Board of Police of Glasgow (the local authority vested with the management of the streets of that city in virtue of "the Glasgow Police Act, 1866,") or to the magistrates and commissioners of police of the burghs of Govan and Kinning Park respectively:

The expression "the existing trustees" means and includes the trustees appointed by and acting in the execution of each of the recited Acts respectively:

The expression "the trustees" means the trustees for the time being acting in the execution of this Act:

The word "clerk" means the clerk to the trustees:

The words "toll-gate" and "toll-gates" respectively include one or more (as the case may be) turnpikes, bars, chains, side-gates, and weighing machines.

Recited Acts repealed.

3. On the commencement of this Act the Acts herein-before recited shall be and the same are hereby repealed, but subject to the provisions contained in this Act.

Appointment of trustees.

4. On and after the commencement of this Act the following persons, when of lawful age, shall be trustees for managing, maintaining, repairing, and improving the roads, and for otherwise carrying this Act into execution; (that is to say,) every person who is at the time, in his own right, or in right of his wife, in the actual possession and enjoyment, as proprietor or liferenter, of the dominium utile of lands in the parish of Govan or in the parish of Renfrew, valued in the cess books of the counties of Lanark or Renfrew at one hundred pounds Scots or upwards of valued rent, or of the lands of Cardonald in the Abbey Parish of Paisley, or of the lands of Blythswood in the parish of Renfrew; as also the eldest son of every such proprietor, being the heir apparent of such lands; as also one commissioner, factor, or mandatory to act for every such proprietor or liferenter in his absence, one guardian or trustee to act for every such proprietor or liferenter who is in minority, and one commissioner, factor, or mandatory to act for every such proprietor or liferenter who is an unmarried or widowed female, provided such commissioner, factor, mandatory, guardian, or trustee shall produce his authority as such at each meeting of the trustees

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when required; as also the Lord Lieutenant, the convener, and the sheriff depute of the county of Lanark, the Lord Lieutenant, the convener, and the sheriff depute of the county of Renfrew, the lord provost, the eight bailies, the dean of guild, and the deacon convener of the city of Glasgow, the preceptor of the royal incorporation of Hutcheson's Hospital in the city of Glasgow, two of the trustees of the Clyde Navigation, to be elected annually by the said trustees at their first meeting after the election of Clyde trustees in November in each year, the provost and the senior bailie of the burgh of Paisley, the provost and the two bailies of the royal burgh of Renfrew, the chief magistrate and the two junior magistrates of the burgh of Govan, and the chief magistrate of the burgh of Kinning Park, all for the time being; as also the Right Honourable the Earl of Glasgow, the Right Honourable the Lord Blantyre, Sir William Stirling Maxwell, of Keir and Polloc, Baronet, Robert Galbraith of Greenhead, John Hinshelwood of Ibrox, William McLean of Shiells, Colonel Archibald Campbell Campbell of Blythswood, Thomas Richardson of Ralston, Colin Robert Dunlop of Drumoyne, Morris Pollok, manufacturer, Govan, Robert Robertson of Whitefield, Colin Dunlop Donald, writer, Glasgow, James White of Overton, William Ross of Crookston Hall, Henry McCall of Daldowie, Walter McLellan, iron merchant in Govan, and John Francis Ure, John Napier, and Alexander Stephen, all shipbuilders in Govan.

Property vested in trustees under repealed Acts to be vested in trustees under this Act.

5. On and after the commencement of this Act all the roads, bridges, lands, toll-houses, and other buildings, toll-gates, works, rights, interests, moneys, property and effects, rights of action, claims and demands whatsoever, of or to which the existing trustees, under or by virtue of the recited Acts or otherwise, were immediately before the commencement of this Act vested, seised, and possessed, or in any manner of way entitled at law or in equity or otherwise, shall become and be vested in the trustees, who may use, possess, sue for, and recover the same, and act in respect thereof as effectually as if the same had been vested in them under the recited Acts, and they shall be liable to all the debts, liabilities, claims, and demands to which the existing trustees were liable at the commencement of this Act.

Persons who have acted under repealed Acts to account for moneys and deliver up books.

6. All persons acting or who have acted under the recited Acts who shall on the commencement of this Act have in their custody, power, or possession any money collected or raised by virtue of the recited Acts, or belonging to the existing trustees, or any books, deeds, papers, writings, or effects belonging to the existing trustees, or relating to the execution of the recited Acts,

shall pay and deliver up the same to the trustees, or to such persons as they shall appoint to receive the same; and in case of neglect or refusal the person so neglecting or refusing shall for every such offence be liable to a penalty not exceeding twenty pounds, and shall also be liable to such actions as the trustees may commence for the recovery of the money, books, deeds, papers, writings, or effects so refused or neglected to be paid or delivered up as aforesaid.

Persons owing debts under repealed Acts to be liable to trustees.

7. Every person who at the time of the commencement of this Act shall be liable for any tolls and duties leviable under the recited Acts shall, notwithstanding the repeal thereof, be liable to the payment of such tolls and duties to the trustees in like manner as every such person would have been liable to the payment thereof to the existing trustees, if this Act had not been passed; and the same shall be paid, with all interest due or to accrue due thereon, to the trustees, and the payment thereof may be enforced by them in the like manner as the same might have been enforced by the existing trustees if this Act had not been passed, and the existing trustees shall pay over to the trustees all sums of money in their hands under the powers of the recited Acts or either of them, and applicable to the purposes thereof, and the payment thereof may be enforced by the trustees by proceedings in any court of competent jurisdiction.

Contracts may be enforced by and against the trustees.

8. All contracts, bonds, engagements, acts, and proceedings entered into, made, done, or transacted by or with the existing trustees previously to the commencement of this Act shall, on and from the commencement of this Act, be binding on and enforceable by and against and be incumbent on the trustees as fully as they would have been binding on or enforceable by and against and be incumbent on the existing trustees if this Act had not been passed.

Books under former Acts to be evidence.

9. All books containing the accounts and proceedings of the existing trustees, and made evidence thereby, shall and may be given in evidence in all cases of appeal, and in all prosecutions, suits, and actions whatsoever, in such and the same manner as if the recited Acts had not been repealed.

Former officers to continue.

10. The clerk, treasurer, surveyors, collectors, and all other officers appointed and employed in the execution of the recited Acts shall continue to exercise their offices under this Act until they shall respectively be displaced or removed by the trustees, or shall resign office, or be disqualified or incapable of executing their offices,

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and shall be subject to the like rules and regulations, pains and penalties, in all respects whatsoever as if they had been appointed under and by virtue of this Act.

Actions not to abate, and liabilities under former Acts continued.

11. No action, suit, prosecution, or other proceeding whatsoever commenced by or against the existing trustees shall abate, cease, or be discontinued or prejudicially affected by this Act, but the same shall continue and take effect both in favour of and against the trustees in the same manner in all respects as the same would have continued and taken effect in relation to the existing trustees if this Act had not been passed: Provided always, that notwithstanding the repeal of the recited Acts, and except only as it is by this Act otherwise expressly provided, everything before the commencement of this Act done or suffered under the recited Acts shall be as valid as if such Acts were not repealed, and the repeal thereof and this Act respectively shall accordingly be subject and without prejudice to everything so done or suffered, and to all rights, liabilities, claims, and demands, both present and future, which, if the recited Acts were not repealed and this Act were not passed, would be incident to or consequent on any and every thing so done or suffered; and with respect to all such rights, liabilities, claims, and demands, the trustees shall to all intents and purposes represent the existing trustees: Provided also, that the generality of the provisions contained in this enactment shall not be confined or restricted by any provision contained in this Act.

Meetings of trustees.

12. The first general meeting of the trustees shall be held in Glasgow on the third Thursday after the commencement of this Act, and the trustees may also hold special general meetings from time to time on the requisition to that effect of any two or more of the trustees, or of the clerk, and the trustees shall at all their meetings have power to adjourn from time to time as they shall see cause.

Quorum.

13. At all general meetings of the trustees five trustees shall form a quorum.

Committees of trustees.

14. The trustees may from time to time, at any special general meeting, appoint committees of their number, with such powers and subject to such regulations as respects the meetings, quorum, and proceedings of such committees as the trustees shall prescribe.

Tolls to be payable until 15th May 1873.

15. Notwithstanding the repeal of the recited Acts the several tolls thereby granted, and which may be payable at the time of such repeal, shall continue to be payable at the toll-gates which shall

be continued or erected upon or across the roads or on the sides thereof, until the fifteenth day of May next after the commencement of this Act, at twelve o'clock noon.

Tolls to be taken thereafter.

16. On and after the fifteenth day of May next after the commencement of this Act, at twelve o'clock noon, the trustees may demand and take or cause to be demanded and taken at every toll-gate which shall be continued or erected upon, across, or on the side of the roads, such tolls as the trustees shall from time to time direct, not exceeding the sums following; (that is to say,)

For horses or other beasts of draught drawing any coach, omnibus, cab, chaise, brougham, break, phaeton, curricle, gig, or other carriage, public or private, fitted solely or chiefly for the conveyance of passengers, or any hearse,

If such carriage be drawn by only one horse, or other beast of draught, twopence;

If by two, fourpence;

If by three, ninepence;

If by four, one shilling; and

If by more than four, one shilling for the first four, and for each additional horse or other beast of draught, fourpence:

For horses or other beasts of draught drawing any cart, waggon, lorrie, or other carriage, fitted solely or chiefly for the conveyance of goods, minerals, or other articles, matters, or things,

If such carriage be drawn by only one horse or other beast of draught, twopence;

If by two, fourpence;

If by three, one shilling; and

If by more than three, one shilling for the first three, and for each additional horse or other beast of draught fourpence: Provided always, that no additional charge shall be made in respect of any number of horses exceeding twelve.

For every locomotive engine containing or carrying the power or machinery for its own propulsion,

If the weight of such locomotive engine do not exceed two tons, threepence;

If it exceed two tons but do not exceed four tons, sixpence;

If it exceed four tons but do not exceed six tons, one shilling and sixpence; and

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If it exceed six tons, one shilling and sixpence in respect of the first six tons, and in respect of every two tons beyond six tons (a fractional part of two tons beyond any integral number of two tons being reckoned as two tons), sixpence:

For every cart, waggon, omnibus, or other carriage of any description drawn or propelled by any locomotive engine,

In respect of each pair of wheels thereof, fourpence;

But if such wheels be not cylindrical (that is to say, of the same diameter on the inside next the carriage as on the outside, so that when such wheels shall be rolling on a flat or level surface the whole breadth thereof shall bear equally on such flat or level surface), then in respect of each pair of wheels thereof, sixpence.

And if the weight of any cart, waggon, lorrie, or other such carriage, laden with goods, minerals, or other articles, matters, or things, together with the loading thereof, whether the same be drawn or propelled by animal power or otherwise, exceed twenty-five hundredweight, the following tolls in addition to those herein-before specified; that is to say,

If such weight do not exceed thirty hundredweight, twopence;

If it exceed thirty hundredweight but do not exceed thirty-five hundredweight, fourpence;

If it exceed thirty-five hundredweight but do not exceed forty hundredweight, sixpence;

If it exceed forty hundredweight but do not exceed fifty hundredweight, one shilling;

If it exceed fifty hundredweight but do not exceed sixty hundredweight, one shilling and sixpence;

If it exceed sixty hundredweight, one shilling and sixpence in respect of the first sixty hundredweight, and twopence in respect of each additional ton or part of a ton: Provided always, that the person liable in payment of such tolls shall, when the cart, waggon, lorrie, or other such carriage, together with its loading, exceeds four tons in weight, be obliged, when required, to deliver to the trustees or their tacksman, or other person employed by them, a written statement of the precise weight of such cart, waggon, lorrie, or other such carriage, together with its loading, and the toll shall be paid accordingly:

For every horse or mule, laden or unladen, and not drawing, one penny:

For every ass, laden or unladen, and not drawing, one halfpenny:
For every bull, ox, or cow, one penny:
For every calf, sheep, lamb, hog, or goat, one halfpenny:
Which respective tolls shall in each case be paid before the animal, locomotive engine, or carriage, as the case may be, in respect of which such tolls respectively are payable, shall pass through any such toll-gate: Provided always, that such tolls shall not be demanded or taken more than once during the same day in respect of the same animal, locomotive engine, or carriage, with the same loading, although passing or repassing through the same or more than one toll-gate on the roads.

Reserving provisions of certain Tramway Acts.

17. Nothing in this Act contained shall alter, prejudice, or affect any of the provisions with respect to tolls, maintenance of roads, or otherwise, contained in "The Glasgow Street Tramways Act, 1870," or in "The Vale of Clyde Tramways Act, 1871."

Application of tolls.

18. All moneys which shall come into the hands of the trustees on the commencement of this Act or thereafter, and all tolls which shall be levied by them, shall, after payment of the costs, charges, and expenses of and incident to the preparing for, obtaining, and passing this Act, be applied as follows; (that is to say,) in the first place, in paying any debts affecting or which may hereafter affect the roads, and, secondly, in maintaining, repairing, and improving the roads, including the necessary expenses of repairing and erecting toll-gates and toll-houses, the salaries of officers and servants, and other incidental expenses, and carrying out the other objects of this Act.

Trees not to be planted on south side of roads within fifty feet from centre thereof.

19. It shall not be lawful for the owner or occupier of any land on the southern side of either of the roads, or for any other person, to plant on such land any tree within fifty feet from the centre of such road, including the footpath.

Houses not to be erected within thirty feet from centre of roads.

20. Every house or other building whatever which shall be built or rebuilt on the side of either of the roads, or in any village through which either of the roads passes, shall be erected at the distance of thirty feet at least from the centre of such road, including the footpath, under the penalty for each offence of forty shillings, and the expense of demolishing such house or building, and any one justice of the peace for the county in which such house or building shall be situate is hereby authorised to stop the erection thereof within the aforesaid distance from the centre of such road including the footpath; and if any house or other building shall be erected hereafter, whether upon an old or a new foundation, within the distance aforesaid, any two justices of the peace for the counties of

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Lanark or Renfrew, upon application made to them by any one of the trustees, or their clerk or surveyor, and upon proof being given that such house or other building is within the distance aforesaid, may order the same to be pulled down and removed at the expense of the erector thereof, or of the owner or occupier of the ground upon which the same shall stand, and grant warrant for levying such expense by distress of the offender's effects, in manner prescribed by the said Act of the first and second year of King William the Fourth, chapter forty-three, with respect to the recovery of expenses, toll duties, penalties, forfeitures, and fines.

Power to trustees to enter into agreements with local authorities of Glasgow, Govan, and Kinning Park.

21. The trustees on the one hand, and the board of police of Glasgow, the magistrates and commissioners of police of the burgh of Govan, and the magistrates and commissioners of police of the burgh of Kinning Park respectively, or any of them, on the other hand, may from time to time, if they respectively think fit, enter into agreements with each other for the removal of the toll-gates erected on the roads within the city of Glasgow and the burghs of Govan and Kinning Park respectively, or any of them, and for the limitation or extinction of the power of the trustees to erect toll-gates and levy tolls within the said city and burghs respectively, upon such terms and conditions and for such pecuniary or other consideration as may be agreed on; as also for the transference to the said board of police, and to the magistrates and commissioners of police of the said burghs respectively, of the maintenance and management of those portions of the roads which are situate within the said city and burghs respectively, or some portions thereof, upon such terms and conditions, and in consideration of such single or annual payment by either of the said parties to the other, as may be agreed on; and the said several parties may respectively apply the funds under their charge in payment of the consideration stipulated by any such agreement; and in the event of any such transference, the said board of police and the said magistrates and commissioners of police of the burghs of Govan and Kinning Park respectively may apply the funds under their respective charge towards the cost of maintaining and managing the portions of road transferred to them respectively: Provided always, that no such agreement shall be valid and effectual unless agreed to at a general meeting of the trustees specially called for the purpose, and confirmed at another such meeting called in like manner and held not less than three weeks nor more than six weeks thereafter; and that no person qualified as a trustee by holding the office of lord provost, bailie, dean of guild, or deacon convener of the city of Glasgow shall be entitled to vote at any such meeting in relation to any such

agreement between the trustees and the board of police of Glasgow; and that no person qualified as a trustee by holding the office of magistrate of the burgh of Govan shall be entitled to vote at any such meeting in relation to any such agreement between the trustees and the magistrates and commissioners of police of the burgh of Govan; and that no person qualified as a trustee by holding the office of magistrate of the burgh of Kinning Park shall be entitled to vote at any such meeting in relation to any such agreement between the trustees and the magistrates and commissioners of police of the burgh of Kinning Park.

When portions of roads within Glasgow, Govan, and Kinning Park are maintained by local authorities thereof no tolls to be leviable thereon.

22. Whenever the board of police of Glasgow and the magistrates and commissioners of police of the burghs of Govan and Kinning Park shall become bound by agreement with the trustees, or shall be required under the authority of Parliament, to relieve the trustees of the maintenance of the portions of the roads situated within the said city and burghs respectively, the trustees shall, on the fifteenth day of May next following the date when they shall be relieved of such maintenance, remove any toll-gates then existing within the boundaries of the said city and burghs, and shall not thereafter erect any toll-gates or demand or take any tolls within the said boundaries.

Trustees or clerk competent witnesses in actions.

23. Any of the trustees, or the clerk, if not otherwise interested, shall not be deemed incompetent to give evidence, nor disqualified from giving evidence, in any action, suit, or other proceeding brought by or against the trustees, or by or against such trustee or clerk in his capacity of trustee or clerk, by reason of his being pursuer or defender in such action, suit, or proceeding, or otherwise a party thereto.

Roads not to be exempt from future general Acts

24. Nothing herein contained shall be deemed to exempt the roads from the provisions of any general Act relating to the consolidation or other improved management of turnpike roads which may pass during the present or any future session of Parliament.

Continuance of Act.

25. This Act shall continue in force for the term of five years from and after the commencement thereof, and thence to the end of the then next session of Parliament.

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