ANNO DECIMO QUINTO

VICTORIÆ REGINÆ.

****

Cap. lxii.

An Act for constructing a Bridge across the River *Kelvin* near *Hillhead, Glasgow,* in the County of *Lanark,* with Approaches and Works.

[17th *June* 1852.]

WHEREAS the present Wooden Bridge across the River *Kelvin* near to *Hillhead, Glasgow*, in the County of *Lanark*, has been found dangerous and insufficient, and the Construction of a good and substantial Bridge near the same Site, with proper Approaches and Works, would be of great Advantage to the Inhabitants of the District comprehending the Lands of *Hillhead* and *Gilmore Hill*, and other Lands in the Vicinity thereof, and would also be a great public Improvement, by opening up a better Mode of Communication across the said River *Kelvin* and with the City of *Glasgow:* And whereas it is therefore expedient that the said present Wooden Bridge should be taken down and removed, and that Powers should be granted to the Trustees after mentioned to construct and maintain a new Bridge in place thereof, and to alter and improve the Streets called *King Street* and *Eldon Street*, and to make other Works connected with the said Bridge and Streets, and to levy the Rates or Assessments and Pontages, and raise the necessary Funds

for these Purposes in the Manner herein-after provided; but these Objects 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,

Trustees.

I. That *John Bain*, *Charles Robert Baird*, *Thomas Blyth*, Sir *James Campbell* Knight, *John Findlay*, *James Gibson*, *William Govan*, *William Govan* junior, *James M'Indoe*, *Andrew Mitchell*, *James Monteath*, *David Smith*, *William West Watson*, *James Wilkie*, *John Wilkie*, *Robert Wylie*, and all other Parties who hold or derive in their own Right, or who may hereafter hold or derive in their own Right, the Sum of One hundred Pounds Sterling of annual Feu Duties or annual Rents out of or from any Part of the Lands herein-after described, shall be and they are hereby appointed the Trustees for carrying this Act into execution, and shall be called "The *Kelvin Bridge* Trustees."

Power to fill up Vacancies.

II. That when and so often as the Number of Trustees acting under the Authority of this Act shall, by Death, Refusal, or Incapacity to act, be reduced to a less Number than Ten, it shall be lawful for the remaining Trustees for the Time being, and they are hereby required, at their next Meeting after the Number of the Trustees acting for the Time shall be reduced as aforesaid, to appoint other Trustees, liable to be rated and assessed under the Provisions of this Act, to act along with and in succession to them in carrying this Act into execution, and Intimation of the said Appointment shall be made by the Clerk to the Trustees so appointed, by Letter posted at *Glasgow* not later than Three Days after the Day on which the Appointment shall have been made; and the Trustees so appointed shall have and exercise the same Powers, Privileges, and Authorities as the Trustees herein named: Provided always, that the Number of Trustees so acting for the Time shall never exceed Twenty.

As to the Refusal of Trustees to act.

III. That if any of the Trustees to be appointed as aforesaid shall intimate to the Clerk in Writing that he refuses to accept of the Office of Trustee, or if any of the Trustees hereby appointed, or any of the Trustees to be appointed as aforesaid, shall for the Period of Two Years at any One Time neglect to attend or abstain from attending the Meetings of the Trustees (such Trustee not being prevented by reasonable Cause, to be allowed by the Trustees at any of their Meetings), or shall intimate to the Clerk in Writing that he resigns his Office of Trustee, every such Intimation or Nonattendance shall be taken and held to be a Refusal to act.

IV. That

Meetings of Trustees.

IV. That the Trustees shall hold Meetings, when and so often as the Affairs of the Trust shall require, at some convenient Place within the City of *Glasgow*; and, until the Bridge and Works hereby authorized shall be completed and open to the Public, the Trustees shall hold a Meeting at least once every Three Months; and the First Meeting of the Trustees shall be held within Three Months after the passing of this Act, and shall be called by any One or more of the Trustees; and all the subsequent Meetings of the Trustees shall be called by the Clerk to the Trustees (either when he himself shall find it necessary, or on the Requisition of any One of the Trustees or of the Treasurer,) by Circular sent through the Post Office to each Trustee, and posted not later than the Second Day before the Day of the Meeting; and Five of the Trustees present at any Meeting shall be a legal Quorum; and the Trustees present at each Meeting shall elect their own Chairman; and the Notices calling the various Meetings shall specify generally the Business to be transacted thereat.

Committees.

V. That it shall be lawful for the Trustees at any Meetings to be held by them to appoint Committees of Management or other Committees, with such Powers and Authorities, not inconsistent with the Powers and Authorities hereby granted, as the said Trustees shall consider expedient, such Committees not to consist of less than Three or more than Five Members, the Majority of the Members of such Committees being always a Quorum; and the Meetings of such Committees shall be called in the same Manner as is above prescribed in reference to the Meetings of the Trustees.

Orders and Proceedings to be entered in Books.

VI. That all Orders and Proceedings of the Trustees or of the Committees of the Trustees, together with the Names of the Trustees present at every Meeting, shall be entered in Books to be kept by the Clerk to the Trustees for that Purpose, and be signed by the Chairman of the Meeting at which such Orders or Proceedings shall be made or had; and such Books shall be open at all seasonable Times to the Inspection of any of the Trustees, without Fee or Reward; and all Entries in such Books, or any Extract thereof, signed by the Clerk to the Trustees respectively, shall be probative, and shall be read in Evidence in all Courts of Justice whatever in all Cases of Appeal, and in all Prosecutions, Suits, and Actions whatsoever.

Books to be Evidence.

Trustees may sue and be sued.

VII. That the Trustees may sue and be sued in the Name of any One of the Trustees, or of their Clerk or Treasurer for the Time being; and no Action to be brought or commenced by or against the Trustees by virtue of this Act, in the Name of such Trustee, Clerk, or Treasurer, shall cease by the Death or Removal of such Trustee, Clerk, or Treasurer, or by the Act of such Trustee, Clerk, or Treasurer without the Consent of the Trustees; but any other Trustee, or the Clerk or Treasurer

Treasurer for the Time being, shall always be deemed the Pursuer or Defender, as the Case may be, in every such Action or Process: Provided always, that all Expenses of Process or Proceedings so incurred by such Trustee, Clerk, or Treasurer shall be reimbursed and paid out of the Monies of the Trust.

Trustees not personally liable.

VIII. That the Trustees shall not be held to have rendered themselves or any of them personally or individually liable for the Payment of any Sum of Money or Performance of any Obligation under this Act in respect of which they shall not have bound themselves personally as Individuals as well as Trustees.

Proceedings of Trustees to be valid.

IX. That all Proceedings of the Trustees or of any Committees of the Trustees, or of any Persons acting as Trustees, shall, notwithstanding that there was some Defect in the Appointment of any such Trustees or Persons, or that they or any of them were disqualified, be as valid as if every such Trustee or Person had been duly appointed and was qualified to be a Trustee; and no Proceeding of the Trustees or of any Committees of the Trustees, or of any Persons acting as Trustees, shall be invalidated or illegal in consequence of there being any Vacancy in the Number of Trustees at the Time of such Proceeding.

Plan, &c. deposited to be open for Inspection.

X. That whereas a Plan and Section of the said intended new Bridge, and of the Approaches and Works connected therewith, showing the Line and Levels thereof, and also a Book of Reference to the said Plan containing the Names of the Owners, Lessees, and Occupiers of the Lands and Heritages through and over which the same are intended to pass, has been deposited at the Office in *Glasgow* of the Principal Sheriff Clerk of the County of *Lanark:* Such Plan, Section, and Book of Reference shall be kept by the said Sheriff Clerk, who shall permit all Persons to inspect the same at all seasonable Times, and shall make out Copies or Extracts therefrom for all Persons requiring the same, on being paid the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words copied.

Errors and Omissions in Plan, &c. may be corrected by Sheriff, who shall certify the same.

XI. That if any Omission, Mis-statement, or erroneous Description shall have been made of any Lands, or of the Owners, Lessees, or Occupiers of any Lands, described on the said Plan or in the said Book of Reference, it shall be lawful for the Trustees, after giving Ten Days Notice to the Owners, Lessees, or Occupiers of the Lands affected by such proposed Correction, to apply to the Sheriff of the County of *Lanark* for the Correction thereof; and if it shall appear to such Sheriff that such Omission, Mis-statement, or erroneous Description arose from Mistake, he shall certify the same accordingly, and shall

shall in such Certificate state the Particulars of any such Omission, and in what respect any such Matter shall have been mis-stated or erroneously described; and such Certificate shall be deposited at the Office in *Glasgow* of the Principal Sheriff Clerk of the County of *Lanark*, and Copies or Extracts thereof with the Town Clerk of the City of *Glasgow*, and with the Schoolmasters or Session Clerks of the several Parishes in which the Lands affected thereby shall be situate; and such Certificate, and Copies or Extracts thereof, shall be kept by such Sheriff Clerk, Town Clerk, and Schoolmasters or Session Clerks respectively along with the other Documents to which they relate, and thereupon such Plan or 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 such Certificate.

Certificate to be deposited.

XII. That true Copies of the said Plan and Book of Reference, or of any Alteration or Correction thereof, or Extract therefrom, certified by such Sheriff Clerk, which Certificate such Sheriff Clerk shall give to all Parties interested when required, on being paid a Sum of Two Shillings and Sixpence for such Certificate in addition to the Payments herein-before provided, shall be received in all Courts of Justice or elsewhere as Evidence of the Contents thereof.

Copies of Plan, &c., when certified, to be Evidence.

XIII. That, subject to the Provisions of this Act, it shall be lawful for the Trustees to make and maintain the said Bridge across the River *Kelvin* near to the Site of the present Wooden Bridge across such River leading to *Hillhead*, with all proper Piers, Abutments, Walls, Banks, Ways, Roads of Communication, and other proper Works and Accommodations for the Purposes of the said Bridge, such Bridge and Approaches not exceeding Sixty Feet nor being less than Thirty Feet in Width, and also to improve, widen, and straighten and alter the Lines, Levels, and Inclinations of the Street called *King Street*, leading from the said intended Bridge to the Centre of *Smith Street*, both on the said Lands of *Hillhead*, and that Part of the Street called *Eldon Street* on the Lands of *Blythswood*, leading also from the said intended Bridge to or near to Buildings named *Kelvin Row*, all in the Lines and upon the Lands delineated on the said Plan and described in the said Book of Reference, and according to the Levels defined on the said Section, and to enter upon, take, and use such of the said Lands and Heritages as shall be necessary for such Purposes; and all which Works are intended to be made in and will pass from, through, or into the Parishes of *Govan* and *Barony* respectively, and the City of *Glasgow* and County of *Lanark*.

Power to construct Bridge and Works.

XIV. That it shall be lawful for the Trustees in executing the said Works to deviate from the Lines delineated on the said Plan to the Extent of the Limits of Deviation marked thereon, provided that the

Power to deviate in Construction of Works.

the Works shall not by means of such Deviation be made to extend into the Lands of any Person whose Name is not mentioned in the said Book of Reference without his previous Consent in Writing, unless the Name of such Person shall have been omitted by Mistake, and the Fact that such Omission proceeded from Mistake shall have been certified in manner herein-before provided.

Period for acquiring Lands limited.

XV. That the Powers of the Trustees for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing of this Act.

Clauses in Turnpike Road Act as to taking Lands, &c., and Compensation, applicable to this Act.

XVI. That the Provisions of an Act passed in the First and Second Years of the Reign of His late Majesty *William* the Fourth, intituled *An Act for amending and making more effectual the Laws concerning Turnpike Roads in* Scotland, in so far as such Act gives Power to purchase, acquire, and dispose of Lands, Roads, and Buildings, and directs the Mode of ascertaining and settling and the Application of the Compensation Money, shall be incorporated with and form Part of this Act, and shall for the Purposes and subject to the Provisions of this Act be used, exercised, and enforced by, for, or against the Trustees, in the same Manner and to the same Extent as if the Powers and Provisions of such Act in reference to the Matters aforesaid were repeated and re-enacted in this Act in reference to the Trustees appointed by this Act, and to the Works hereby authorized to be made and maintained.

Period for Completion of Works.

XVII. That the Works hereby authorized shall be completed within Five Years after the passing of this Act, and upon the Expiration of such Period the Powers hereby granted for executing such Works shall cease to be exercised, except as to so much of the said Works as shall then be completed.

Present Bridge may be removed and sold.

XVIII. That after the said Bridge and Approaches, and Works connected therewith, hereby authorized, shall be made and completed, the present Wooden Bridge across the River *Kelvin*, and the whole Works and Materials connected therewith, shall vest in and belong to the said Trustees, and it shall be lawful for them to take down and remove the said Bridge, and to sell and dispose thereof, and of the whole Works and Materials connected therewith, and to apply the Proceeds to the Purposes of this Act.

Power to Trustees to enter into Contracts.

XIX. That it shall be lawful for the Trustees to enter into Contracts with any Persons for the Execution of any of the Works hereby authorized, or for any other Things necessary for the Purposes of this Act; and every such Contract for or in respect of which the Sum of One hundred Pounds or upwards shall be paid or payable shall be in Writing,

Writing, and shall specify generally the Particulars of such Contract, and the Penalties to be suffered in case of Nonperformance thereof; and such Contracts may be made under the Hands of the Trustees or any Two of them, acting by the Direction and on behalf of the Trustees, and in the same Manner the Trustees may vary or discharge the same.

Notice to be given of Contracts to the Amount of 100*l* or upwards.

XX. That before any Contract for or in respect of which the Sum of One hundred Pounds or upwards shall be paid or payable shall be entered into, the Trustees shall give Ten Days Notice at the least in some One of the Newspapers published in *Glasgow*, expressing the Purpose of such Contract, and inviting any Person willing to undertake the same to make Proposals for that Purpose to the Trustees, and the Trustees shall accept the Proposal which upon a view of all the Circumstances shall appear to them to be most advantageous, and shall, if they think fit, take Security for the due and faithful Performance of every such Contract: Provided always, that the Trustees shall not be bound to accept any or either of the Proposals so made, unless they shall so think fit; provided also, that in the event of the Trustees considering it desirable to cancel or annul any such Contract after it has been made, they shall be entitled to do so on such Terms and Conditions as to them may seem proper.

Roads leading to Approaches of Bridge.

XXI. That it shall also be lawful for the Trustees, with the Consent of the Proprietors of the Land necessary for the Purpose, to improve and open such Roads and Streets as may lead to or be connected with the Approaches to the said Bridge, and to make and complete all proper and necessary Arrangements with such Proprietors in reference to such Works, so that the Approaches to the said Bridge may be rendered more convenient and accessible: Provided always, that the Sums to be expended in improving and opening such Roads and Streets, and in making and completing the Arrangements aforesaid, shall not exceed in the whole the Sum of One hundred and fifty Pounds.

Power to maintain Toll Bars, &c.

XXII. That it shall be lawful for the Trustees to erect and maintain Toll Bars or Gates upon or across the said Bridge or the Approaches thereto, with Collectors Boxes and all other necessary Accommodation, and from Time to Time to alter the Situation of all such Toll Bars or Gates and Collectors Boxes as to the Trustees shall seem expedient.

Power to erect Lamps, and light the Bridge.

XXIII. That it shall be lawful for the Trustees from Time to Time to provide and erect such Number of Lamps, Lamp Posts, and Lamp Irons as may be necessary for lighting in a suitable Manner the said Bridge and Approaches thereto, and to light the said Bridge,

or

or to contract or arrange with the Commissioners of Police of the City of *Glasgow* or other Parties for this Purpose: Provided always, that the Erection of such Lamps, Lamp Posts, and Lamp Irons shall be confined to the Parapet Walls of the said Bridge, and to the Approaches thereto to the Extent of Twenty Yards from the Extremities of the Bridge, and to the Collectors Boxes and Toll Bars or Gates to be erected on or near the said Bridge.

Power to sweep and cleanse Bridge.

XXIV. That it shall be lawful for the Trustees to cause the Carriage and Foot Ways of the said Bridge and of the Approaches thereto to be regularly swept and cleansed, and all Soil and Filth to be removed from the Bridge and Approaches, and collected in such Places as the Trustees shall direct, and to sell and dispose of such Soil and Filth to any Person who may be willing to purchase the same, or to contract or arrange with the said Commissioners of Police of the City of *Glasgow* or other Parties for these Purposes or any of them, and the Sums received by the Trustees in respect thereof shall be applied to the Purposes of this Act.

Power to appoint Watchmen, &c.

XXV. That it shall be lawful for the Trustees from Time to Time to appoint such Number of fit and able-bodied Men as they shall think proper to be employed as Watchmen upon the Bridge and the Approaches thereto, and to remove any of such Watchmen, and to appoint others in their Room, and from Time to Time to cause the necessary Watchboxes to be provided or repaired, and to make such Rules, Orders, and Regulations in relation to the watching and guarding of the Bridge as they shall think fit, or to contract and arrange with the said Commissioners of Police of the City of *Glasgow* for these Purposes or any of them.

Penalty for wilfully damaging Bridge or Works.

XXVI. That if any Person shall take away, or wilfully throw down, break, or damage, any Part of the Bridge or Works connected therewith, or the Toll Bars or Gates or Collectors Boxes, or any Lamp or Lamp Posts which shall be erected by the Trustees, or shall wilfully extinguish the Light or damage the Iron or Appurtenances of any such Lamp, it shall be lawful for any Person who shall see such Offence committed to seize and apprehend, and for any other Person to assist in seizing the Offender, and by the Authority of this Act, without any other Warrant, to take such Offender before, or to deliver him into the Custody of any Police Officer, Constable, or Watchman in order to be secured and taken before the Sheriff or any Justice of the Peace; and if the Person accused of such Offence, whether apprehended as aforesaid or afterwards cited to answer for the same, shall be convicted thereof, either on his own Confession or on the Evidence of One credible Witness or other legal Evidence, such Offender shall forfeit and pay any Sum not exceeding Five Pounds for every

every such Offence, and shall also make Satisfaction for the Damages so done by him; and in case such Offender shall not immediately on Conviction pay such Penalty or Forfeiture and make such Satisfaction as aforesaid, such Sheriff or Justice is hereby empowered to commit him to Prison for a Space not exceeding Three Months, and also to cause such Damages to be recovered in the same Manner as Penalties or Forfeitures may be recovered under the Provisions of this Act.

Persons accidentally damaging Bridge or Works to repair the same.

XXVII. That if any Person shall through Negligence or Accident throw down, break, or damage any Part of the Bridge or Works connected therewith, or the Toll Bars or Gates or Collectors Boxes, or any of the said Lamps or Lamp Posts, or the Irons or Appurtenances thereof, it shall be lawful for the Sheriff, or any Justice of the Peace, upon Complaint thereof being established, to award such Sum of Money as the Damage shall be proved to amount to, besides the Expenses incurred in recovering the same; and if the Sum so awarded shall not be forthwith paid upon Conviction, it shall be lawful for such Sheriff or Justice to cause the same to be enforced and recovered in the same Manner as Penalties or Forfeitures may be recovered under the Provisions of this Act.

Power to borrow Money on Mortgage.

XXVIII. That for carrying into effect the Purposes of this Act it shall be lawful for the Trustees and they are hereby authorized from Time to Time to borrow on Mortgage or Bond, and if paid up, in whole or in part, again to borrow, any Sum or Sums of Money not exceeding in the whole the Sum of Three thousand five hundred Pounds; and for securing the Repayment of such Sum or Sums of Money, with Interest at a Rate not exceeding Five Pounds *per Centum per Annum*, the Trustees may mortgage and assign over the Rates, Assessments, and Pontages authorized to be levied by this Act, or any Part thereof, to any Person or Persons who shall advance such Money.

Power to borrow on Cash Account.

XXIX. That it shall be lawful for the Trustees to accept and take from any Bank or Banking Company Credit on a Cash Account to be opened and kept with such Bank or Banking Company in the Name of the Trustees, according to the Usage of Bankers in *Scotland*, to the Extent of the Sum which the Trustees are authorized to borrow under this Act, or any Part thereof, and to mortgage and assign over the Rates, Assessments, and Pontages authorized to be levied by this Act in security of the Payment of the Amount of such Credit or of the Sums advanced from Time to Time on such Cash Account, with Interest thereon: Provided always, that the whole Sum due and owing by the Trustees on such Cash Account and for Money borrowed by them on Mortgage or Bond as aforesaid shall never when taken together exceed the said Sum of Three thousand five hundred Pounds.

How Bonds, &c. to be subscribed.

XXX. That the Mortgages or Bonds or other Securities to be granted under the Authority of this Act shall be subscribed by any Three or more of the Trustees under this Act, who shall be authorized so to do at any of the Meetings of the said Trustees.

Form and Effect of such Deeds.

XXXI. That the Mortgages or Bonds or other Securities so to be granted shall be duly stamped for denoting the Payment of the full and proper Stamp Duty payable by Law in respect thereof, and may be in such short Form as is necessary by the Law of *Scotland* for Deeds granted by Bodies or Companies of a public Nature; and the Expenses of such Deeds shall be paid out of the Monies to be raised by virtue of this Act, and Copies thereof shall be entered by the Clerk to the Trustees in their Book of Orders and Proceedings; and it shall be lawful for any Person to whom any such Deed shall be made as aforesaid, or who shall from Time to Time be entitled to the Money thereby secured, to transfer, by Endorsation on such Deed or otherwise, at the Expense of the Trust, his Right and Interest in and to the same, and the Principal Money and Interest thereby secured, to any other Person whomsoever; and such Transfer shall be made by Deed duly stamped as aforesaid, and may be intimated to the Clerk of the Trustees, and when intimated shall be equivalent to and have all the Effects of an intimated Assignation as affording a Preference, and shall be entered by the Clerk in the Book of Orders and Proceedings; and all Persons to whom any such Deed or Endorsation shall be made as aforesaid shall, in proportion to the Sum of Money thereby secured, be Creditors on the Trust hereby created in an equal Degree one with another.

Rate may be imposed on Part of Lands of Hillhead and Gilmore-hill.

XXXII. That for the Purposes of this Act, and to raise a Fund to enable the Trustees to pay off the Sums of Money to be borrowed by them in virtue hereof, and to discharge all other Claims against the Trust, it shall be lawful for the Trustees, Once in every Year after the passing of this Act, to be computed from the Day of the passing hereof, at any Meeting called for the Purpose, to make an equal Rate or Assessment, under the Name of the "*Kelvin Bridge* Rate," to be signed by any Two or more of the said Trustees, upon all and every the Proprietors and Feuars of the Lands herein-after described, but so as the said Rate or Assessment shall not exceed in any One Year the Sum of One Pound Ten Shillings *per* Imperial Acre of the said Lands, and in proportion for any smaller Quantity; that is to say,

First, so much of the Lands of *Hillhead* as are bounded on the East by the River *Kelvin*, on the South by the Lands of *Gilmore-hill*, on the North partly by the Great Western Road and partly by the Lands of *North Park*, and on the West partly by the

Lands of *North Park*, partly by the *Partick* Branch of the Great Western Road, and partly by the Lands of *Donaldshill;* and,

Second, so much of the Lands of *Gilmorehill* (including therein the Lands of *Donaldshill*, so far as such last-mentioned Lands belong to the *Gilmorehill* Company,) as are bounded on the North by the Lands of *Hillhead*, on the East and South partly by the River *Kelvin* and partly by the Turnpike Road between *Glasgow* and *Dumbarton*, and on the West by Part of the Lands of *Donaldshill*.

How Extent of Lands to be ascertained.

XXXIII. That the Extent of the before-mentioned Lands rateable under this Act belonging to each individual Proprietor or Feuar shall be ascertained from the Titles of each such Party, or, in the Option of the Trustees, by some competent Person to be appointed by them for that Purpose, and where the Lands of any Proprietor or Feuar are bounded on any Side by a Road, Street, or Lane, One Half of the Breadth of such Road, Street, or Lane shall be included as Part of the said Lands, excepting always Turnpike and Parish Roads, and the Works by this Act authorized to be made, as delineated on the Plans thereof herein-before referred to, no Part of which shall be so included.

Mode of making Rate.

XXXIV. That no Rate or Assessment to be made under the Authority of this Act shall be valid unless Notice of the Intention of making such Rate or Assessment, and of the Time at which the same is intended to be made, and of the Place where a Statement of the proposed Rate shall be deposited for Inspection, shall be given by the Clerk of the Trustees by Circular to all the Proprietors and Feuars intended to be charged with such Rate, or their respective Agents, and posted at *Glasgow* at least Seven Days previously to such Rate being made.

Rate to be open for Inspection.

XXXV. That for Seven Days after any such Rate shall be made the same shall be open to the Inspection of any Person rated in such Rate at all seasonable Times, and any such Person may take Copies or Extracts from any such Rate without paying any Fee for the same; and if the Person having the Custody of any such Rate shall refuse to or shall not permit any Person so rated as aforesaid to inspect or take Copies or Extracts from such Rate, he shall for every such Offence forfeit a Sum not exceeding Five Pounds.

Trustees may amend Rate.

XXXVI. That it shall be lawful for the Trustees at a Second Meeting to be held Fourteen Days after any Rate shall have been made in virtue of this Act to amend the same, by inserting therein the Name of any Person who ought to have been rated, and the Extent of Land and Sum at which he is rateable, or by striking out the Name of any Person who ought not to have been rated, or by increasing

increasing or reducing the Extent of Land or the Sum at which any Person shall have been rated, or by making such other Amendments on the said Rate as shall make such Rate conformable with this Act: Provided always, that every Person whose Name was previously omitted from the said Rate, and every Person whose Rate it shall be proposed to alter, shall be entitled to Notice of the Day on which such Alteration is to be made by Letter posted at *Glasgow* Seven Days before the said Meeting of the Trustees to amend the said Rate; and the Rate as so amended shall be open to Inspection, and Copies or Extracts from the same may be taken, all as herein-before provided in reference to the original Rate.

Party aggrieved may appeal.

XXXVII. That if any Person shall think himself aggrieved by any Rate imposed by virtue of this Act, he may, within Fourteen Days after the Second Meeting of the Trustees before appointed, appeal to the Sheriff of the County of *Lanark*, who shall hear the Parties on the Matter of the said Appeal, and determine the same in a summary Manner, and award such Costs to be paid by or to any of the Parties to the Appeal as he may think fit; and the Decision of the said Sheriff shall be final, and not subject to Review in any way or in any Court whatever; and the Trustees shall (where necessary) amend the said Rate in Terms of the Determination of the Sheriff.

Amendment of Rate not to void the same.

XXXVIII. That no Amendment of any Rate made in virtue hereof shall be held to void such Rate.

Rates to be enforced.

XXXIX. That the Book of Rates of the Trustees, and all Entries made therein, in manner by this Act directed, shall be received as Evidence of the Rates imposed by virtue of this Act; and the said Rates shall vest in the Trustees under this Act, and shall be payable by the Parties on whom the same are imposed, and shall also form a First Charge against the Rents and Profits of the Lands in respect of which the same were made, and shall be payable at such Times as the Trustees shall direct, and be enforceable either by Action at Law, or summarily by Poinding and Sale, by and at the Suit of such Collector as they may appoint: Provided always, that the Superior of the Lands of *Hillhead* shall have a Priority or Preference for Payment of Feu Duties, Ground Rents, or other Casualties over the said Lands of *Hillhead*, and the Buildings thereon, to the Rates and Assessments hereby granted, so far as the same may affect the said Lands, anything in this Act contained to the contrary notwithstanding.

Trustees may recover Rates from Occupiers.

XL. That it shall be lawful for the Trustees to recover the Rates or Assessments hereby authorized to be made, or the Proportions thereof payable by any Proprietor or Feuar of the said Lands, from the Tenants or Occupiers for the Time being of the Lands belonging to

to each such Proprietor or Feuar, in proportion or as nearly as conveniently may be in proportion to the Rental of the Lands in the Possession of such Tenants or Occupiers respectively; and the Collector of the Trustees shall have the same Remedies for enforcing Payment against the said Tenants or Occupiers as are herein-before provided with respect to the Proprietors and Feuars themselves: Provided always, that any Tenant or Occupier who may pay any such Rates or any Part thereof shall be entitled to deduct the Amount so paid from the First Rent he shall thereafter pay to such Proprietor or Feuar.

Trustees may accept of Contributions in lieu of Rates, and may make Deductions in certain Cases.

XLI. That it shall be lawful for the Trustees, in lieu of the Rates or Assessments herein-before authorized, to take and receive from any Proprietor or Feuar of any Part of the said Lands herein-before described such Sum or Sums of Money by way of Contribution in respect of the Lands belonging to such Proprietor or Feuar, or any Part thereof, as may appear the fair and reasonable Value of the said Rates, and on such Sum or Sums of Money being so paid the Lands belonging to such Proprietor or Feuar, or any Part thereof, in respect of which such Contribution may be made, shall thereafter be held relieved of all future Rates and Assessments under this Act, except such Rates and Assessments as may be imposed for the Management, Maintenance, and Repair of the Bridge and other Works to be made under the Authority of this Act, and the other Purposes in connexion therewith, herein-after provided, and it shall also be lawful for the Trustees from Time to Time to make such Deduction from the Assessments by this Act authorized in particular Cases as in their Discretion may seem just and reasonable; and before any such Contribution or Deduction shall be determined on, the Particulars of the same shall be distinctly set forth in the Statement of the ensuing proposed annual Rate to be deposited for Inspection as herein-before provided; and all Parties aggrieved shall have the same Power of Appeal as is provided by this Act in reference to the Rate hereby authorized.

Portion of Lands of Hillhead relieved of certain Burdens.

XLII. That the Burden at present existing on the said Lands of *Hillhead*, so far as such Lands are included in the Boundaries herein-before described, for keeping in repair the present Wooden Bridge, or for the Erection of a new one, shall from and after the passing of this Act for ever cease and determine.

Provisions as to Road on East Side of River Kelvin.

XLIII. That inasmuch as the Proprietors and Feuars of the said Lands of *Hillhead* are by their Titles under the Burden of Payment of a certain Sum of Money annually for the Use of the Road on the East Side of the said River *Kelvin* leading to the said present Wooden Bridge over such River, and referred to in the said Titles,

nothing in this Act contained shall in any way affect the Obligation for the said annual Payment by the Parties liable for the same: Provided always, that it shall be lawful for the Trustees under this Act to contract and agree with the Parties receiving such Payment for the Settlement thereof out of the Trust Funds under this Act, either by Payment of a Sum annually not exceeding Fifteen Pounds, or by a Sum in gross equivalent to such annual Payment, computed at the Market Rate of Interest for the Time; and on the Completion of such Agreement the Obligation on the said Proprietors and Feuars for the said annual Payment shall also cease and determine.

Provision as to Lands of Hillhead not comprehended under above Assessment.

XLIV. That inasmuch as there are certain Portions of the Lands of *Hillhead* not comprehended under the Powers of Assessment granted by this Act, and the Proprietors and Feuars of which are also bound by their Titles to pay for the Use of the said Road leading to the present Wooden Bridge, as well as to contribute a Proportion of the Expense of keeping such Bridge in repair, nothing in this Act contained or to be done in consequence hereof shall be held to free and relieve such Proprietors and Feuars, nor the Lands belonging to them, of the said Obligations, or the Contributions to be made by them in consequence thereof, as heretofore, but such Obligations shall stand and subsist and be applicable to the Bridge and Works hereby authorized and to the other Purposes of this Act: Provided always, that the said Parties shall not in any Case be liable to any greater annual Contribution than the average Amount heretofore paid by them for the Purposes aforesaid during the Twenty Years previous to the passing of this Act, if the same had been made in annual Payments; and in the event of any Difference arising between any of the said Parties and the Trustees respecting the said Contributions, the same shall be settled by the Sheriff in a summary Manner, and his Decision shall be final and conclusive: Provided also, that it shall be in the Power of such Proprietors and Feuars to contract and agree with the Trustees under this Act for the Purchase and Extinction of the said Obligations, on such Terms and Conditions as may be deemed expedient, and the said Trustees are hereby authorized to enter into and complete such Agreements accordingly, and to apply the Monies arising therefrom towards the Purposes of this Act.

Pontages for Use of Bridge.

XLV. That it shall be lawful for the Trustees under this Act also to demand and take for the Purposes hereof the following Pontages in respect of Animals and Things passing on or over the Bridge hereby authorized; (that is to say,)

For every Horse or other Beast of Draught or Burden drawing a Cart or Carriage of any Description, a Sum not exceeding Threepence:

Provided

Provided always, that no Cart or Carriage which with its Load shall exceed Ten Tons in Weight shall be permitted to pass on or over the said Bridge without the special Authority of the Trustees:

For every Horse or other Beast of Burden not drawing a Cart or Carriage, the Sum of One Penny;

For every Ox, Bull, Cow, or Neat Cattle, the Sum of One Halfpenny:

For every Score of Calves, Pigs, Sheep, Lambs, or other small Animals, the Sum of Sixpence, and in proportion for any smaller Number:

And where the Sum to be demanded and taken consists in whole or in part of a fractional Part of a Halfpenny the same shall be considered a Halfpenny.

Trustees to put up a Table of Pontages.

XLVI. That within One Month after the said new Bridge shall be completed and open to the Public the Trustees shall provide, in order to be put up at any Collector's Box, or at any Toll Bar or Gate which may be erected upon or across the said Bridge or the Approaches thereto, a Table, painted in distinct and legible Black Letters on a Board with a White Ground, of all the Pontages payable at such Toll Bar or Gate, and no Pontages shall be payable during such Time as such Table is not so put up, nor shall any Pontage not specified in such Table be payable: Provided always, that if any such Table be destroyed, injured, or obliterated, the Pontages shall continue payable during such Time as may be reasonably required for the Restoration or Reparation of such Table, in the same Manner as if such Table had continued put up and in the State required by this Act.

Collector to put up his Name on the Front of Collector's Box.

XLVII. That every Collector appointed by the Trustees to receive the Pontages by this Act authorized to be levied shall place on some conspicuous Part of the Front of the Collector's Box, or at the Toll Bar or Gate at which he may be on Duty, his Christian and Surname, painted in Black on a Board with a White Ground, each of the Letters of such Name to be at least Two Inches in Length and of a Breadth in proportion, and such Board shall so remain at such Box, or Toll Bar or Gate, during the whole of the Time that the Person whose Name shall be painted thereon shall be on Duty thereat; and every Collector shall place on the Front of such Box, or otherwise erect at such Toll Bar or Gate, the Table herein-before directed to be provided by the Trustees; and if any Collector shall not place such Board and Table in the Manner herein-before provided, and keep the same so placed during the Time he shall be such Collector, or shall demand or take a greater or less Pontage than he shall be authorized to do, or shall demand or take a Pontage from any Person who is exempted from the Payment thereof, and who shall claim such Exemption, or shall refuse to permit any Person to read such Table, or upon being

paid

paid the Pontage shall refuse to tell his Christian and Surname to any Person who shall demand the same, or shall give a false Name, or upon the legal Pontage being paid or tendered shall unnecessarily detain or wilfully obstruct any Animal or Carriage from passing through such Toll Bar or Gate, or shall make use of any scurrilous or abusive Language to any Trustee or Traveller or Passenger, or shall offend in any other Manner against the Provisions of this Act, such Collector shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

Pontages to be paid only once a Day, except for Cattle or Carriages passing a Second Time, or with a new Loading.

XLVIII. That no Person who shall pass through any Toll Bar or Gate erected under the Authority of this Act, and shall return and repass on the same Day before Twelve of the Clock at Night with the same Animal or Carriage, shall be liable to pay the said Pontages in respect of such Animal or Carriage more than once for so passing and repassing, but shall, on Demand, be furnished with a Note or Ticket signifying the Payment of such Pontage, which Note or Ticket shall entitle the Animal or Carriage returning the same Day as aforesaid to repass free; but in case such Animal or Carriage shall pass through any such Toll Bar or Gate with a new Loading a Second Time or oftener on the same Day, it shall in that Case be subject to Pontage for each Time it shall so pass.

Royal Family exempted from Pontages.

XLIX. That no Pontage shall be demanded or taken at any Toll Bar or Gate erected under the Authority of this Act for any Horses or Carriages attending Her Majesty or any of the Royal Family, or returning therefrom.

Recovery of Pontages.

L. That if any Person subject to the Payment of any of the Pontages hereby authorized to be levied for or in respect of any Animal, or of any Cart or Carriage, liable to Payment of Pontage, as herein-before specified, shall, after Demand thereof made by any Collector or other Person authorized to receive the same, neglect or refuse to pay such Pontage, it shall be lawful for such Collector or other Person, by himself or on taking such Assistance as he shall think necessary, to stop and prevent the Passage of any Person refusing, or of the Animal or Carriage for or in respect of which such Pontage is imposed, until full Payment thereof, or to seize and detain such Animal or Carriage, together with the Accoutrements or Contents thereof; and if such Pontage or any Part thereof so neglected or refused to be paid, and the reasonable Charges of such Seizure and Detention, shall not be paid within the Space of Four Days after such Seizure, the Collector or Person so seizing and detaining may complain to the Sheriff or any Justice of the Peace, who is hereby empowered, after hearing the Person complained against, or, failing his Appearance, after Forty-eight Hours Notice given to him personally, or left at his Dwelling

Dwelling Place, to determine in a summary Way any Dispute that may arise as to the Amount of Pontages due or the Expenses of the Proceedings, and to grant Warrant to sell by Public Roup any Animal, Carriage, or Thing so seized and detained; the Surplus of the Money (if any) arising from such Sale, and what shall remain unsold, to be returned, on Demand, to the Owner thereof, after such Pontage, and all reasonable Charges occasioned by such Seizure, Detention, and Sale, and other Proceedings, shall be deducted.

Penalty on evading Pontages.

LI. That if any Person shall, with any Animal or Carriage, wilfully evade the Payment of any Pontage hereby authorized, or if any Person, not being a Collector, shall give, or if any Person shall receive from any other Person not being a Collector, or shall forge, counterfeit, or alter, any Note or Ticket directed to be given, with Intent to evade the Payment of the Pontage, or if any Person shall fraudulently or forcibly pass through any Toll Bar or Gate to be erected in virtue of this Act, with Intent to evade the Payment of Pontage, every Person so offending shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

Bridge to be free upon Payment of Pontage.

LII. That after the said Bridge shall have been completed the same shall be a public Bridge, and all Persons, upon Payment of the Pontages by this Act authorized to be demanded, shall be entitled to pass on or over the same, with their Animals and Carriages, without any Interruption whatsoever.

Power to lease Pontages.

LIII. That it shall be lawful for the Trustees to lease the Pontages by this Act authorized to be levied by Public Roup or Auction for any Period not exceeding Three Years, upon giving Notice of such Roup or Auction at least Fourteen Days previous thereto by Advertisement inserted in any One or more of the Newspapers published in *Glasgow*, and at such Roup or Auction the Trustees shall be entitled to One reserved Bid or Offer, the Amount whereof shall be fixed by the Trustees previously to the Commencement of such Roup or Auction: Provided always, that in case the said Pontages shall be so let the Tenants or Lessees thereof shall have the same Powers and Privileges as to levying, collecting, and recovering the said Pontages as are hereby conferred on the Trustees and their Collectors and other Officers; provided also, that in case the said Pontages shall not be so let by Public Roup or Auction it shall then be lawful for the Trustees to let the same by Private Contract for any Period not exceeding Three Years, and at any Sum they may think fit, not being less than the said reserved Bid or Offer.

Application of Monies.

LIV. That the Rates, Assessments, Pontages, and Monies to be received by the Trustees under the Authority of this Act shall, subject

subject to the Provisions of this Act, be applied in Payment of the Costs, Charges, and Expenses of applying for, obtaining, and passing this Act, and in every way incidental thereto, and in completing the said Bridge and Approaches, and Works in connexion therewith, and of managing, maintaining, and repairing, and lighting, watching, and cleansing the same, and of collecting, taking, and receiving the Rates, Assessments, Pontages, and Monies hereby authorized, and generally in carrying the Provisions of this Act into execution, and also in paying to the Mortgagees or other Creditors the Interest to which they may be respectively entitled, and the Surplus shall be appropriated and applied and set apart to form a Sinking Fund, in order to reduce the Amount of the Principal of the Sum or Sums of Money borrowed or owing for the Purposes of this Act; and the Sum or Sums so from Time to Time set aside shall be applied by the Trustees in Payment, so far as the same will extend, of the said Principal Sums, or the same shall be invested in the Public Funds, or on Government or Real Security, or in the Purchase of Stock or Shares in any Bank in *Scotland* incorporated by Act of Parliament or Royal Charter, or deposited at Interest in any such Bank in the Name of the Trustees; and the Dividends and Interest of the Money so invested, when and as the same shall become due, shall from Time to Time be received and invested in like Manner, in order that the said Monies so set aside and invested may accumulate at Compound Interest; and when such accumulated Fund shall amount to a Sum which in the Opinion of the Trustees can be conveniently applied for that Purpose, the Stocks, Shares, Funds, or Securities wherein the same shall be invested shall be sold or otherwise converted into Money, and the Money arising from any such Sale or Conversion shall be applied in Payment, so far as the same will extend, of the Principal Monies borrowed or owing as aforesaid: Provided always, that no Sum or Sums of Money shall be so set aside or applied until the Interest upon all Sums borrowed or owing under the Authority of this Act shall be paid and satisfied.

Sheriff to grant a Certificate of Monies being paid off.

LV. That the Sheriff of the County of *Lanark* shall and he is hereby required, on the summary Application of any One of the said Trustees, or of any Proprietor or Feuar of the Lands herein-before mentioned, and on the same being proved to the Satisfaction of such Sheriff, to grant a Certificate in Writing that the whole of the Principal Monies due or owing for the Purposes of this Act have been paid off and discharged within the Meaning of this Act; and for enabling the Sheriff to grant the said Certificate the Trustees shall be bound and they are hereby required to produce and exhibit to the said Sheriff all such Books or other Documents and Writings to them belonging as he shall think fit, and may in that Behalf direct.

LVI. That

On such Certificate being obtained, Rates and Pontages to cease, except as after mentioned.

LVI. That upon the Certificate of the said Sheriff being so obtained the Rates or Assessments and Pontages by this Act authorized to be levied and recovered shall cease and determine, with the Exception of such Rates or Assessments and Pontages as may be necessary to defray the Expense of managing, maintaining, and repairing the said Bridge and Works in manner herein-after provided.

Trustees may levy modified or occasional Rates and Pontages for Maintenance.

LVII. That in order to provide for the future Management, Maintenance, and Repair of the said Bridge and Works, and Approaches thereto, it shall be lawful to the Trustees to levy such modified or occasional Rates or Assessments and Pontages as may be necessary for such Purposes; and when such Rates or Assessments and Pontages so raised shall be sufficient to defray the Expense of such Management, Maintenance, and Repair, the said Rates or Assessments and Pontages shall cease and determine, and the Passage over and upon the said Bridge shall thenceforth be free.

If these modified Rates and Pontages insufficient, Rates and Pontages may be increased.

LVIII. That in the event of the Fund to be raised as last herein provided proving inadequate to defray the necessary annual Expenditure incurred in the Management, Maintenance, and Repair of the said Bridge and Works, and Approaches thereto, or in the event of the said Bridge becoming dangerous, or falling into Decay, or being injured by accidental Causes, it shall be in the Power of the Trustees and they are hereby authorized to resume the levying and Recovery of the full Amount of the said Rates or Assessments and Pontages, and to continue the same until a Fund shall be realized in the Manner aforesaid which shall be adequate to the said Expenditure, and the Expenditure arising from the special Causes aforesaid, and until the Sum which it may be necessary to borrow for such Purposes, with the Interest thereof, shall be satisfied and paid, and thereafter the said Trustees shall be limited and restricted to the levying of the said modified or occasional Rates or Assessments and Pontages, as hereinbefore provided.

Disputes as Amount to be settled by Sheriff.

LIX. That in the event of any Dispute arising between the said Trustees and any Proprietor or Feuar of any of the Lands hereinbefore mentioned as to the Amount of the Fund necessary for the future Management, Maintenance, and Repair of the said Bridge, or for the special Causes aforesaid, and the Amount of the Rates or Assessments to be made and Pontages to be levied in respect thereof, and the Mode and Time of making and levying the same, the said Dispute shall be settled by the Sheriff of the County of *Lanark*, on the summary Application of any One of the said Trustees, or of any of the said Proprietors or Feuars, and the Decision of such Sheriff shall be final and conclusive, and shall not be subject to Review in any Manner or in any Court whatever.

LX. That

Accounts to be kept by the Trustees.

LX. That the Trustees shall cause Books to be provided and kept by such Person as they shall appoint, wherein shall be entered an Account of the whole Monies which shall be received and paid by virtue of this Act, and in what Manner the same have been applied; and such Books shall be balanced yearly up to the First Day of *October* in each Year, and the First Balance shall be struck in the Year One thousand eight hundred and fifty-three; and a Statement of the Receipts and Expenditure for the Year preceding the First Day of *October* in each Year shall be made and printed on or before the Fourteenth Day of *October* in each Year; and a Copy of such Statement shall be furnished to every Person paying any Rate or Assessment, and every Creditor on the Rates, Assessments, and Pontages by this Act authorized to be levied who may apply for the same, without Fee or Reward.

Appointment of Auditor.

LXI. That the Sheriff of the County of *Lanark* shall annually appoint an Auditor for the Purpose of auditing the Accounts of the Trustees; and in case the Office of such Auditor shall before such Accounts shall be audited by him become vacant by Death or from any other Cause, the said Sheriff shall from Time to Time appoint an Auditor to supply such Vacancy.

Duty of Auditor.

LXII. That it shall be the Duty of such Auditor annually to audit the Accounts of the Trustees, and to receive the Accounts required to be prepared by them, along with the Vouchers thereof, and to examine the same.

Delivery of Accounts, &c. to Auditor.

LXIII. That the Trustees shall deliver to such Auditor the said Accounts, together with their Books and Vouchers, within Fourteen Days after the First Day of *October* in each Year.

Power of Auditor.

LXIV. That such Auditor may examine the said Accounts at any Time during Fourteen Days after the same shall have been delivered to him, and may either make a special Report on the said Accounts, or simply confirm the same; and such Report or Confirmation shall be read, together with the Account, at the next Meeting of the Trustees after the same shall have been received.

Remuneration of Auditor.

LXV. That the Remuneration of such Auditor for each annual Audit shall not exceed the Rate of Two Pounds *per* Day, nor the Sum of Five Pounds in the whole, and the same shall be paid to him by the Trustees out of the Monies by this Act authorized to be levied.

Annual Account to be prepared, and trans-

LXVI. That the Trustees shall every Year cause an annual Account in Abstract to be prepared, showing the total Receipts and Expenditure of all Rates, Assessments, Pontages, and other Monies levied

levied and received by virtue of this Act for the Year ending the First Day of *October* in each Year, under the several distinct Heads of Receipts and Expenditure, with a Statement of the Balance of such Account, duly audited and certified by the Clerk to the Trustees, and shall transmit a Copy of such Account, free of Charge, to the Sheriff Clerk of the County of *Lanark* at *Glasgow* on or before the Thirty-first Day of *January* then next, which Account shall be open to public Inspection at all reasonable Hours, on Payment of One Shilling for every such Inspection: Provided always, that if the Trustees shall omit to prepare and transmit such Account as aforesaid they shall be liable for every such Omission to a Penalty of Twenty Pounds.

mitted to the Sheriff Clerk, which shall be open to Inspection.

LXVII. That the Trustees may from Time to Time appoint Clerks, Treasurers, Collectors, Superintendents, Engineers, Surveyors, and all other Officers to assist in the Execution of this Act, and may from Time to Time remove any of such Officers, and appoint others in the Room of such as shall be so removed, or as may die, resign, or discontinue their Offices, and may out of the Monies to be raised for the Purposes of this Act pay such Salaries and Allowances to the said Officers respectively as the Trustees shall think reasonable.

Power to Trustees to appoint Officers.

LXVIII. That the same Person shall not be appointed to the Office both of Clerk and Treasurer; and if any Person being the Clerk or the Partner of such Clerk, or in the Service of such Clerk or of his Partner, accept the Office of Treasurer, or if any Person being the Treasurer, or the Partner of such Treasurer, or in the Service of such Treasurer or of his Partner, accept the Office of Clerk, he shall forfeit the Sum of Fifty Pounds; and any Person may sue for such Penalty by ordinary Action in any competent Court, and shall on Recovery thereof be entitled to full Costs of Suit.

Offices of Clerk and Treasurer not to be held by the same Person.

LXIX. That every Officer employed by the Trustees who shall exact or accept, on account of anything done by virtue of his Office, or in relation to the Matters to be done under this Act, any Fee or Reward whatsoever, other than the Charges, Salary, or Allowances due to him or allowed by the Trustees, or who shall be in anywise concerned or interested in any Bargain or Contract made by the Trustees, shall be incapable of being afterwards employed by the Trustees, and shall forfeit the Sum of Fifty Pounds; and any Person may sue for such Penalty by ordinary Action in any competent Court, and shall on Recovery thereof be entitled to full Costs of Suit.

Officers not to take Fees other than those allowed.

LXX. That before any Person, whether Treasurer, Collector, or other Officer, intrusted by the Trustees with the Custody or Control of Monies by virtue of his Office, shall enter upon such Office, the Trustees

Security to be taken from Officers intrusted with Money.

Trustees shall take Security from him for the faithful Execution thereof.

Collectors to pay over Monies within Seven Days to the Treasurer.

LXXI. That every Collector appointed by the Trustees by virtue of this Act to collect any Rates or Pontages shall, within Seven Days after he shall have received any Monies on account of any such Rates or Pontages, pay over the same to the Treasurer of the Trustees to their Account, and the Receipt of such Treasurer for the Monies so paid shall be a sufficient Discharge to the Collector.

Officers to account.

LXXII. That every Officer appointed or employed by the Trustees under this Act shall from Time to Time, when required by the Trustees, make out and deliver to them, or to any Person appointed by them for that Purpose, a true and perfect Account in Writing under his Hand of all Monies received by him on behalf of the Trustees; and such Account shall state how, and to whom, and for what Purpose such Monies have been disposed of; and, together with such Account, such Officer shall deliver the Vouchers and Receipts for such Payments; and every such Officer shall pay to the Trustees, or to any Person appointed by them to receive the same, all Monies which shall appear to be owing from Time to Time upon the Balance of such Accounts.

Summary Recovery against Officers failing to account.

LXXIII. That if any Officer fail to render such Accounts as aforesaid, or to produce and deliver up all the Vouchers and Receipts relating to the same in his Possession or Power, or to pay the Balance thereof when thereunto required, or if for Five Days after being thereunto required he fail to deliver up to the Trustees, or to any Person appointed by them to receive the same, all Books, Papers, and Writings, Property, Effects, Matters, and Things, in his Possession or Power, relating to the Execution of this Act, or belonging to the Trustees, then, on Complaint thereof being made to the Sheriff or to a Justice, such Sheriff or Justice shall summon such Officer to appear before such Sheriff or Two or more Justices, according as the Summons may have been issued by the Sheriff or by a Justice, at a Time and Place to be set forth in such Summons, to answer such Charge; and upon the Appearance of such Officer, or upon Proof that such Summons was personally served upon him, or left at his last known Place of Abode, such Sheriff or Justices may hear and determine the Matter in a summary Way, and may adjust and declare the Balance owing by such Officer; and if it appear, either upon Confession of such Officer, or upon Evidence, or upon Inspection of the Account, that any Monies of the Trustees are in the Hands of such Officer or owing by him to the Trustees, such Sheriff or Justices may order such Officer to pay the same, and if he fail to pay the Amount it shall be lawful for such Sheriff or Justices to grant a Warrant to levy the same by

by Poinding and Sale, or in default thereof to commit the Offender to Gaol, there to remain without Bail for a Period not exceeding Three Months, unless the same be sooner paid.

Officers refusing to make out Account and deliver up Documents, &c. may be committed to Prison.

LXXIV. That if any such Officer summoned as aforesaid refuse to make out such Account in Writing, or to produce and deliver to the Sheriff or Justices the several Vouchers and Receipts relating thereto, or to deliver up any Books, Papers, or Writings, Property, Effects, Matters, or Things, in his Possession or Power, relating to the Execution of this Act or belonging to the Trustees, such Sheriff or Justices may commit such Offender to Gaol, there to remain until he shall have delivered up all such Vouchers, Receipts, Books, Papers, Writings, Property, Effects, Matters, and Things.

Where Officer about to abscond, a Warrant may be issued in the first instance.

LXXV. That if any Trustee or other Person acting on behalf of the Trustees shall make Oath that he has good Reason to believe, upon Grounds to be stated in his Deposition, and that he does believe, that it is the Intention of any such Officer to abscond, the Sheriff or Justice before whom the Complaint is made may, instead of issuing his Summons, issue his Warrant for bringing such Officer before such Sheriff, if the Warrant be issued by him, or before some Justice, if the Warrant be issued by a Justice; but no Person executing such Warrant shall keep such Officer in Custody longer than Twenty-four Hours without bringing him before the Sheriff or some Justice, according as he may be summoned before the one or the other; and the Sheriff or Justice before whom such Officer may be brought may either discharge such Officer, if he think there is no sufficient Ground for his Detention, or order such Officer to be detained in Custody, so as to be brought before such Sheriff or before Two or more Justices at a Time and Place to be named in such Order, unless such Officer give Bail to the Satisfaction of such Sheriff or Justice for his Appearance before such Sheriff or Justices to answer the Complaint of the Trustees.

Proceedings against Officers not to discharge Sureties.

LXXVI. That no such Proceeding against or Dealing with any such Officer as aforesaid shall deprive the Trustees of any Remedy which they might otherwise have against any Surety of such Officer.

Power to make Byelaws for regulating the Conduct of Officers, &c.

LXXVII. That the Trustees may from Time to Time make such Byelaws as they think fit for the Purpose of regulating the Conduct of the Officers and Servants of the Trustees, and for providing for the due Management of the Affairs of the Trust, and may from Time to Time alter or repeal any such Byelaws, and make others; provided always, that such Byelaws be not repugnant to the Laws of the Realm or to the Provisions of this Act; and such Byelaws shall be reduced into Writing, and shall be signed by the Trustees or any Two of them; and

and a Copy of such Byelaws shall be given to every Officer and Servant of the Trustees affected thereby.

Penalties for Breach of such Byelaws.

LXXVIII. That the Trustees may by such Byelaws impose such reasonable Penalties upon all Persons, being Officers or Servants of the Trustees, offending against such Byelaws, as the Trustees may think fit, not exceeding Five Pounds for any One Offence.

Byelaws to be so framed as that Penalties may be mitigated.

LXXIX. That all the Byelaws to be made by the Trustees shall be so framed as to allow the Sheriff or the Justices before whom any Penalty imposed thereby may be sought to be recovered to order a Part only of such Penalty to be paid, if such Sheriff or Justices think fit.

Penalties to be summarily recovered before the Sheriff or Justices.

LXXX. That every Penalty or Forfeiture imposed or authorized to be imposed by this Act, the Recovery of which is not otherwise provided for, may be recovered by summary Proceeding upon Complaint made before the Sheriff or a Justice, and on Complaint being so made to such Sheriff or Justice he shall issue a Summons requiring the Party complained against to appear before the Sheriff or any Two or more Justices, according as the Summons may have been issued by the Sheriff or by a Justice, on a Day and at a Time and Place to be named in such Summons; and every such Summons shall be served on the Party offending, either personally, or by leaving the same at his last known Place of Abode; and either upon the Appearance or upon the Default to appear of the Party offending it shall be lawful for the Sheriff or any Two or more Justices to proceed to the Hearing of the Complaint, and that although no Information in Writing or in Print shall have been exhibited before them; and upon Proof of the Offence, either by the Confession of the Party complained against or upon the Oath of One credible Witness or more, it shall be lawful for the Sheriff or Justices to convict the Offender, and upon such Conviction to adjudge the Offender to pay the Penalty or Forfeiture incurred, or any Part thereof, as well as such Costs attending the Conviction as such Sheriff or Justices shall think fit.

Penalties to be levied by Poinding.

LXXXI. That if forthwith upon any such Adjudication as aforesaid the Amount of the Penalty or Forfeiture, and of such Costs as aforesaid, be not paid, the Amount of such Penalty and Costs, together with the Costs of the Diligence, shall be levied by Poinding and Sale, and the Sheriff or any Two or more Justices shall issue their Warrant accordingly

Imprisonment in case of Insuffi.

LXXXII. That it shall be lawful for the Sheriff or any Two or more Justices to order any Offender so convicted as aforesaid to be

be detained and kept in safe Custody until Return can be made to the Warrant of Poinding to be issued for levying such Penalty or Forfeiture and Costs, and unless the Offender give sufficient Security to the Satisfaction of the Sheriff or Justices for his Appearance before them on the Day appointed for such Return, such Day not being more than Eight Days from the Time of taking such Security; but if before issuing such Warrant of Poinding it shall appear to the Sheriff or Justices, by the Admission of the Offender or otherwise, that no sufficient Effects can be found whereon to levy such Penalty and Forfeiture and Costs, they may, if they think fit, refrain from issuing such Warrant or Poinding; and in such Case, or if such Warrant shall have been issued, and upon the Return thereof such Insufficiency as aforesaid shall be made to appear to the Sheriff or Justices, then such Sheriff or Justices shall by Warrant cause such Offender to be committed to Gaol, there to remain without Bail for any Term not exceeding Three Months, unless such Penalty or Forfeiture and Costs be sooner paid and satisfied. ciency of Poinding.

LXXXIII. That where in this Act any Sum of Money, whether in the Nature of Penalty or otherwise, is directed to be levied by Poinding, such Sum of Money shall be levied by Poinding and Sale of the Goods and Effects of the Party liable to pay the same; and the Overplus arising from the Sale of such Goods and Effects, after satisfying such Sum of Money, and the Expenses of the Poinding and Sale, shall be returned, on Demand, to the Party whose Goods shall have been poinded. Poinding how to be levied.

LXXXIV. That where the Application of any Penalties or Forfeitures recovered by virtue of this Act is not herein otherwise provided for, the Sheriff or Justices by whom any such Penalty or Forfeiture shall be adjudged to be paid shall award One Half thereof to be paid to the Informer or any Person suing for the same, and the other Half to be paid to the Trustees towards the Purposes of this Act. Application of Penalties.

LXXXV. That no Person shall be liable to the Payment of any Penalty or Forfeiture imposed by virtue of this Act for any Offence herein-before made cognizable before the Sheriff or any Justice or Justices, unless the Complaint respecting such Offence shall have been made within Six Months next after the Commission of such Offence. Penalties to be sued for within Six Months.

LXXXVI. That it shall be lawful for the Sheriff or any Justice or Justices to summon any Person to appear before them as a Witness Penalty on Witnesses making default.

Witness to testify the Truth in any Matter over which they shall have Jurisdiction by this Act, and to administer an Oath to such Person for that Purpose; and if any Person who shall be so summoned as a Witness touching any Offence committed against this Act, shall, without reasonable Excuse, refuse or neglect to appear at the Time and Place appointed for that Purpose, having been paid or tendered a reasonable Sum for his Expenses, or if any Person appearing shall refuse to be examined upon Oath or to give Evidence before such Sheriff or Justice or Justices, every such Person shall forfeit a Sum not exceeding Five Pounds for every such Offence.

For apprehending Transient Offenders.

LXXXVII. That whereas Persons committing Offences against this Act may be transient Persons, unknown to the Officers or Persons appointed and acting under the Authority of this Act: It shall be lawful for such Officers and Persons respectively to seize and detain any such unknown Persons committing any Offence against the Provisions of this Act, and to convey them before the Sheriff or any Justice or Justices, without any other Warrant than this Act for so doing; and such Sheriff or Justice or Justices respectively are hereby empowered to proceed with all convenient Despatch, and without the Necessity of serving a Copy of the Complaint, to the summary Hearing and Determination of the same.

Informalities.

LXXXVIII. That no Proceeding in pursuance of this Act shall be reduced or set aside for Want of Form, nor shall the same be removed into any of the Superior Courts, except as herein specially provided.

Appeal to Circuit Court of Justiciary.

LXXXIX. That if any Person shall feel aggrieved by any Sentence pronounced by the Sheriff or any Justice or Justices of the Peace under this Act, it shall be lawful for such Person, except where it is otherwise hercin specially provided, to appeal to the Circuit Court of Justiciary to be held at *Glasgow*, in the Manner and under the Rules, Limitations, and Conditions contained in an Act passed in the Twentieth Year of the Reign of His Majesty King *George* the Second, intituled *An Act for taking away and abolishing Heritable Jurisdictions in* Scotland, and for other Purposes: Provided always, that no such Appeal shall operate as a Stay of Execution, except on Consignation of such Money and Expenses as may have been awarded in the Hands of the Clerk, and on sufficient Caution being found for the Appearance of the Party, and Payment of such further Expenses as may be awarded in

20 G.2. c. 43.

in the said Court of Justiciary, all in Terms of the said last-mentioned Act.

Copies of Act as printed by Queen's Printers to be kept by Trustees at their Office, and to be deposited with the Sheriff Clerk.

XC. That the Trustees shall at all Times after the Expiration of Six Months after the passing of this Act keep in their principal Office of Business a Copy of this Act, printed by the Printers to Her Majesty or some of them, and shall also within the Space of such Six Months deposit in the Office at *Glasgow* and of the Principal Sheriff Clerk of the County of *Lanark* a Copy of this Act so printed as aforesaid; and the said Sheriff Clerk shall receive and he and the Trustees respectively shall keep the said Copies of this Act, and shall permit all Persons interested to inspect the same, and make Extracts or Copies therefrom, in the like Manner, and upon the like Terms, and under the like Penalty for Default, as is provided in the Case of certain Plans and Sections by an Act passed in the First Year of the Reign of Her present Majesty, intituled *An Act to compel Clerks of the Peace for Counties and other Persons to take the Custody of such Documents as shall be directed to be deposited with them under the Standing Orders of either House of Parliament.*

7 W. 4. & 1 Vict. c. 83.

Penalty on Trustees failing to keep or to deposit such Copies.

XCI. That if the Trustees fail to keep or deposit, as hereinbefore mentioned, any of the said Copies of this Act, they shall forfeit Twenty Pounds for every such Offence, and also Five Pounds for every Day afterwards during which such Copy shall not be so kept or deposited.

Interpretation of Terms.

XCII. That in this Act the following Words shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction:

The Word "Trustees" shall mean the Trustees acting by virtue of this Act:

The Word "Sheriff" shall mean the Sheriff of the County of *Lanark*, and shall include his Substitutes at *Glasgow:*

The Words "Justice" or "Justices," and "Justice of the Peace" or "Justices of the Peace," shall mean Justice or Justices of the Peace respectively where the Matter requiring the Cognizance of any such Justice or Justices shall arise:

The Word "Clerk" shall mean the Clerk of the Trustees:

The Word "Treasurer" shall mean the Treasurer of the Trustees:

The Word "Bridge" shall mean the Bridge authorized to be constructed under the Authority of this Act:

The Word "Lands" shall include all Heritages and Hereditaments, of whatever Nature or Tenure.

XCIII. That

The Kelvin Bridge (Glasgow) Act, 1852.

Short Title of Act.

XCIII. That in citing this Act in other Acts of Parliament, and in Instruments, Deeds, Documents, and Proceedings, it shall be sufficient to use the Expression "The *Kelvin Bridge (Glasgow)* Act, 1852."

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1852.