CHAPTER cxv.

A.D. 1873.

An Act to authorise the Trustees of the Clyde Navigation to construct a graving dock, quays or wharfs, and other works at and in connexion with the Harbour of Glasgow and the River Clyde; to abandon authorised works; to borrow money; and for other purposes. [7th July 1873.]

WHEREAS an Act was passed in the twenty-first and twenty-second years of the reign of Her present Majesty, intituled "An Act to consolidate and amend the Acts relating to the River "Clyde and Harbour of Glasgow," herein-after called the first-recited Act, and another Act was passed in the twenty-seventh and twenty-eighth years of the reign of Her present Majesty, intituled "An "Act to enable the Trustees of the Clyde Navigation to lay down "lines of rails or tramways upon and in connexion with the quays "at the Harbour of Glasgow, and to borrow additional money, to "alter certain of the rates leviable by them, and for other pur-"poses," herein-after called the second-recited Act, and another Act was passed in the thirty-first and thirty-second years of the reign of Her present Majesty, intituled "An Act to authorise the "Trustees of the Clyde Navigation to construct a graving dock, "quays or wharfs, and other works at the Harbour of Glasgow, "and to borrow additional money, and for other purposes," herein-after called the third-recited Act, and another Act was passed in the thirty-third and thirty-fourth years of the reign of Her present Majesty, intituled "An Act to authorise the Trustees of the Clyde "Navigation to construct a dock or tidal basin, quays, tramways, "and other works at the Harbour of Glasgow, to abandon certain "works, and to borrow additional money, and for other purposes:"

21 & 22 Vict. c. cxlix.

27 & 28 Vict. c. ccxlviii.

31 & 32 Vict. c. cxxiv.

33 & 34 Vict. c. liv.

And whereas it is expedient that the Trustees of the Clyde Navigation incorporated by the first-recited Act should be authorised to construct and maintain the graving dock, quay or wharf, river walls, road, and other works herein-after described on the south side of the River Clyde and Harbour of Glasgow, and the quays or wharfs,

A.D. 1873.

river wall, and other works herein-after described on the north side of the said river and harbour, for the accommodation of vessels entering or using the said river and harbour and shipping and discharging goods, to levy rates for the use thereof, to stop up the portions of roads or streets herein-after described, and to abandon the construction of the works herein-after described, authorised by the third-recited Act:

And whereas it is expedient that the said Trustees should be authorised to borrow a further sum of money for defraying the cost of the said graving dock, quays or wharfs, river walls, and other works authorised by this Act, and for the general purposes of their undertaking:

And whereas 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, as follows; (that is to say,)

Short title.

1. This Act may be cited as "The Clyde Navigation Act, 1873."

Provisions of general Acts herein named incorporated.

2. "The Lands Clauses Consolidation (Scotland) Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," and "The Harbours, Docks, and Piers Clauses Act, 1847," with the exception of the clauses with respect to lifeboats, with respect to keeping a tide and weather gauge, and with respect to buoys, lighthouses and beacons, and also with the exception of sections twenty-five, twenty-six, and thirty, are (except where expressly varied by this Act) incorporated with and form part of this Act: Provided that the clauses in the last-mentioned Act with respect to lifeboats, tide and weather gauge, buoys, lighthouses and beacons, shall come into operation with respect to the harbour when required in writing by the Board of Trade.

Certain sections of 26 & 27 Vict. c. 92. incorporated.

3. Sections thirteen, eighteen, and nineteen of "The Railways Clauses Act, 1863," are incorporated with and form part of this Act, and in construing the said sections as incorporated with this Act the expression "the company" means the Trustees of the Clyde Navigation, and the word "work" means the works below high-water mark authorised by this Act.

Interpretation of terms.

4. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated with this Act shall have the same respective meanings, unless there be something in the subject or context repugnant to such construction; and the expression "the Trustees" means the Trustees of the Clyde

Navigation incorporated by the first-recited Act; the expression "the harbour" means and includes the Harbour of Glasgow, and the whole docks, tidal basins, and other works connected therewith, constructed or to be constructed within the limits defined in the first-recited Act; the expression "the undertaking" means the undertaking of the Trustees authorised by the recited Acts and this Act; the expression "the river" means the River Clyde; and the expression "the graving dock" means the graving dock by this Act authorised to be constructed.

Power to construct works.

5. And whereas plans and sections of the intended graving dock, quays or wharfs, river walls, and other works, describing the lines, situations, and levels thereof respectively, and the lands in or through which the same are to be made, and which will or may be required to be taken for the purposes thereof and of the undertaking, and books of reference to such plans, containing the names of the owners, lessees, and occupiers of such lands, have been deposited with the principal sheriff clerk of the county of Lanark at his office in Glasgow, and with the principal sheriff clerk of the county of Renfrew at his office in Paisley: Subject to the provisions of this Act, the Trustees may make and maintain in the lines and according to the levels shown on the deposited plans and sections the graving dock, quays or wharfs, river walls, and other works herein-after described, with all proper approaches, communications, works, and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated on the deposited plans and described in the deposited books of reference as may be required for the purposes of this Act and of the undertaking.

Description of works.

6. The works herein-before referred to and authorised by this Act are the following:

First. A graving dock commencing near the junction of Three Ell Road at its eastern end with Main Street in the burgh of Govan, and terminating near the shipbuilding yard of Messieurs Robert Napier and Sons, with an entrance to the said graving dock from the river and harbour, and all necessary buildings, sheds, cranes, pumping-engines, pumps, sluices, culverts, retaining walls, approaches, and other works and conveniences:

Second. A quay or wharf commencing near the stair of Kelvinhaugh Ferry, and terminating near the dwelling-house No. 6 in Three Ell Road, with the necessary excavation and dredging in front of the said quay or wharf:

Third. A road or approach to the graving dock first above described and the graving dock authorised by "The Clyde Navigation Amendment Act, 1868," now in course of construc-

A.D. 1873.

tion, commencing on the turnpike road between Glasgow and Renfrew near the west side of Main Street in the burgh of Govan, at its eastern end, where it joins the said turnpike road, and terminating near the shipbuilding yard of Messieurs Robert Napier and Sons:

Fourth. An alteration or improvement of Maxwell Street in the burgh of Govan, by widening the same, commencing at the junction of Maxwell Street with the turnpike road between Glasgow and Renfrew, and terminating at the junction of Maxwell Street with Main Street in the said burgh:

Fifth. A diversion of Three Ell Road in the burgh of Govan, commencing at a point one hundred and forty yards or thereabouts eastward from the east side of Maxwell Street at the intersection of Three Ell Road and Maxwell Street, and terminating by a junction with the road or approach third above described at a point sixty-six yards or thereabouts south-eastward from the north-east corner of the Free Church School in Three Ell Road:

Sixth. A river wall commencing at a point on the present river wall near the River Three-mile Post from Glasgow, and terminating on the present river wall near the cattle watering place on the river side on the lands of Shiels, with the necessary excavation and dredging in front of the said river wall and diversion of footpath:

Seventh. An extension of Springfield Quay at the harbour by widening the same, commencing at the north end of Springfield Lane, where that lane joins the said quay, and terminating at a point one hundred and four yards or thereabouts westward from the point of commencement:

The whole of the works above described will be situate on the south side of the river and harbour.

Eighth. A river wall on the south side of the river, commencing at a point on the present river wall two hundred and forty-seven yards or thereabouts eastward from the March Fence dividing the lands of Braehead from the lands of Elderslie, and terminating at the Pudzeoch Burn, with the necessary excavation and dredging in front of the said river wall and diversion of footpath:

Ninth. A river wall on the north side of the river, commencing at a point on the present river wall seventy-three yards or thereabouts westward from the west fence of the shipbuilding yard of Messieurs Charles Connell and Company, and terminating on the present river wall at the march between the lands of Scotstoun and the lands of Elderslie, with the necessary excavation and dredging in front of the said river wall:

Tenth. A quay or wharf on the north side of the river and harbour, commencing at the west end of Anderston Quay near the stair of the Hyde Park Street Ferry, and terminating at or near the east side of the stone seat of the sixty-ton crane on Finnieston Quay, with the necessary excavation and dredging in front of the said quay or wharf:

Eleventh. A quay or wharf on the north side of the river and harbour, commencing at or near the west side of the stone seat of the sixty-ton crane on Finnieston Quay, and terminating at or near the south-western corner of Stobcross Shipbuilding Yard, occupied by Messieurs Barclay, Curle, and Company.

Portions of street and roads may be shut up.

7. The Trustees may shut up the following portions of street and roads:

First. The portion of Main Street in the burgh of Govan from the point at the eastern end thereof where it joins the turnpike road from Glasgow to Renfrew to a point seventeen yards or thereabouts eastward from the west side of Maxwell Street in the said burgh:

Second. The portion of Three Ell Road in the burgh of Govan from the point at the eastern end thereof where it joins Main Street in the said burgh to a point four yards or thereabouts eastward from the north-east corner of the Free Church Schoolhouse in Three Ell Road:

Third. The portion of Pointhouse Road in the city of Glasgow from the western boundary of the said Stobcross Shipbuilding Yard to a point thirteen yards or thereabouts westward from the eastern boundary thereof.

Widening of Stobcross Street.

8. In the event of the Trustees shutting up the portion of the Pointhouse Road by this Act authorised to be shut up, or any part thereof, the Trustees shall contribute and make over to the Board of Police of Glasgow the ground necessary for widening Stobcross Street on the south side thereof to fifty-five feet wide between Finnieston Street and the termination of the new Pointhouse Road.

No part of Springfield Lane to be acquired.

9. Nothing in this Act contained shall authorise the Trustees to acquire any portion of Springfield Lane (being the road or street numbered 161 of the parish of Govan on the deposited plans), lying to the west of the limits of deviation shown on the deposited plans.

Accessory works and dredging.

10. The Trustees, upon any lands acquired by them, may make, erect, and maintain all walls, arches, culverts, and buildings in connexion with the several works herein-before described and the undertaking, and may also make and maintain a road or approach from the junction of Main Street of Govan with Maxwell Street

A.D. 1873.

to the graving dock, and may dredge and excavate the river and harbour to such extent as may be necessary for the purposes of the graving dock and the entrance thereto, and the said quays or wharfs and river walls.

Power to deviate.

11. In constructing the works by this Act authorised the Trustees may deviate laterally from the lines thereof delineated on the deposited plans to any extent not exceeding the limits of deviation defined on the said plans, and may deviate vertically from the levels of the said works, as defined on the deposited sections, to any extent not exceeding five feet.

Powers for compulsory purchases limited.

12. 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.

Lands for extraordinary purposes.

13. In addition to the lands acquired and held or to be acquired by the Trustees under the powers of the recited Acts and this Act, the Trustees may by agreement purchase for extraordinary purposes any quantity of land not exceeding fifty acres in connexion with the undertaking.

For protection of Lancefield Dock.

14. Notwithstanding anything in this Act contained, it shall not be lawful for the Trustees to enter upon, take, or use the lands and other property numbered on the deposited plans 7 and 8 in the barony parish of Glasgow, and described in the deposited books of reference as "joiner and pattern shops and machinery," and "dock," or any part of such lands and property, or to execute any works (except dredging) ex adverso of the said lands and property without the consent in writing of Robert Napier, engineer in Glasgow, or his heirs and successors, and of the lessees and occupiers for the time being of the said lands and property, first had and obtained.

Access to graving docks.

15. A convenient stair shall be made and maintained by the Trustees near the northern end of Maxwell Street for the purpose of giving access from Main Street to the said graving docks to workmen and other persons engaged or having business thereat.

Provisions as to Main Street and Maxwell Street.

16. The power to shut up Main Street conferred by this Act shall not be exercised until the widening of Maxwell Street has been completed as by this Act authorised, nor until the Trustees shall have acquired the whole properties situate between the portion of Main Street to be shut up and Three Ell Road, and Maxwell Street when so widened and completed shall be and remain under the same jurisdiction and be maintained and managed in the same manner as at the passing of this Act.

A.D. 1873.

Alteration of sewers and drains in burgh of Govan.

17. If it shall be necessary in the execution of any of the works by this Act authorised to make any alteration or deviation of the present or future sewers or drains of the burgh of Govan or any of them, such alteration or deviation shall be made by and at the expense of the Trustees, in the lines and on the levels and in the manner required by and to the satisfaction of the surveyor for the time being of the commissioners of police of the said burgh, or in case of difference between the said surveyor and the engineer for the time being of the Trustees, in the lines and on the levels and in the manner to be determined by and to the satisfaction of an engineer to be appointed by the sheriff of the county of Lanark on the application of the Trustees or the said commissioners.

As to lighting certain works.

18. The Trustees shall be bound at their own expense to provide such lamps and lamp-posts as may be necessary for lighting and shall light the quay or wharf, and the road or approach to the graving dock, second and third before described.

Provision as to rights of river frontage.

19. All existing rights of river frontage, and other rights of the owners of lands of which any part is taken or acquired for the purposes of the river walls and widening of the river opposite thereto, authorised by this Act, shall attach and apply to the remaining lands, and the new or altered frontage of the river, in the same manner and to the same effect as such rights attached and applied to the said lands and the frontage of the river at the passing of this Act.

Diversions of footpaths.

20. The Trustees shall make the diversions of footpaths before mentioned in connexion with the river walls sixth and eighth before described, shown on the deposited plans, in lieu of the existing portions of footpaths to be taken for the purposes of this Act: Provided that the Trustees shall not acquire any right to the solum of the ground on which the said diversions are to be made, but the same shall be provided by the owners thereof free of cost to the Trustees, the solum of the existing footpaths being paid for by the Trustees as if no footpaths existed thereon.

Protection of pier and slip at Renfrew.

21. In the event of any damage arising to the pier and slip on the south side of the river Clyde, belonging to the magistrates and town council of the royal burgh of Renfrew, from the execution of the work eighth before described, the Trustees shall repair such damage, or shall pay to the said magistrates and town council compensation for such damage, and any question or difference which may arise between the Trustees and the said magistrates and town council as to such damage or the repair thereof, or as to the amount of compensation to be paid in respect of such damage, shall be referred to and determined by two arbiters, to be mutually chosen

A.D. 1873.

by the Trustees and the said magistrates and council, or by an oversman to be appointed by the said arbiters before entering on the arbitration.

As to acquiring Stobcross Shipbuilding Yard.

22. It shall not be lawful for the Trustees to acquire a portion only of the Stobcross Shipbuilding Yard and workshops occupied in connexion therewith, numbered on the deposited plans 16 and 27 in the barony parish of Glasgow, nor to shut up the portion of Pointhouse Road before described without acquiring the whole of the said shipbuilding yard and workshops.

Portions of authorised works may be abandoned.

23. The Trustees may abandon the construction of the quay or wharf, the river wall, the footpath, and the road or approach, second, third, fourth, and fifth, authorised by and respectively described in section six of the third-recited Act.

Compensation for damage to land by entry for works abandoned.

24. The abandonment by the Trustees under the authority of this Act of any portion of any works shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Trustees on such land for the purpose of surveying and taking levels, or probing or boring to ascertain the nature of the soil or setting out the line of the work, and shall not prejudice or affect the right of the owner or occupier of any land which may have been temporarily occupied by the Trustees to receive compensation for such temporary occupation, or for any loss, damage, or injury which may have been sustained by such owner or occupier by reason thereof, or of the exercise as regards such land of any of the powers contained in "The Harbours, Docks, and Piers Clauses Act, 1847," or the third-recited Act.

Compensation to be made in respect of works abandoned.

25. Where before the passing of this Act any contract may have been entered into or notice given by the Trustees for the purchasing of any land for the purposes of or in relation to any portions of the works authorised to be abandoned by this Act, and which shall not be required for the purposes of any of the works by this Act authorised, the Trustees shall be released from all liability to purchase or to complete the purchase of any such lands, but, notwithstanding, full compensation shall be made by the Trustees to the owners and occupiers or other persons interested in such lands for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice; and the amount and application of the compensation shall be determined in manner provided by "The Lands Clauses Consolidation (Scotland) Act, 1845," as amended by any subsequent Act, for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Provision as to houses occupied by labouring classes.

26. The Trustees shall, not less than eight weeks before they take in any parish fifteen houses or more occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers, make known their intention to take the same by placards, handbills, or other general notice placed in public view upon or within a reasonable distance from such houses, and the Trustees shall not take any such houses until they have obtained the certificate of a justice that it has been proved to his satisfaction that the Trustees have made known their intention to take the same in manner herein-before provided.

Rates for graving dock and quays or wharfs.

27. It shall be lawful for the Trustees to levy on and in respect of all vessels entering or using the graving dock, or arriving at or departing from the quays or wharfs to be constructed under the authority of this Act, and on and in respect of all goods, animals, and carriages shipped or unshipped at the said quays or wharfs, and in respect of warehouses, cranes, weighing machines, and other conveniences erected or provided thereon or in connexion therewith, the same rates and quay rents as the Trustees are by the recited Acts authorised and entitled to levy in respect of any other graving dock and quays or wharfs in the harbour, or in respect of any other warehouses, cranes, or weighing machines, and other conveniences erected or provided by the Trustees; and all such rates or quay rents on and in respect of vessels entering or using the graving dock, and on and in respect of vessels, goods, animals, and carriages arriving at or departing from, or shipped or unshipped at, the said quays or wharfs to be constructed under the authority of this Act, or on or in respect of warehouses, cranes, weighing machines, and other conveniences thereon or in connexion therewith, shall be paid by the owner, agent, master, consignee, or other person in charge of such vessels, goods, animals, and carriages, or using the said warehouses, cranes, weighing machines, or other conveniences respectively; and the provisions contained in sections twenty, twenty-one, and twenty-two of the third-recited Act with respect to the graving dock by that Act authorised to be constructed, and the rates for the use thereof, shall be and are hereby made applicable to the graving dock by this Act authorised to be constructed, and the rates for the use thereof.

Power to vary rates.

28. The Trustees may from time to time vary the rates which they may levy under the authority of this Act, or any of them, in such manner as they may think expedient, by reducing or raising the same, provided that such rates do not in any case exceed the amounts authorised by this Act; and provided also, that such rates be at all times charged equally to all persons in respect of the same

A.D. 1873.

description of vessel performing a voyage between the harbour and the same port or ports, and the same description of goods; but no reduction or variation in such rates shall take place unless with the consent of at least two thirds of the Trustees present at a special meeting of the board.

Power to borrow on security of rates.

29. It shall be lawful for the Trustees to borrow on the security of their works, lands, and property, and of the rates leviable by them under the authority of the recited Acts and this Act, any sums of money not exceeding in the whole five hundred thousand pounds, in addition to the sum of three million two hundred thousand pounds which they are by the recited Acts authorised to borrow; and if after having borrowed the said sum of five hundred thousand pounds, or any part thereof, the Trustees shall pay off the same, except by the sinking fund, it shall be lawful for them from time to time again to borrow the like sum on the same security; provided that the total amount borrowed under the powers of the recited Acts and this Act shall not at any time exceed the sum of three million seven hundred thousand pounds.

Extending provisions of recited Acts to money borrowed under this Act.

30. The provisions contained in sections forty-seven to seventy, both inclusive, of the first-recited Act, and sections twenty-seven, twenty-eight, and twenty-nine of the second-recited Act, shall extend and apply to the money by this Act authorised to be borrowed, as if such money had formed part of the money by the recited Acts or any of them authorised to be borrowed.

Application of money.

31. All money borrowed by the Trustees under the authority of this Act shall be applied in defraying the cost of the lands to be acquired and the works to be constructed under the authority of the recited Acts and this Act; and all rates levied by the Trustees under the authority of this Act shall be applied in or towards carrying into execution the purposes of the recited Acts and this Act and the undertakings thereby authorised, and to no other purpose whatsoever.

Trustees not bound to maintain weir across the Clyde after a limited period.

32. Whereas by "The Glasgow Corporation Waterworks Amendment Act, 1866," (herein-after called "the Act of 1866,") it is provided that on the expiration of three months after the reservoir, pumping station, and conduit, first, fourth, and fifth therein described, are completed, and the completion thereof is certified by the Lord Provost of Glasgow for the time being, and water may be taken by means thereof from the River Clyde for the supply of mills, manufactories, dyeworks, printworks, and other works and premises as therein provided, it should be lawful for the Commissioners of the Glasgow Corporation Waterworks, and they are thereby authorised and required at the sight of the engineer of the Trustees to take

down and remove the dam or weir across the river situate above or to the east of Albert Bridge (formerly Hutchesontown Bridge) in the city of Glasgow, and the lock and other works connected therewith, and that until such removal the said weir and lock should continue to be maintained by the Trustees: And whereas the said reservoir, pumping station, and conduit have not been constructed, and the time limited by the said Act for the completion thereof will expire on the sixth day of August one thousand eight hundred and seventy-three: And whereas the said Commissioners are applying to Parliament in the present session for an Act for extending the time for completing the said reservoir, pumping station, and conduit; and it is just and expedient that in the events herein-after mentioned the Trustees should be freed and relieved of the said obligations and liabilities with respect to the maintenance and removal of the said dam or weir, and lock and works connected therewith: Therefore, in the event of the said Commissioners failing to take down and remove the said dam or weir, and lock and works connected therewith, under the provisions of the Act of 1866, or of any Act for extending the time limited by that Act, within the period of five years after the passing of this Act, the Trustees shall be freed and relieved of all obligations and liabilities imposed on them by the Act of 1866 or otherwise with respect to the maintenance and removal of the said dam or weir and lock, and of any claims of compensation or damages in connexion therewith, and such obligations and liabilities and claims shall thereafter be imposed on and borne by the said Commissioners.

Reserving Merchant Shipping and general Acts.

33. Nothing in this Act contained shall exempt the river or harbour or the works by this Act authorised, or the Trustees, from the provisions of the Merchant Shipping Acts, or of any general Act relating to harbours or to dues on shipping or on goods carried in ships, now in force or which may be passed during the present or any future session of Parliament, or from any future revision and alteration, under the authority of Parliament, of the rates and tolls authorised by the recited Acts or this Act.

Saving rights of the Crown.

34. Nothing contained in this Act shall authorise the Trustees to take, use, or in any manner interfere with any portion of the alveus or bed of the river, or any right in respect thereof, belonging to the Queen's most Excellent Majesty in right of her Crown, without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give); neither shall anything in this Act contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exerciseable by the Queen's Majesty, her heirs and successors.

A.D. 1873.

Saving rights under Crown Lands Act.

35. Nothing contained in this Act or to be done under the authority thereof shall in any manner affect the title to any of the subjects or any rights, powers, or authorities mentioned or reserved by sections twenty, twenty-one, and twenty-two of "The Crown Lands Act, 1866."

Rights of property in the alveus of the Clyde not to be affected.

36. Nothing in this Act contained with reference to any consent by the Board of Trade shall be deemed to alter, prejudice, or affect any right of property of Her Majesty or of the Trustees, or of any other corporation or person, in the alveus or bed of the river or any part thereof in or upon which the harbour is situate, or any of the works connected therewith, which have been or may be constructed under the authority of the recited Acts or this Act.

Expenses of Act.

37. All costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Trustees out of the rates authorised to be levied or the money authorised to be borrowed by the recited Acts and this Act.

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