CHAPTER cv.

An Act to vest the Glasgow bridges in the Magistrates and Council of Glasgow; to widen Glasgow Bridge; and for other purposes. A.D. 1886. [25th June 1886.]

WHEREAS by the Glasgow Bridges Consolidation Act, 1866 (herein-after called "the Act of 1866"), the Acts of the 8th and 9th Vic., cap. 133, the 13th and 14th Vic., cap. 91, and the 17th and 18th Vic., cap. 131, with reference to the bridges over the Clyde, at Glasgow, were repealed, and the magistrates and council of the city of Glasgow, with eight persons to be elected annually by the commissioners of supply of the county of Renfrew and two persons to be elected by the commissioners of supply of the county of Ayr as therein provided, were appointed Trustees (herein-after referred to as "the Trustees") for carrying the recited Act into execution, and the trusts of the said several bridges over the River Clyde (including the Glasgow Bridge) were thereby united and consolidated into one trust, and the said bridges were placed under the exclusive charge and management of the Trustees who were also authorised to execute the various new works specified in that Act:

And whereas the Trustees were authorised by the recited Act to borrow a sum not exceeding £60,000, to enable them to pay off certain debts then existing on the said bridges, and to defray the cost of executing the works authorised by the recited Act, and were empowered to levy certain tolls and pontages to discharge the said money so authorised to be borrowed and the interest thereon and for the other purposes herein-after mentioned:

And whereas by the recited Act it was provided that after the principal and interest of the money so to be borrowed was paid off, it should be lawful for the Trustees to continue the tolls, and to accumulate the surplus thereof beyond the annual expenditure incurred in repairing, maintaining, watching, lighting and cleansing the bridges until the 11th day of November, 1874, and that the annual interest or produce of such accumulated surplus should

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thenceforth be applied to the defraying of the expense of repairing, maintaining, watching, lighting and cleansing the bridges in all time coming, and that from and after the said 11th day of November, 1874, the tolls should cease and determine, and the passage along the bridges, and along any other bridge or bridges which might be built in lieu thereof, should from thenceforth be free:

And whereas the Trustees have executed the works authorised by the recited Act, and borrowed the moneys thereby authorised to be raised, and have otherwise carried into effect the powers of the recited Act:

And whereas the Roads and Bridges (Scotland) Act, 1878, provided for the transfer to and vesting in the local authority of any burgh of the roads and bridges situated within the burgh, but doubts have arisen whether, under the provisions of that Act, the bridges and undertaking of the Trustees were transferred to the local authority of Glasgow as defined by that Act and the administration of the said bridges and undertaking has in consequence been continued by the Trustees:

And whereas it is expedient that these doubts should be removed and that provision should be made for the said bridges and undertaking being vested in and maintained by the said local authority of Glasgow subject to the provisions herein-after contained:

And whereas after paying and discharging the said sum of £60,000 so borrowed and defraying the expenses of maintaining the said bridges, there remains invested in the name of the Trustees the sum of £6,529 herein-after called the bridges fund:

And whereas by the Caledonian Railway (Gordon Street Station Connecting Lines) Act, 1875, the Caledonian Railway Company became bound to pay to the Trustees, on or before the term of Whitsunday, 1876, the sum of £25,000, which sum, and the interest thereon, was thereby directed to be applied, when Parliament should allow, towards the widening of Glasgow Bridge on the west side thereof, including the necessary piers, or towards entirely rebuilding Glasgow Bridge of a greater than its present width:

And whereas the said sum of £25,000 was paid to the Trustees by the Caledonian Railway Company, as provided in the last-mentioned Act, and the said sum, with the interest which has accrued thereon, after deducting the costs incurred in connexion with the said Caledonian Act of 1875, amounted on the 31st day of May, 1885, to £31,639 (in this Act called "the Caledonian fund"):

And whereas the widening and strengthening of Glasgow Bridge on both sides instead of on the west side thereof would afford greater accommodation to the traffic thereon, and be more beneficial to the public, and it is expedient that the said sum of £31,639 should

be applied towards the widening and strengthening of Glasgow Bridge on both sides in manner by this Act provided:

And whereas it is expedient that the whole of the bridges fund, or such part as may be required, should be applied towards the widening and strengthening of Glasgow Bridge:

And whereas in order to strengthen Glasgow Bridge, and to provide further accommodation for the increasing population, trade and traffic of Glasgow and the surrounding burghs, it is expedient and necessary that the said bridge should be widened:

And whereas Glasgow Bridge and the other bridges across the River Clyde, herein-after specified, namely, the Victoria or Stockwell Street Bridge, the Albert or Hutchesonstown Bridge, the South Portland Street Suspension Bridge, and the Glasgow New Suspension Bridge (herein-after called the Glasgow bridges), although wholly situated within the city and royal burgh of Glasgow, accommodate or may accommodate the traffic not only of the said city, but also of the police burghs of Maryhill, Hillhead, Partick, Govan, Govanhill, Kinning Park, Pollokshields, Pollokshields East, anh Crosshill, and it is reasonable that the burden of managing, maintaining, repairing, watching, lighting and cleansing the said bridges should be imposed upon the said burghs as well as on the city of Glasgow:

And whereas the annual interest or proceeds of the bridges fund is by the Act of 1866 appropriated to the defraying the expense of repairing, maintaining, watching, lighting, and cleansing the said bridges:

And whereas it is expedient and necessary that the local authority of Glasgow should be authorised to levy rates and assessments for the widening and strengthening of Glasgow Bridge so far as may be necessary, and for the future maintenance, repair, watching, lighting and cleansing of the Glasgow bridges, and should also be entitled to require the said burghs before mentioned, and any burgh which may hereafter be formed in the immediate vicinity of Glasgow, to make the contributions and payments herein-after provided:

And whereas it is expedient that the provisions herein-after contained should be made with reference to the carrying of the gas and water mains over the Glasgow bridges:

And whereas it is also expedient that the local authority of Glasgow should be empowered to make byelaws with respect to the conduct of the traffic on the Glasgow bridges, and the weight of loads to be carried across the same:

And whereas it is expedient that section 12 of the Glasgow Corporation Loans Act, 1883, should be amended as regards the time for making the return thereby required:

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And whereas James Yates, sometime merchant in London, and afterwards residing at Salcombe, in the parish of Malborough, in the county of Devon, deceased, by a trust disposition, dated the 1st day of April, 1829, disponed the lands and island of Shuna to trustees, for the purpose that those trustees should dispone, assign, convey and make over the said lands and island to the Lord Provost and bailies of the city of Glasgow and their successors in office, upon trust to apply the rents and profits of the said lands and island in manner provided by the said trust disposition:

And whereas by a trust disposition dated the 19th and 26th days of November, 1830, the said trustees duly disponed, assigned, conveyed and made over the said lands and island to the said Lord Provost and bailies, who now hold the same upon trust to divide the net proceeds thereof, as follows:—One fifth to be retained by the said Lord Provost and bailies; two fifths to be paid to the University of Glasgow; one fifth to the directors or governors of Anderson Institute, now called Anderson's College, Glasgow; and one fifth to the public infirmary of Glasgow now called the Glasgow Royal Infirmary:

And whereas the said trust disposition contained no power to sell, and it is expedient, and would be for the benefit of the said beneficiaries under the said trust disposition of James Yates, that the said Lord Provost and magistrates should be empowered to sell the said lands and island, and distribute the proceeds of such sale or the net annual interest of such proceeds among the said beneficiaries in the proportions in which they are entitled to the net proceeds of the said lands and island under the said trust disposition of James Yates:

And whereas plans and sections showing the lines and levels of the proposed widening of Glasgow Bridge, authorised by this Act, and also books of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act, were duly deposited with the principal sheriff clerk of the county of Lanark, and are herein-after respectively referred to as the deposited plans, sections, and books of reference:

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

May it therefore please Your Majesty that it may be enacted and be it enacted, by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited for all purposes as the Glasgow Bridges, &c., Act, 1886.

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Incorporation of Acts.

2. The Lands Clauses Consolidation (Scotland) Act, 1845, the Lands Clauses Consolidation Acts Amendment Act, 1860, and also such parts of the Railways Clauses Consolidation (Scotland) Act, 1845, as relate to roads are (except where expressly varied by this Act), incorporated with and form part of this Act.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction; the expressions "the promoters of the undertaking," "the commissioners," and "the company" shall mean the local authority of Glasgow as defined by this Act; and the expressions "the railway" and "the undertaking" shall mean respectively the widening of Glasgow Bridge by this Act authorised.

Further interpretation.

4. The following words and expressions in this Act shall have the meanings hereby assigned to them (that is to say):—

The words "the Act of 1866" mean the Glasgow Bridges Consolidation Act, 1866;

The words "city of Glasgow" mean the city and royal burgh of Glasgow;

The words "Maryhill," "Hillhead," "Partick," "Govan," "Govanhill," "Kinning Park," "Pollokshields," "Pollokshields East," and "Crosshill," respectively mean the respective police burghs or districts so named;

The words "Glasgow local authority" mean the magistrates and council of the city and royal burgh of Glasgow, acting under the Glasgow Police Acts, 1866 to 1885, and the Roads and Bridges (Scotland) Act, 1878;

The words "local authorities" mean the Glasgow local authority, and the commissioners of police of the police burghs of Maryhill, Hillhead, Partick, Govan, Govanhill, Kinning Park, Pollokshields, Pollokshields East, and Crosshill respectively;

The expression "the Bridge Trustees" means the trustees for the time being acting in execution of the Act of 1866;

The expression "the water commissioners" means the commissioners acting under the Glasgow Corporation Waterworks Act, 1855, and Acts amending the same;

The expression "the gas commissioners" means the Lord Provost, magistrates, and council of the city of Glasgow, acting in the execution of the Glasgow Corporation Gas Acts, 1869, 1871, 1873 and 1882;

The word "clerk" means the clerk for the time being of the Glasgow local authority;

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The word "treasurer" means the treasurer for the time being of the Glasgow local authority;

The expression "the sheriff" means the sheriff of the county of Lanark, or any of his substitutes;

The expression "Glasgow Bridge" means the bridge by this Act authorised to be widened; and

The expression "the Glasgow bridges" means and includes Glasgow Bridge, the Victoria or Stockwell Street Bridge, the Albert or Hutchesonstown Bridge, South Portland Street Suspension Bridge, and the Glasgow New Suspension Bridge, and the approaches thereto, and works connected therewith.

Incorporation of sections 12 and 13 of the Harbours, Docks and Piers Clauses Act, 1847.

5. The twelfth and thirteenth sections of the Harbours, Docks, and Piers Clauses Act, 1847, are incorporated with and form part of this Act, and in construing the said sections as incorporated with this Act, the expression "harbours, docks, or piers" used in the said Harbours, Docks, and Piers Clauses Act, shall mean the widening of Glasgow Bridge and approaches thereto, and works connected therewith, by this Act authorised.

Transfer of undertaking of Bridge Trustees.

6. From and after the passing of this Act, all the bridges and undertaking of the Bridge Trustees under the Act of 1866, or otherwise, and all their lands, property, duties, powers, rights, privileges, interests, debts, obligations, and liabilities, of what nature and kind soever, shall be transferred to and vested in the Glasgow local authority, to be held, used, exercised, enjoyed, discharged and fulfilled by them in manner provided by this Act, and by the Roads and Bridges (Scotland) Act, 1878, and by the Act of 1866, so far as it remains in force.

Dissolution of Bridge Trustees.

7. From and after the passing of this Act the Bridge Trustees shall be dissolved and cease to exist.

Power to widen Glasgow Bridge.

8. Subject to the provisions of this Act the Glasgow local authority may make and maintain in the lines, and according to the levels shown on the deposited plans and sections, the widening of Glasgow Bridge and other works and conveniences connected therewith, and may enter upon, take and use such of the lands delineated on the said plans, and described in the deposited books of reference as may be required for that purpose. The widening of Glasgow Bridge and works referred to and authorised by this Act are as follow:—

(A.) Along the east side of the bridge, commencing in the city parish of Glasgow, at or near a point in Great Clyde Street, 27 yards, or thereabouts, measuring in a southwardly direction from the building line of Great Clyde Street, at or near its junction with the east building line of Jamaica Street, thence

crossing the River Clyde, and terminating in the parish of Govan, at or near a point in Carlton Place, 19 yards, or thereabouts, measuring in a northwardly direction from the building line of Carlton Place, at or near its junction with the east building line of Bridge Street;

(B.) Along the west side of the bridge, commencing at or near a point in Broomielaw Street, 28 yards, or thereabouts, measuring in a southwardly direction from the building line of Broomielaw Street, at or near its junction with the west building line of Jamaica Street, thence crossing the River Clyde, and terminating in the parish of Govan, at a point in Clyde Place, 23 yards, or thereabouts, measuring in a northwardly direction from the building line of Clyde Place, at or near its junction with the west building line of Bridge Street;

all which widening will be wholly situate in the city and royal burgh of Glasgow, and county of Lanark.

Power to make subsidiary works.

9. For the purposes of effecting the said widening of Glasgow Bridge the Glasgow local authority may alter the levels of the existing roadways and approaches to Glasgow Bridge, and may make and maintain new approaches to and ways from and out of the bridge, and from and out of the same when widened, or such alterations or deviations of approaches or other works in connexion with the same as may be necessary or expedient, and may make and maintain all such temporary approaches, landing places, and works as shall be necessary therefor, and embank or construct works for such purpose in, upon, or within the River Clyde, and for these purposes may pull down and remove any portions of Glasgow Bridge and the approaches thereto, and rebuild and reconstruct the same: Provided that the Glasgow local authority shall make full compensation to all persons injuriously affected by the exercise of the powers of this section.

Limits of lateral deviation.

Limits of vertical deviation.

10. In the construction of the works in connexion with the widening of Glasgow Bridge by this Act authorised the Glasgow local authority may deviate laterally from the lines thereof, as shown on the deposited plans, to the extent of the limits of lateral deviation marked thereon, and vertically from the levels shown on the deposited sections to an extent not exceeding one foot upwards or one foot downwards.

Errors and omissions in plans and books of reference may be corrected by sheriff, who

11. If there be any omission, misstatement, or erroneous description of any lands, or of any owners, lessees, or occupiers of any lands shown on the deposited plans or specified in the deposited books of reference, the Glasgow local authority after giving ten days notice to the owners, lessees and occupiers of the lands in question, may apply to the sheriff for the correction thereof, and if

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shall certify the same.

it appear to the sheriff that the omission, misstatement, or erroneous description arose from mistake, he shall certify the same accordingly, and he shall in his certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described, and such certificate shall be deposited with the principal sheriff clerk of the county of Lanark, and a duplicate thereof shall also be deposited with the session clerk of the parish in which the land affected thereby is situate, and such certificate and duplicate shall be kept by such principal sheriff clerk and session clerk with the other documents to which the same relate, and thereupon the deposited plans or books of reference shall be deemed to be corrected according to such certificate, and it shall be lawful for the Glasgow local authority to take the lands and execute the works in accordance with such certificate.

Certificate to be deposited.

Period for compulsory purchase.

12. The powers of the Glasgow local authority for 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.

Local authority not to take more than ten houses inhabited by labouring classes.

13. The Glasgow local authority shall not, under the powers of this Act, purchase or acquire in any district within the meaning of the Public Health (Scotland) Act, 1867, ten or more houses which, after the passing of this Act, have been or, on the fifteenth day of December last, were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers. For the purposes of this section, the expression "labouring class," includes mechanics, artisans, labourers and others working for wages, hawkers, costermongers, persons not working for wages, but working at some trade or handicraft without employing others, except members of their own family, and persons other than domestic servants, whose income does not exceed an average of thirty shillings a week, and the families of any of such persons who may be residing with them.

Period for completion of works.

14. If the works authorised by this Act are not completed within five years from the passing of this Act, then, on the expiration of that period, the powers by this Act granted to the local authority for making and completing the said works, or otherwise in relation thereto, shall cease to be exercised except as to so much thereof as is then completed.

Power to take easements, &c., by agreement.

15. Persons empowered by the Lands Clauses Consolidation (Scotland) Act, 1845, to sell and convey or release lands may, if they think fit, subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act, 1860, and of this Act, grant to the Glasgow local authority any easement, right, or privilege required for the purposes of this Act in, over, or affecting any such lands, and the provisions of the said Acts with

respect to lands and rentcharges, so far as the same are applicable in this behalf, shall extend and apply to such grants and to such easements, rights, and privileges as aforesaid respectively.

Appropriation of income of funds.

16. The Glasgow local authority shall apply the Caledonian fund and so much of the bridges fund as may be requisite in and towards defraying the expense of the widening of Glasgow Bridge by this Act authorised, including a sum of one thousand pounds towards payment of the costs, charges, and expenses mentioned in the last section of this Act, and shall apply the balance (if any) of the bridges fund, and the income or annual interest thereof, towards the expense of repairing, maintaining, watching, lighting and cleansing the Glasgow bridges: Provided always, that if the whole of the Caledonian fund is not so applied, the unapplied balance thereof, and of any interest accruing thereon, shall be invested by the Glasgow local authority, and, with the income or annual interest thereof, shall form an accumulated fund applicable and be applied to any future widening of Glasgow Bridge, on either or both sides thereof, or (if necessary) to the entire rebuilding of Glasgow Bridge, of a greater than its present width: Provided also, that with the consent in writing of the Caledonian Railway Company, under their common seal, the said accumulated fund may be applied by the Glasgow local authority to the same purposes as the balance of the bridges fund is herein-before directed to be applied.

Estimate to be made by Glasgow local authority.

17. The Glasgow local authority shall either prospectively or retrospectively (and at such times as they may consider expedient) estimate and fix the sum which in their judgment may be necessary to enable them, first, to defray so much of the expense of the widening of Glasgow Bridge as is not defrayed out of the Caledonian fund and the bridges fund, and second (after applying, (subject to the provisions of the last preceding section), the balance of the said funds, if any), to defray the cost of managing, repairing, maintaining, watching, lighting and cleansing the Glasgow bridges.

Apportionment of sum estimated among local authorities.

18. The sum so estimated shall be chargeable and charged by the Glasgow local authority against, and shall be paid by the said Glasgow local authority, and by such other of the local authorities as may be determined in manner provided by section 88 of the Roads and Bridges (Scotland) Act, 1878, which is hereby declared to apply to the determination of the liability for and the apportionment of the expense and cost in the last preceding section mentioned, and the sum so allocated may be assessed, levied and recovered in the manner provided by the said last-mentioned Act: Provided always that the commissioners to be appointed in the manner so

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provided shall, in exercising their functions, be bound to take into consideration whether the traffic accommodated, or which may be accommodated by the said bridges, is such as to make it reasonable that the local authorities other than the Glasgow local authority, or any of them, and, if so, which of them should contribute to the sum so estimated in respect of the accommodation afforded by the said bridges to the several burghs represented by the said local authorities, or any of them, and, if so, to what amount, or in what proportion.

Accounts to be kept.

19. The treasurer shall, on and after the thirty-first day of May next after the passing of this Act, or at such other date or dates as the Glasgow local authority may from time to time fix, make up accounts of all moneys received and expended by the Glasgow local authority, and shall in like manner in every subsequent year make up an account of all moneys received or expended by them, or under their authority or control, in the course of the year immediately preceding the date at which the said accounts are so appointed to be made up in such year, and such accounts shall be audited by the auditor to be appointed by the sheriff.

Power to gas and water commissioners to agree as to laying mains and pipes across Glasgow bridges.

20. The Glasgow local authority and the gas commissioners and the water commissioners, may from time to time enter into and carry into effect, rescind, and renew contracts, agreements, and arrangements with reference to the carrying of the water mains and other pipes of the water commissioners, and the gas mains and other pipes of the gas commissioners across the Glasgow bridges, or any of them, and the payments or other consideration to be made therefor by the water commissioners or the gas commissioners to the Glasgow local authority.

For the protection of the gas and water commissioners.

21. And whereas the water commissioners and the gas commissioners have at present certain main pipes laid under the footpaths of the existing Glasgow Bridge, for the purpose of supplying water and gas to the inhabitants of the districts on the south side of the River Clyde: And whereas those main pipes will require to be removed to admit of the said bridge being widened as by this Act provided: Therefore the Glasgow local authority shall in the widened portions of the said bridge, authorised by this Act, provide sufficient space so that one twenty-four inch, and one eighteen-inch water main pipes, and one twenty-four inch gas main pipe, may be laid under each of the new footpaths to be formed upon the widened portions of the bridge, and the widened portions of the bridge shall be constructed so that the water commissioners and gas commissioners may at their own expense be able sufficiently to protect the said main pipes from the effects or influence of the weather, and so that they may at all times have proper means of access to the said

main pipes, or any of them, for the purpose of inspecting, altering, repairing or renewing the same.

Regulating traffic on Glasgow bridges.

22. The Glasgow local authority may from time to time make such byelaws as they think fit—

(1.) With respect to the weight of heavy loads, and of waggons, trucks, engines, and other vehicles, and machinery conveying the same over the Glasgow bridges;

(2.) Prohibiting the conveyance across the said bridges of loads exceeding a weight to be specified in such byelaws;

(3.) The conduct and regulation of the traffic on the Glasgow bridges and on the approaches thereto;

and the Glasgow local authority may, after making any such byelaws, fix a pecuniary penalty for the breach thereof not exceeding for every offence the sum of five pounds: Provided always that such byelaws shall not be repugnant to the law of Scotland, and shall be reduced into writing, and shall be authenticated, confirmed, and published, and such penalties may be enforced in the manner provided by the Glasgow Police Act, 1866, for the authentication, confirmation and publication of byelaws, and the recovery of penalties for the breach of byelaws: Provided also that such byelaws be so framed as to allow the magistrate before whom any penalty imposed thereby is sought to be recovered, to order the whole or part only of such penalty to be paid, or to remit the whole penalty.

Amending section 12 of Loans Act, 1883.

23. Section 12 of the Glasgow Corporation Loans Act, 1883, shall be read and have effect as if instead of the words "the fifteenth day of May," the words "the thirty-first day of May, or such other day as the corporation from time to time appoint," had been inserted in that section.

As to sale of Shuna Estate.

24. It shall be lawful for the Lord Provost and magistrates of the city and royal burgh of Glasgow the Trustees under the trust disposition and settlement of the late James Yates, of the island, land, and estate of Shuna, in the united parish of Kilbrandon and Kilchattan, in the county of Argyll, to sell and dispose of the said island, land, and estate, and to pay the proceeds of such sale, or the annual interest of such proceeds after deducting all expenses connected therewith, to the beneficiaries under the said trust disposition and settlement in the proportions specified in the said trust disposition.

Saving rights of the Crown in the foreshore.

25. Nothing contained in this Act shall authorise the Glasgow local authority to take, use, or in any manner interfere with any portion of the shore or bed of the sea, or of any river, channel, creek, bay or estuary, or any right in respect thereof, belonging to

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the Queen's most Excellent Majesty in right of Her Crown, and under the management of the Board of Trade, 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 or successors.

Costs of Act.

26. The costs, charges and expenses preparatory and incident to the preparing, applying for and passing this Act, shall be paid by the Glasgow local authority out of the first moneys received by them under this Act.

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