CHAPTER cxc.

An Act to confer further powers on the Corporation of Glasgow in relation to their gas undertaking by the construction of connecting railways between their Dalmarnock Works and the Caledonian Railway; the construction of a new street; and for other purposes. A.D. 1882.

[10th August 1882.]

WHEREAS by the Glasgow Corporation Gas Act, 1869, (herein-after called the Act of 1869) the undertakings of the gas companies therein named were transferred to and vested in the Lord Provost, magistrates, and council of the city of Glasgow (herein-after called the Corporation), and the Corporation were thereby empowered to manufacture and supply gas for public and private purposes in the city of Glasgow and its neighbourhood: 32 & 33 Vict. c. lviii.

And whereas by the Glasgow Corporation Gas Act, 1871, (in this Act called the Act of 1871), and the Glasgow Corporation Gas Act, 1873, (in this Act called the Act of 1873), further powers were conferred on the Corporation with reference to their gas undertaking: 34 & 35 Vict. c. xxxv. 36 & 37 Vict. c. cxlviii.

And whereas it is expedient that the standard of the gas to be supplied by the Corporation under the Act of 1869 should be reduced, and that the provisions of the recited Acts, or some of them, should be in other respects amended:

And whereas it is expedient that the Corporation should be empowered to manufacture and supply gas for heating, motive, and other purposes, as by this Act provided, and to use their existing works and apparatus and lay mains and pipes for that purpose:

And whereas the Dalmarnock Gasworks of the Corporation are situated within a short distance of the Caledonian Railway, by which railway the greater part of the coal used at the said works is carried, and it would effect a very considerable saving in expense, and expedite the carriage of the said coal to the said Dalmarnock Gasworks, and promote the general convenience, if the Corporation were, and it is expedient that they should be, authorised to

A.D. 1882.

construct and maintain short railways from the said railway of the Caledonian Railway Company to the said Dalmarnock Gasworks, and to construct the new road and acquire the lands herein-after described:

And whereas it is expedient that the Corporation and the Caledonian Railway Company should be authorised to enter into agreements as herein-after provided:

And whereas for the purposes aforesaid it is expedient that the Corporation should be authorised to apply any funds, moneys, rates, or rents now belonging or which may hereafter belong to them, in respect of their gas undertaking:

And whereas plans and sections, describing the lines and levels of the said railways, new road and other works, and plans of the lands by this Act authorised to be acquired, and books of reference to such plans, containing the names of the owners or reputed owners, lessees or reputed lessees, and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act have been deposited with the principal sheriff clerk of the county of Lanark, which plans, sections and books of reference are in this Act herein-after referred to as the deposited plans, sections and books of reference:

And whereas the objects of this Act cannot be affected 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 Corporation Gas Act, 1882, and the Glasgow Corporation Gas Act, 1869, the Glasgow Corporation Gas Act, 1871, the Glasgow Corporation Gas Act, 1873, and this Act, may be cited together as the Glasgow Corporation Gas Acts, 1869, 1871, 1873, and 1882.

Incorporation of Acts.
8 & 9 Vict. c. 19.
23 & 24 Vict. c. 106
8 & 9 Vict. c. 33.
26 & 27 Vict. c. 92.

2. The Lands Clauses Consolidation (Scotland) Act, 1845, the Lands Clauses Consolidation Acts Amendment Act, 1860, the Railways Clauses Consolidation (Scotland) Act, 1845, and Part I. (relating to the construction of a railway), and Part III. (relating to working agreements) of the Railways Clauses Act, 1863, 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" and "the company" shall mean the Corporation, and the expression "the railway," shall mean the railways by this Act authorised; the expression "the sheriff," shall mean the sheriff of the county of Lanark, or any one of his substitutes; the expression, "the Police Acts," shall mean the Glasgow Police Acts, 1866, 1872, 1873, 1875, and 1877, and the General Police and Improvement (Scotland) Act, 1862, Order Confirmation (Glasgow) Act, 1877, and the Glasgow Municipal Act, 1878, and the Glasgow Municipal Act, 1879; and the expression "the police commissioners," shall mean the magistrates and council of the city and royal burgh of Glasgow, acting under the Police Acts.

29 & 30 Vict. c. cclxxiii. 35 & 36 Vict. c. xli. 36 & 37 Vict. c. xxxviii. 38 & 39 Vict. c. liii. 40 & 41 Vict. c. clxvii. 40 & 41 Vict. c. cxxviii. 41 & 42 Vict. c. c. 42 & 43 Vict. c. cxxiii.

Amendment of section 55 of Act of 1869.

4. Section 55 of the Act of 1869 shall be read and have effect as if the words "twenty sperm candles" were therein specified instead of the words "twenty-five sperm candles," and that section shall apply only to the gas supplied by the Corporation for illuminating purposes.

Power to supply gas for heating, &c.

5. The Corporation may manufacture and supply gas for all purposes other than illuminating purposes, (and which gas is in this Act called non-illuminating gas), and the provisions of section 55 of the Act of 1869, as amended by this Act, shall not apply to non-illuminating gas.

Power to use gas-works, &c, and lay pipes.

6. For the purposes of the manufacture and supply of non-illuminating gas, the Corporation may use their existing gasworks, apparatus, plant, and appliances, and may exercise all the powers they now possess of laying down mains and pipes within the limits of supply: Provided always that the Corporation shall not lay down mains or pipes for the supply of non-illuminating gas within any police burgh outside the burgh of Glasgow, except with the consent of the commissioners of police of such burgh.

Powers to supply fittings and other apparatus.

7. The Corporation may buy or hire, and supply, sell or let to consumers of gas within the limits of supply, for use upon premises belonging to or occupied by such consumers, meters, burners, and any other materials or fittings for the use of gas for domestic or other purposes.

Charge for fittings, &c.

8. The Corporation may charge for non-illuminating gas supplied, and for any meters, burners, tubes, fittings, or other things supplied, sold or let, under the powers of this Act, such price, rent or sum as may be agreed upon between the Corporation and the other party to any such agreement.

Gas rents to be charged equally.

9. The price to be charged by the Corporation for gas consumed by meter shall at all times be charged equally to all consumers

A.D. 1882.

within the limits within which the Corporation are empowered to supply gas, and the price to be charged for public lamps shall at all times be charged equally (regard being had to the consumption of such lamps respectively) to "the police commissioners" and to all local authorities of police burghs and other districts within which the Corporation are empowered to supply gas.

Construction of works.

10. Subject to the provisions of this Act the Corporation are hereby authorised to make and maintain, in the lines and according to the levels shown on the deposited plans and sections, the railways, new road and other works and conveniences connected therewith herein-after described, and may enter upon, take and use such of the lands delineated on the deposited plan and described in the deposited book of reference, as may be required for that purpose. The works authorised by this Act are—

(A) A railway two hundred and three yards in length (herein-after called Railway No. 1), to be wholly situate in the parish of Calton, and city and royal burgh of Glasgow, in the county of Lanark, commencing by a junction with the coal-siding of the Caledonian Railway where that siding joins the existing tramway of the Corporation, on the eastern side of Swanston Street, and terminating at or near the south side of the coal-store in the Dalmarnock Gasworks of the Corporation;

(B) A railway one hundred and thirty-three yards in length (herein-after called Railway No. 2), to be wholly situate in the said parish of Calton, commencing by a junction with Railway No. 1, in the centre of the lane known as Bartholomew Lane, at a point 17 yards or thereabouts southward of the southern side of Adelphi Street, and terminating in the said Dalmarnock Gasworks, at or near the north-eastern corner of the exhauster-house;

(C) A new road commencing from and out of French Street, at or near the eastern end of that street, and terminating in Swanston Street aforesaid, at or near the south-eastern corner of the gasholder yard of the Corporation,

Provided always that the said railways shall be constructed as single lines only, and shall not be used except for traffic to and from the gasworks of the Corporation, and for engines and waggons used in connexion with such traffic.

Limits of deviation.

11. In constructing the railways and new road by this Act authorised the Corporation may deviate from the lines of railway and the new road to any extent within the limits of deviation shown on the plans, and may deviate from the levels of the said railways to any

extent not exceeding two feet, and from the levels of the said road to any extent not exceeding two feet: Provided always that the upper surface of the rails of the railways by this Act authorised, where the same are carried across Swanston Street and Adelphi Street, shall coincide with the existing levels of those streets at the respective points of crossing thereof.

Maintenance, &c., of new road.

12. The new road shall be made of a width of not less than fifty feet and shall be completed and opened for public traffic within twelve months after the passing of this Act and when completed, of which completion a certificate by the sheriff shall be conclusive evidence, shall thereafter be maintained and repaired by "the police commissioners" as one of the public streets of the city and royal burgh of Glasgow, in the same manner as if the new road were a road authorised to be maintained and repaired by "the police commissioners" under the Police Acts.

Corporation may acquire and shut up Bartholomew Lane.

13. Subject to the provisions of this Act, the Corporation may enter upon, take, use and appropriate the lands now forming the lane called Bartholomew Lane, (the lands on both sides of that lane being the property of the Corporation) situate between the southern side of Adelphi Street, at a point in that street opposite Bartholomew Street and the eastern end of French Street, and they may, when the new road by this Act authorised is completed and opened for public traffic, permanently stop up the said lane.

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

14. 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 Corporation any easement, servitude, right, or privilege, not being an easement of water 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, ground annuals or feu duties, so far as the same are applicable in this behalf shall extend and apply to such grants, and to such easements, servitudes, rights, and privileges as aforesaid respectively.

Period for compulsory purchase of lands.

15. The powers of the Corporation 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.

Power to cross roads on the level.

16. Subject to the provisions in the Railways Clauses Consolidation (Scotland) Act, 1845, and in Part I. (relating to construction of a railway) of the Railways Clauses Act, 1863, contained in reference to the crossing of roads on the level, the Corporation may,

A.D. 1882.

in the construction of the railways, carry the same across and on the level of the roads next herein-after mentioned (that is to say):—

Number on deposited Plan.	Parish.	Description of Road.
	RAILWAY No. 1.	
2	Calton	Swanston Street.
6	Calton	Adelphi Street.
	RAILWAY No. 2.	
6	Calton	Adelphi Street.

Level crossings.

17. Provided always, that no locomotive or locomotive and waggons attached thereto, or waggons drawn by animal power, shall be run or used over any of the said level crossings except at such hours and subject to such regulations as the sheriff on an application made to him by the Corporation, or by any two or more owners or occupiers of houses, lands or heritages abutting on Swanston Street or Adelphi Street, or any street directly communicating therewith, shall after such notice and inquiry, as he may think fit, from time to time fix, and the sheriff shall at the same time make, and the Corporation shall give effect to such order as he may deem necessary for lighting the said level crossings during the hours in which the same may be run over or used by locomotives or waggons: Provided also that section 40 of the Railways Clauses Consolidation (Scotland) Act, 1845, and section 6 of the Railways Clauses Act, 1863, shall not apply to the crossings of roads on the level hereby authorised, but in lieu thereof and in addition to the provisions herein-before contained, the following provisions shall have effect—

(1) During the time that the crossing in Swanston Street, or the crossings in Adelphi Street, shall be used by the Corporation, there shall be a signalman placed and maintained by the Corporation at or near the crossing of Swanston Street, and a signalman, or in the discretion of the sheriff two signalmen, at or near the crossings of Adelphi Street, and it shall be the duty of such signalmen, when any footpassenger cart or carriage approaches from either side to that portion of Swanston Street or of Adelphi Street, as the case may be, which is to be crossed, to give warning thereof by effectual signals so as to stop foot passengers, carts and carriages from crossing the railways until the locomotive or locomotive and waggons attached thereto, or other waggons before mentioned, shall have crossed the street.

A.D. 1882.

(2) The Corporation shall make and for ever thereafter maintain a catch point siding in connexion with the level crossing in Swanston Street, and they shall, if and when thereunto required by the sheriff, construct and for ever thereafter maintain on their own land south of Adelphi Street a suitable footbridge to the satisfaction of the sheriff from a point ten yards or thereabouts westward of the southern end of the level crossing of Railway No. 2 over Adelphi Street to a point ten yards or thereabouts east of the commencement of the level crossing of Railway No. 1 over Adelphi Street, and they shall also construct if and when thereunto required by the sheriff, a footbridge on their own land on the western side of Swanston Street from a point at or near the junction of that street with Adelphi Street to a point ten yards or thereabouts south of the western end of the level crossing of Railway No. 1 over Swanston Street. And they shall also, if and when thereunto required by the sheriff, erect, and at all times maintain good and sufficient gates across Swanston Street and Adelphi Street, or either of them, on each side of the said level crossings and employ proper persons to open and shut the same all in accordance with such regulations as the sheriff shall from time to time make.

(3) The sheriff may, in any order which he may make under the provisions of this section, provide for the enforcement of all or any of the requirements of such order by such penalties as he may think fit to appoint for any failure to fulfil such requirements, and such penalties may be sued for and recovered by summary procedure before the sheriff at the instance of any two or more owners or occupiers of houses, lands or heritages abutting on Swanston Street or Adelphi Street, or any street directly communicating therewith.

Corporation to make street from Adelphi Street to French Street.

18. The Corporation shall within one year after the passing of this Act, lay out and form and open for public traffic on the western side of the lands belonging to them, a street of not less than fifty feet in width from Adelphi Street to French Street, and the said street when completed shall thereafter be maintained and repaired by "the police commissioners" as one of the public streets of the city and royal burgh of Glasgow, in the same manner as if the street were a road authorised to be maintained and repaired by "the police commissioners" under the Police Acts: Provided always that until the said street is completed and opened for public traffic, the Corporation shall not permanently stop up Bartholomew Lane aforesaid: Provided also that until the said street and the new road by this Act authorised are completed and opened to the public

A.D. 1882.

the level crossings of Swanston Street and Adelphi Street by this Act authorised shall not be used by locomotives: Provided also that the Corporation may, until the said new road and the street are completed and opened to the public, continue to use the existing level crossing in Swanston Street in the same manner (otherwise than by locomotive power) and for the same purposes as they have hitherto used the same.

Annual payments to be made to the trustees of George Wilson.

19. So long as Swanston Street shall continue to be a private street the Corporation shall pay to the trustees of the late George Wilson the sum of fifty pounds, at the term of Whitsunday yearly, as compensation for making and maintaining the Railway No. 1 across Swanston Street on the level.

Power to enter into agreements with Caledonian Railway Company. 36 & 37 Vict. c. 48.

20. Subject to the provisions of this Act, the Corporation on the one hand, and the Caledonian Railway Company on the other hand, may, subject to the provisions of Part III. of the Railways Clauses Act, 1863, as amended or varied by the Regulation of Railways Act, 1873, from time to time enter into and carry into effect agreements with respect to the use of the railways, or of any part thereof, and the conveyance of traffic thereon, and for the purposes of this section the Corporation shall be deemed to be a railway company.

Application of funds to construction of works.

21. In defraying the costs of constructing the works, or any of them, by this Act authorised, and of acquiring the land to be taken for the purposes thereof, and in carrying into effect the other purposes of this Act, the Corporation may apply any moneys they are authorised to borrow under the Act of 1869, and which may not be required for the purposes of that Act, and also any rents, rates, funds and other revenues for the time being belonging to them or under their control.

New works to form part of Corporation undertaking.

22. Subject to the provisions of this Act, the works to be constructed under the authority of this Act shall for all purposes whatsoever be deemed part of the gas undertaking of the Corporation.

Expenses of Act.

23. All costs, charges and expenses preliminary to, and of and incidental to preparing, applying for, obtaining and passing of this Act, shall be paid by the Corporation out of the moneys borrowed under the Act of 1869 or out of their gas revenues.

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