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Cap. XXXV.

An Act for enlarging and improving the Justiciary Court House and Court Houses and Public Buildings of the City of *Glasgow* and County of *Lanark*, for erecting additional Buildings, for amending the Act relating thereto, and for other Purposes. [23d *June* 1856.]

WHEREAS an Act was passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for erecting and maintaining a Justiciary Court Hall and other Apartments for the Use of the Justiciary Court at* Glasgow, *and also Public Offices for the City of* Glasgow *and the Lower Ward of the County of* Lanark, *and for other Purposes therein mentioned:* And whereas the Court Houses, Apartments, and Public Offices erected under the Authority of the said Act are now found to be inadequate for the Purposes thereby intended, and it is necessary and expedient and would be for the public Advantage and Convenience that additional Accommodation should be provided, and that a Portion of the Building called the South Prison of *Glasgow* should be acquired by and vested in the Commissioners acting under the said Act, and

6 & 7 W. 4. c. xxiv.

converted into a Court Hall and other Apartments for the Use of the Judges and Officers attending the Circuit Courts at *Glasgow*, and that certain Property situated in *Brunswick Street* to the North of the present City and County Buildings should be acquired by the said Commissioners and converted into Offices and Apartments for the Use of the Sheriffs, Sheriff and Justice of Peace Clerks, and other Officers of the County of *Lanark*, and that the said Commissioners should be authorized to raise the Sums necessary for defraying the Expense of providing the additional Accommodation required; but these Purposes 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.

I. This Act may be cited for all Purposes as "The *Glasgow* Court Houses Act, 1856."

Interpretation of Terms.

II. The following Words and Expressions in this Act shall have the several Meanings hereby assigned to them; (that is to say,)

The Expression "the Commissioners" shall mean the Commissioners appointed and acting under the recited Act and this Act:

The Word "Treasurer" shall mean the Treasurer of the Commissioners for the Time being:

The Word "Heritages" shall extend to and include Lands, Houses, Shops, Warehouses, Tenements, and other Heritable Property of whatsoever Description or Tenure, excepting Feu Duties and Ground Annuals:

The Word "Owner" shall apply to Liferenters as well as Fiars, and to Tutors, Curators, Commissioners, Trustees, Adjudgers, Wadsetters, or other Persons who shall be in the actual Receipt of the Rents and Profits of Heritages:

The Word "Mortgage" shall mean and include Mortgages and Assignations in Security granted by the Commissioners under the Authority of this Act.

8 & 9 Vict. c. 19. incorporated.

III. "The Lands Clauses Consolidation (*Scotland*) Act, 1845," is hereby incorporated with this Act.

Commissioners to execute Act.

IV. The Commissioners from Time to Time appointed and acting under the recited Act shall be and are hereby empowered to carry this Act into execution.

Power to levy Assessments.

V. For defraying the Expense of acquiring the Property by this Act authorized to be taken, and of the Buildings by this Act authorized to be constructed, and furnishing the same, and also the Expense of

of maintaining, upholding, and keeping in repair the Court Houses, Offices, and Buildings constructed or to be constructed under the Authority of the recited Act and this Act, and the whole Furniture and Appurtenances thereof and other annual Expenses incident thereto, it shall be lawful for the Commissioners to levy and raise by Assessment annually during the Period after mentioned, and thereafter quadriennially as herein-after provided, or at such greater Intervals as they may consider expedient, on and from all Heritages situated within the Parliamentary and Municipal Boundaries of the City of *Glasgow* and the ancient and extended Royalty of the said City, and within the Lower Ward of the County of *Lanark*, including the Burgh of *Rutherglen*, such Sums of Money as shall be sufficient for the several Purposes before mentioned: Provided always, that the total Sum to be levied under the Authority of the recited Act and this Act shall not exceed in any One Year One Penny *per* Pound on the Rental or annual Value of such Heritages: Provided also, that the Rights, Privileges, and Immunities hitherto enjoyed by the Corporation of *Glasgow College* are hereby reserved.

Limiting Amount of Assessments.

VI. The Sums to be raised and expended by the Commissioners for acquiring Property and erecting, enlarging, or improving the Buildings, Offices, and Apartments by this Act authorized to be constructed, and furnishing the same, exclusive of the annual Cost of Maintenance and Repair and of the Debt incurred and owing by the Commissioners at the Time of the passing of this Act, for Maintenance and Repair shall not exceed in the whole Twenty thousand Pounds; and it shall be lawful for the Commissioners to levy and raise annually, under the Authority of the recited Act and this Act, an Assessment not exceeding One Penny *per* Pound on the Rental or annual Value of the Heritages before specified until the said Sum of Twenty thousand Pounds and any Interest accruing thereon, and the said Debt owing as aforesaid, and the Expenses of this Act, with the annual Expense of Maintenance during that Period (such annual Expense not exceeding One Fourth Part of the net Produce of the said annual Assessment), shall be paid and discharged; and after the said Sums have been paid, it shall be lawful for the Commissioners once in every Four Years, but not oftener, to levy under the Authority of the recited Act and this Act an Assessment not exceeding One Penny *per* Pound on the Rental or yearly Value of such Heritages, the first of such quadriennial Assessments to be made in the Year after the said Sums have been paid and discharged; and such quadriennial Assessments shall be applied in defraying the Expense of maintaining, upholding, and repairing the Buildings, Offices, and Apartments by the recited Act and this Act authorized to be constructed, and the Furniture and Appurtenances thereof, and other annual Expenses incident thereto, and to no other Purpose whatsoever.

VII. The

Mode of levying Assessments.

VII. The Assessments by this Act authorized to be levied shall be payable by the Occupier of the Heritages assessed, but such Occupier shall be entitled to deduct One Half of such Assessments from the Rent payable by him to the Owner: Provided, that One Half of such Assessments may be levied by the Commissioners directly from the Owner of the Heritages assessed.

Collection of Assessments.

VIII. The said Assessments, so far as leviable on and from Heritages situated within the Parliamentary and Municipal Boundaries of the City of *Glasgow* and the ancient and extended Royalty of the said City, shall be levied and collected by the Collector of the Police Rates for the City, or by a Collector appointed by the Commissioners, and shall be recoverable by the like summary Process as the Cess or City assessed Taxes or the Police Assessments of the City are by Law recoverable; and the said Assessments by this Act authorized to be levied, so far as leviable on and from Heritages situated within the Lower Ward of the County of *Lanark*, including the Burgh of *Rutherglen*, shall be levied and collected by the Collectors of the Prisons Assessments for the said Lower Ward and by a Collector appointed by the Magistrates of *Rutherglen* respectively in like Manner and by the same Process and at the same Time as the Prisons Assessments for the said County and Burgh are collected, or by such other Collector as the Commissioners shall deem expedient; and such Collectors shall keep a separate and distinct Account of the Assessments received by them respectively under the Authority of this Act, and shall pay over the Amount of the said Assessments, when collected, to the Commissioners or the Treasurer; and such Collectors shall have an Allowance, to be fixed by the Commissioners, for the Sums collected by them respectively in full of every Claim for Trouble and Expense incurred by them in collecting the same.

Public Rates to be open to Inspection of the Commissioners.

IX. The Commissioners or any Person by them authorized may from Time to Time inspect all or any of the public Rates and Assessments leviable within the said City and the said Lower Ward and Burgh, and the Books in which are contained all the Assessments by which the same are made, and may take Copies thereof or Extracts therefrom respectively; and any Person having the Custody of such Rates or Assessments or Books who shall not suffer the Commissioners or any Person authorized by them to inspect the same at reasonable Times, or to take Copies thereof or Extracts therefrom, shall be liable to a Penalty not exceeding Five Pounds for every such Offence.

Power to borrow on Credit of the Assessments.

X. It shall be lawful for the Commissioners to borrow on the Credit of the Assessments hereby authorized to be levied any Sum not exceeding Twelve thousand Pounds, and to make and grant Mortgages

Mortgages and Assignations of the said Assessments in Security of the Payment of the Money so borrowed and Interest thereon; and if after having borrowed the said Sum or any Part thereof the Commissioners shall pay off the same, it shall be lawful for them again to borrow the Amount so paid off, and so from Time to Time as they shall think proper.

Form of Mortgage.

XI. Every Mortgage of the said Assessments to be granted by the Commissioners shall be by Deed duly stamped, in which the Consideration shall be truly stated, and shall be subscribed by at least Two of the Commissioners and the Treasurer; and every such Mortgage may be in the Form of Schedule (A.) to this Act annexed, or to the like Effect, and may be partly printed and partly in Writing; and the respective Mortgagees or Creditors shall be entitled one with another to their respective Proportions of the Assessments comprised in such Mortgages according to the respective Sums therein mentioned to be advanced by such Mortgagees or Creditors respectively, and to be repaid the Sums so advanced, with Interest, without any Preference one above another by reason of the Priority of advancing such Monies or of the Date of any such Mortgage: Provided, that no Commissioner or Treasurer shall by his Subscription of any such Mortgage be or be held to have rendered himself personally liable for the Payment of any Money so borrowed, or any Interest thereon, or for any Sums whatsoever in respect thereof.

Register of Mortgages to be kept.

XII. A Register of Mortgages shall be kept by the Treasurer, and within Fourteen Days after the Date of every Mortgage an Entry of the Amount and Date thereof, and of the Name of the Creditor therein, with his proper Designation or Addition, shall be made in the said Register, which may be inspected at all reasonable Times by any Mortgagee or Creditor or other Person interested in any such Mortgage without Fee or Reward.

Transfer of Mortgages.

XIII. Any Person entitled to any Mortgage may transfer the same and his Right and Interest therein to any other Person, and every such Transfer shall be by Deed duly stamped, wherein the Consideration shall be truly stated; and every such Transfer may be in the Form of Schedule (B.) to this Act annexed, or to the like Effect.

Registration of Transfers.

XIV. Within Thirty Days after the Date of every such Transfer if executed within the United Kingdom, or otherwise within Thirty Days after the Arrival thereof in the United Kingdom, the same shall be produced to the Treasurer, who shall thereupon cause an Entry thereof to be made in the said Register in the same Manner as in the Case of the original Mortgage, and for such Entry the Treasurer may demand a Sum not exceeding Two Shillings and Sixpence; and after

such Entry every such Transfer shall entitle the Transferee, his Executors, Administrators, or Assignees, to the full Benefit of the original Mortgage and the Principal and Interest thereby secured, and such Transferee may in like Manner assign or transfer the same again, *toties quoties*.

Interest on Mortgages to be paid half-yearly.

XV. Unless otherwise provided by any Mortgage, the Interest of the Money borrowed shall be paid half-yearly to the several Parties entitled thereto.

Repayment of Money when Period agreed upon.

XVI. The Commissioners may, if they think proper, fix a Period for the Repayment of all Principal Monies borrowed under the Provisions of this Act, with the Interest thereof; and in such Case the Commissioners shall cause such Period to be inserted in the Mortgage; and upon the Expiration of such Period the Principal Sum, together with the Arrears of Interest thereon, shall on Demand be paid to the Party entitled to receive such Principal Money and Interest, and if no other Place of Payment be inserted in such Mortgage, such Principal and Interest shall be payable at the Office of the Treasurer.

Repayment of Money when no Period agreed upon.

XVII. If no Time be fixed in the Mortgage for the Repayment of the Money so borrowed, the Party entitled to receive such Money may, at the Expiration or at any Time after the Expiration of Twelve Months from the Date of such Mortgage, demand Payment of the Principal Money thereby secured, with all Arrears of Interest, upon giving Six Months previous Notice for that Purpose; and in the like Case the Commissioners may at any Time pay off the Money borrowed on giving the like Notice; and every such Notice shall be in Writing or Print, or both, and if given by a Mortgagee or Creditor shall be delivered to the Treasurer or left at his Office, and if given by the Commissioners shall be delivered either personally to such Mortgagee or Creditor or left at his Residence, or, if such Mortgagee or Creditor be unknown to the Commissioners or cannot be found after diligent Inquiry, such Notice shall be given by Advertisement inserted once in the *Edinburgh Gazette*.

Interest to cease on Expiration of Notice to pay off Mortgage.

XVIII. If the Commissioners shall have given Notice of their Intention to pay off any Mortgage at a Time when the same may be lawfully paid off by them, then at the Expiration of the Time specified in such Notice all further Interest shall cease to be payable thereon, unless on Demand of Payment made pursuant to such Notice or at any Time thereafter the Commissioners fail to pay the Principal and Interest due on such Mortgage at the Expiration of the Time specified in such Notice.

Power to borrow on Cash Credit.

XIX. It shall be lawful for the Commissioners to take from any Bank or Banking Company Credit on a Cash Account to be opened and kept

kept with such Bank or Banking Company in the Name of the Commissioners, according to the Usage of Bankers in *Scotland*, to the Extent of the Sum which the Commissioners are hereby authorized to borrow, or any Part thereof, and to make and grant Mortgages and Assignations of the Assessments by this Act authorized to be levied, 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, that the whole Sum due and owing by the Commissioners on such Cash Account, and for Money borrowed by them on Mortgage as aforesaid, shall never, when taken together, exceed the said Sum of Twelve thousand Pounds.

Application of Money borrowed.

XX. The whole Sums borrowed under the Authority of this Act shall be applied in defraying the Expense of acquiring Property and erecting, enlarging, or improving the Buildings, Offices, and Apartments by this Act authorized to be constructed, and to no other Purpose whatsoever.

Power to erect Court Hall and Offices.

XXI. And whereas Plans of the Lands, Houses, and other Property intended to be taken under the Authority and for the Purposes of this Act, and also a Book of Reference containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the said Lands, Houses, and other Property, have been deposited with the Sheriff Clerk of the County of *Lanark* at *Glasgow*: It shall be lawful for the Commissioners, subject to the Provisions of this Act and the Act incorporated herewith, to enter upon and compulsorily or otherwise to take and acquire the Lands, Houses, and other Property described on the Plan Number One and situated in *Brunswick Street* in the City of *Glasgow*, and to erect thereon such Offices and Apartments for the Use of the Sheriffs, Sheriff and Justice of Peace Clerks, and other Officers of the County of *Lanark*, and the Disposal of the public Business of the said County and City, as the Commissioners shall deem necessary and expedient; and also to enter upon and compulsorily or otherwise to take and acquire the Lands and Property described on the Plan Number Two, situated in *Market Street* and *East Clyde Street* in the said City, and to erect thereon a Court Hall and such Offices and Apartments for the Use of the Judges and Officers attending the Circuit Courts at *Glasgow*, and the Disposal of the Civil and Criminal Business of the said County and City, as the Commissioners shall deem necessary and expedient; or, in the Discretion of the Commissioners, it shall be lawful for them, instead of erecting new Buildings as above mentioned, or any Part thereof, to alter and improve the Buildings already erected on the said Lands, or any Part thereof, so as to make the same suitable for the Purposes before mentioned.

XXII. If

Errors and Omissions may be corrected by the Sheriff, who shall certify the same.

XXII. If any Omission, Mis-statement, or erroneous Description shall have been made of any Lands, Houses, or other Property described on the said Plans or in the said Book of Reference, or of the Owners, Lessees, or Occupiers thereof, the Commissioners, after giving Ten Days Notice to such Owners, Lessees, and Occupiers, may apply to the Sheriff of the County of *Lanark* or any one of his Substitutes for the Correction thereof; and if it shall appear to the said Sheriff or his Substitute that such Omission, Mis-statement, or erroneous Description arose from Mistake, he shall certify the same accordingly, and shall in such Certificate state the Particulars of any such Omission, Mis-statement, or erroneous Description; and such Certificate shall be deposited with the Sheriff Clerk of the said County at *Glasgow*, and with the Schoolmaster, or, if there be no Schoolmaster, with the Session Clerk, of the Parish in which such Lands, Houses, or other Property are situated, and with the Town Clerks of the City of *Glasgow*, and shall be kept by such Sheriff Clerk, Schoolmaster, or Session Clerk, and Town Clerks respectively, along with the other Documents to which it relates; and thereupon such Plan and Book of Reference shall be deemed to be corrected according to such Certificate, and it shall be lawful for the Commissioners to take and acquire such Lands, Houses, or other Property in accordance with such Certificate as if such Omission, Mis-statement, or erroneous Description had not been made.

Certificate to be deposited.

Powers for compulsory Purchases limited.

XXIII. The Powers hereby granted for the compulsory Purchase of Lands, Houses, and other Property shall not be exercised after the Expiration of Three Years from the passing of this Act.

Commissioners to maintain and regulate Buildings.

XXIV. The several Court Houses, Halls, Offices, Apartments, and Buildings erected under the Authority of the recited Act, and the Court Hall, Offices, Apartments, and Buildings to be erected or altered and improved under the Authority of this Act, and the whole Furniture and Appurtenances thereof respectively, shall be vested in and maintained, upheld, kept in repair, and regulated by the Commissioners for the Uses and Purposes and with and under the Powers and Provisions of the recited Act and this Act.

Expenses of Act.

XXV. The Expenses of applying for, obtaining, and passing this Act and incidental thereto shall be paid by the Commissioners out of the Assessments by this Act authorized to be levied.

SCHE-

SCHEDULES referred to in this Act.

SCHEDULE (A.)

Form of Mortgage or Assignation in Security.

No.

By virtue of "The Glasgow Court Houses Act, 1856," the Commissioners appointed and acting under the said Act and the Act Sixth William the Fourth, Chapter 24, therein recited, in consideration of the Sum of Pounds paid to the Treasurer of the said Commissioners by *A.B.* of for the Purposes of the said Act, do grant and assign to the said *A.B.*, his Executors, Administrators, and Assignees, such Proportion of the Assessments leviable under the said Glasgow Court Houses Act, 1856, as the said Sum of Pounds bears to the whole Sum which is or shall be borrowed on the Credit of the said Assessments; to be held by the said *A.B.*, his Executors, Administrators, and Assignees, from the Day of until the said Sum of Pounds, with Interest at the Rate of per Centum per Annum for the same, shall be fully paid and satisfied [the Principal Sum to be repaid at the Term of in the Year , *in case any Period be agreed upon for that Purpose.*]

In witness whereof [*insert Testing Clause according to the Law of Scotland*].

SCHEDULE (B.)

Form of Transfer.

I, *A.B.* of in consideration of the Sum of Pounds paid to me by *C.D.* of do hereby transfer to the said *C.D.*, his Executors, Administrators, and Assignees, a certain Mortgage or Assignation in Security, Number granted to me by the Commissioners appointed and acting under "The Glasgow Court Houses Act, 1856," and the Act Sixth William the Fourth, Chapter 24, therein recited, dated the Day of for securing the Payment of the Sum of Pounds,

Pounds, with Interest, and all my Right, Estate, and Interest in and to the Money thereby secured, and in and to the Assessments thereby assigned.

In witness whereof [*insert Testing Clause according to the Law of Scotland*].

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