CHAPTER cxxiii.

An Act to confer further powers on the Lord Provost, Magistrates, and Council of the City and Royal Burgh of Glasgow for municipal and police purposes. A.D. 1879.

[3d July 1879.]

WHEREAS the magistrates and council of the city and royal burgh of Glasgow, acting in execution of the Glasgow Police Acts, 1866, 1872, 1873, 1875, and 1877, and the General Police and Improvement (Scotland) Act, 1862, Order Confirmation (Glasgow) Act, 1877, (herein-after called the police commissioners,) are authorised under the said Glasgow Police Act, 1866, to provide for the use and accommodation of the inhabitants public baths, wash-houses, or drying-grounds, and to purchase or rent any buildings or lands, or to erect on such lands other buildings, and from time to time to alter, renew, or add to, and repair, maintain, and fit up, such premises, and employ persons as keepers thereof: 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.

And whereas the police commissioners have, in virtue of the powers so conferred, erected and provided baths, wash-houses, and drying-grounds, but in consequence of the great increase in the population of the city since the Act of 1866 was passed very considerable additions are required to be made to the accommodation hitherto provided, and for the same reasons very considerable additions are required to the cleansing and sanitary accommodation of the police commissioners:

And whereas by the City of Glasgow Union Railway Act, 1864, (section 36,) it is enacted that within five years from the passing of the Act the City of Glasgow Union Railway Company (therein and herein called the company) shall, at their own expense, form and complete, north of the Railway No. 7 thereby authorised, a street leading from Stockwell Street to King Street, of the width of not less than twenty feet, or, at the option of the lord provost, magistrates, and council of the city of Glasgow (therein and herein called the Corporation), signified in writing under the hand of the city architect, at any time before the formation of the said street shall have been commenced by the company, of a width of forty feet, 27 & 28 Vict. c. cclxxxvi.

A.D. 1879.

and in the latter case one half of the expense of making and completing the street, including the price of the property necessary for that purpose, shall be borne by the company and the other half by the Corporation; and any question as to the construction of such street shall be settled and determined by the engineer of the company and the architect, or by an engineer or architect to be named by them, or if they do not, within one calendar month from the difference between them arising, agree in such nomination, then to be named, on the application of either of them, by the sheriff of the county of Lanark for the time being:

41 & 42 Vict. c. cciv.

And whereas by the Glasgow and South-western Railway Act, 1878, (section 8, sub-section 10,) it was enacted that the said section 36 of the City of Glasgow Union Railway Act, 1864, shall be read and have effect as if in lieu of the words "the Corporation," wherever those words occur in that section, the words "the lord provost, "magistrates, and council of the city and royal burgh of Glasgow, "acting in execution of the Glasgow Police Acts, 1866, 1872, 1873, "1875, and 1877, and the General Police and Improvement (Scot-"land) Act, 1862, Order Confirmation (Glasgow) Act, 1877," had been inserted in the said section:

And whereas it is expedient that the police commissioners should be authorised to borrow further money for carrying these purposes into effect:

29 & 30 Vict. c. lxxxv.

And whereas the trustees under the Glasgow Improvements Act, 1866, are authorised by that Act to take and use the site of the church of Saint Mary or Tron parish within the said city, and also the building known as the Presbytery House, and to take down the said church and house, and it is expedient that the lord provost, magistrates, and council of the said city should be authorised, out of the price or proceeds to be received by them for the said site, church, and house, to erect a new church and house in lieu thereof in or near New City Road in the said city, or on such other site as may be agreed on as herein-after provided:

And whereas, in consequence of structural and other changes which have taken place in the said city during many years past, and the consequent displacement of population, it is expedient that provision should be made, as herein-after set forth, for the re-arrangement of the parochial divisions of the said city, and for the removal of such of the existing parish churches belonging to the said lord provost, magistrates, and council as may with advantage be placed in such other situations as may be agreed upon between the said lord provost, magistrates, and council and the Presbytery of Glasgow:

A.D. 1879.

And whereas it is expedient that the lord provost, magistrates, and council of the city of Glasgow should be authorised to purchase, take, and acquire a portion of the alley or thoroughfare known as Vicars Alley within the city and royal burgh of Glasgow, and to close and stop up the same, and to appropriate the solum thereof as herein-after provided:

And whereas plans and books of reference thereto, containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands which may be compulsorily taken or interfered with under the powers of this Act, were duly deposited with the sheriff clerk of the county of Lanark, and are herein respectively referred to as the deposited plans and books of reference:

And whereas 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.

1. This Act may be cited for all purposes as the Glasgow Municipal Act, 1879.

Incorporation of general Acts. 8 & 9 Vict. c. 19. 23 & 24 Vict. c. 106.

2. The Lands Clauses Consolidation (Scotland) Act, 1845, and the Lands Clauses Consolidation Acts Amendment Act, 1860, are, except where expressly varied by this Act, incorporated with and form part of this Act.

Date of Act coming into operation.

3. This Act shall, except as otherwise provided, come into operation on and from the fifteenth day of May one thousand eight hundred and eighty.

Interpretation of terms.

4. In this Act the following words and expressions shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction:

The word "person" shall include trustees, corporations, and companies:

The words "the Corporation" shall mean the lord provost, magistrates, and council of the city and royal burgh of Glasgow:

The words "lord provost, magistrates, and council" shall mean the lord provost, magistrates, and councillors of the city and royal burgh of Glasgow:

The word "sheriff" shall mean the sheriff of the county of Lanark, and shall include the sheriff substitute thereof:

The word "justice" or "justices" shall mean a justice or justices of the peace for the counties of Lanark or Renfrew, as the case may be:

A.D. 1879.

The words "the police commissioners" shall mean the magistrates and council of the city and royal burgh of Glasgow acting in the execution of the Glasgow Police Acts, 1866, 1872, 1873, 1875, and 1877, and the General Police and Improvement (Scotland) Act, 1862, Order Confirmation (Glasgow) Act, 1877.

Power to police commissioners to borrow.

5. In addition to the sums which the police commissioners are authorised to borrow by the Glasgow Police Acts, 1866, 1872, 1873, 1875, and 1877, the police commissioners may from time to time borrow or continue on loan any sums not exceeding the further amount of one hundred thousand pounds, on the security of the police assessment leviable in virtue of the police commissioners former Acts, and as an additional security for the said sum of one hundred thousand pounds the police commissioners may make and grant mortgages and assignments of the lands, houses, and property belonging to or to be acquired by them, and of the rents or profits issuing or arising out of or from any lands, houses, and property from time to time in the possession of or belonging to them, in security of the money so borrowed and interest.

Application of moneys to be raised by police commissioners.

6. The whole sums raised or borrowed under the authority of this Act shall be applied by the police commissioners for the purposes specified in sections 387 and 388 of the Glasgow Police Act, 1866, and in connexion with the cleansing and sanitary departments of the city, and in defraying the sums payable by them under section 36 of the City of Glasgow Union Railway Act, 1864, and section 8 (sub-section 10) of the Glasgow and South-western Railway Act, 1878, and to no other purposes whatsoever.

Sinking fund.

7. Clause 64 of the Glasgow Police Act, 1866, shall be applicable to the money to be borrowed by the police commissioners under this Act as if it had been money authorised to be borrowed under the Glasgow Police Act, 1866.

Provision as to church of Saint Mary's or Tron parish of Glasgow.

8. Whereas the lord provost, magistrates, and council, as the trustees under the Glasgow Improvements Act, 1866, are authorised by the said Act to acquire and take from the Corporation the parish church of Saint Mary's or Tron parish of Glasgow, and the buildings connected therewith, including the building known as the Presbytery House; and whereas the said lord provost, magistrates, and council, as trustees foresaid, in pursuance of the said Act have intimated their intention to acquire and take the said church and buildings, and it is necessary therefore that the Corporation should provide another church in lieu of the said parish church: The Corporation may and shall, out of the price to be received by them for the said church and buildings, erect a new church and buildings in connexion therewith, in lieu of the existing church and buildings connected therewith, in or near New City Road, in the City parish of

Glasgow, within the city and royal burgh of Glasgow, or on such other site within the said City parish as may be agreed on between the Corporation and the Presbytery of Glasgow and the kirk session of the said Saint Mary's or Tron church parish, and may and shall also erect a new presbytery house in lieu of the existing presbytery house, either adjoining to or in connexion with the said new church, or on such other site apart therefrom as may be agreed on by the Corporation and the Presbytery of Glasgow; and in the event of the said new church being erected in or near New City Road aforesaid, the site of the said church and buildings in connexion therewith shall be and is hereby disjoined from the Saint George's parish of Glasgow, and shall be and is hereby annexed to the existing Saint Mary's or Tron church parish of Glasgow.

Powers in connexion with other churches in City parish of Glasgow.

9. The Corporation may, with the consent of the Presbytery of Glasgow, and with the consent of the kirk sessions of the respective parishes, take down any of the other existing parish churches within the City parish of Glasgow belonging to the Corporation, and dispose of the materials and sell the sites thereof, and out of the sums received therefor, with the like consents, erect other parish churches within the said City parish in lieu of those so removed, on such sites as may be thought most expedient for the public interests, and, with the like consents, the Corporation may modify, alter, or arrange the subdivided parishes within the said City parish of Glasgow so as to render the new churches, when so erected, as conducive as possible to the interests of the community of the said city.

Provision as to Corporation account.

10. The lord provost, magistrates, and council may cause the state of affairs which they are required to make up annually, on or before the fifteenth day of October in each year, by section 32 of the Act third and fourth William the Fourth, chapter 76, to be made up as at the thirty-first day of May in each year with the annual accounts or statements of the various other trusts under their administration, and the said thirty-first day of May shall be substituted for the said fifteenth day of October; and no other annual state of affairs or account than that hereby authorised shall be required to be made up by them.

Power to acquire lands shown on deposited plans.

11. The Corporation may, compulsorily or by agreement, enter on, purchase, take, hold, and use the lands and heritages known as Vicars Alley, so far as shown on the deposited plans, and such lands when acquired by them shall, subject to the provisions of this Act, be devoted to the purposes of this Act.

Vicars Alley to be closed up and solum to vest in

12. After acquiring the said portion of Vicars Alley the Corporation shall close and stop up as a public thoroughfare the portion thereof shown on the deposited plans, and the ground and soil of

A.D. 1879.

adjoining proprietors.

the said portion of the said alley and thoroughfare shall thereupon vest in the Corporation, and may be conveyed by them to the owners of the properties adjoining to and bounded by the same, proportionally to the rights of such owners respectively in and to such properties, or be otherwise disposed of as the Corporation may arrange.

Correction of errors, &c. in plans or book of reference.

13. If there be any omission, mis-statement, or erroneous description of any lands, or of the owners, lessees, or occupiers of any lands, shown on the deposited plans or specified in the deposited book of reference, the Corporation, after giving ten days notice to the owners, lessees, and occupiers affected by such proposed correction, may apply to the sheriff for the correction thereof, and if it appear to the sheriff that such omission, mis-statement, or erroneous description arose from accident or mistake, he shall certify the same accordingly, and shall in such certificate state the particulars of the omission, and in what respect any such matter is mis-stated or erroneously described, and the decision of the sheriff in such matter shall be final.

Certificates to be deposited.

14. The certificate of the sheriff shall be deposited in the office at Glasgow of the sheriff clerk of the county of Lanark, and a duplicate thereof shall be deposited with the session clerk of the parish in which the lands to which such certificate relates are situate, and such certificate and duplicate shall be kept by such sheriff clerk and session clerk respectively along with the other documents to which they relate, and thereupon the deposited plans and book of reference shall be deemed to be corrected in accordance with the certificate, and the Corporation may purchase, take, and use for the purposes of this Act any lands in accordance with such certificate as if such omission, mis-statement, or erroneous description had not been made.

Limiting period for compulsory purchase of lands.

15. The power 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.

Expenses of Act.

16. The costs, charges, and expenses preliminary to and of and incidental to the preparing, applying for, obtaining, and passing of this Act shall be paid equally, one half by the Corporation as such, and as water commissioners, gas trustees, improvement trustees, markets commissioners, and parks and galleries trustees, and one half as police commissioners.

LONDON: Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1879.