CHAPTER liii.

An Act to enable the Board of Police of Glasgow to make and maintain a new Street in the city of Glasgow, and to confirm an Agreement relative thereto. A.D. 1875.

[14th June 1875.]

WHEREAS by "The Glasgow Police Act, 1866," and "The Glasgow Municipal Act, 1872," the Lord Provost and Magistrates of Glasgow, the Dean of Guild of Glasgow, and the Deacon Convener of the Trades House of Glasgow, and twenty-two other members of the Town Council of the city of Glasgow, to be elected as provided by the said Acts, were constituted and created a body corporate, under the name and style of "The Board of Police of Glasgow," herein-after called the Board, with perpetual succession and a common seal, for the management and control of the police and sanitary arrangements within the limits of the said city, as defined by the said Acts; and by the first-mentioned Act, inter alia, all the public streets and the public sewers of the said city were for the purposes of such Act vested in the Board, to be maintained and repaired by them, and by the said Act the Board were authorised by agreement with the owners, lessees, and occupiers to purchase any land or heritage, or any portion thereof, for the purpose of widening, enlarging, extending, or otherwise improving any of the public streets: 29 & 30 Vict. c. cclxxiii. and 35 & 36 Vict. c. xli.

And whereas the Board, as authorised by "The Glasgow Police Act, 1866," have spent large sums in various street and other improvements in the city:

And whereas it would be of public and local advantage if the eastern portion of Virginia Place, in the city of Glasgow, at present a thoroughfare used principally for foot passengers, were altered, widened, and properly constructed, and made suitable throughout, as a public street, for carts, carriages, and foot passengers, and if the western portion of Virginia Place were widened at the southern

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end, and that with the view of accomplishing these objects the Board were authorised to make the new street and works herein-after described, and on the completion of the said new street and works they were authorised to stop up and discontinue the portion of Virginia Place herein-after described:

And whereas with the view of effecting the said improvements the agreement scheduled to this Act, dated the fifteenth and eighteenth days of June one thousand eight hundred and seventy-four, was entered into between the Board on the first part, the Lord Provost, Magistrates, and Council of the city of Glasgow (herein-after called the Corporation) on the second part, and the Union Bank of Scotland (herein-after called the Bank) on the third part, and it is expedient that the said agreement should be confirmed and made obligatory on the parties, and that the powers of the Board should be further increased, and the provisions of "The Glasgow Police Act, 1866," in various respects amended:

And whereas plans and sections of the said intended new street, showing the lines and levels thereof, and plans of the lands and houses to be taken for the purposes thereof, and a book of reference to the plans, containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of such lands and houses, have been deposited with the principal sheriff clerk of the county of Lanark, and those plans, sections, and book of reference are in this Act referred to as the deposited plans, sections, and book of reference:

And whereas the objects aforesaid 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 consent and advice 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 or referred to for all purposes as "The Glasgow Police Act, 1875," and "The Glasgow Police Act, 1866," and "The Glasgow Municipal Act, 1872," (in so far as the said Act alters the constitution of the Board and confers further powers and jurisdiction thereon,) "The Glasgow Police Act, 1873," and this Act, may be cited together as "The Glasgow Police Acts, 1866, 1872, 1873, and 1875."

Provisions of certain general Acts incorporated.

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.

Interpretation of terms.

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.

Construction of Act.

4. This Act and the Board's former Acts, so far as not varied by or inconsistent with this Act, shall be read as one Act.

Power to take lands.

5. Subject to the provisions of this Act, the Board may enter upon, take, and use all or any of the lands shown on the deposited plans and specified in the deposited book of reference, and may, in the lines and according to the levels shown on the deposited plans and sections, make and maintain the new street herein-after described, with all proper works and conveniences connected therewith.

Power to alter, widen, and divert existing streets or roads.

6. The street herein-before referred to and authorised by this Act is—

A street wholly situate in the city parish of Glasgow, royal burgh of Glasgow, and county of Lanark, commencing at a point eighteen yards or thereabouts, measured in a south-easterly direction, from the south-east corner of the building of the head office of the Bank in Virginia Place and Ingram Street in the city of Glasgow, and terminating in Ingram Street in the said city, at a point twenty yards or thereabouts, measured in an easterly direction, from the north-east corner of the said Bank building.

Omission or mis-statement in plans, &c. may be corrected.

7. If there be any omission, mis-statement, or wrong description of any lands, or the buildings thereon, or of the owners, lessees, or occupiers of any lands or buildings thereon, shown on the deposited plans or specified in the deposited book of reference, the Board, after giving ten days notice to the owners, lessees, and occupiers affected by such proposed correction, may apply to the sheriff of the county of Lanark for the correction thereof, and if it appears to such sheriff that such omission, mis-statement, or wrong 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 wrongly described.

Certificate to be deposited.

8. The certificate of the sheriff shall be deposited with the sheriff clerk of the county of Lanark, and a duplicate thereof with the schoolmaster, or if there be no schoolmaster, with the session clerk of the parish in which the lands in question lie, and the certificate and duplicate respectively shall be kept by the sheriff clerk, schoolmaster, or session clerk respectively, with the other documents to

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which it relates, and thereupon the deposited plans and book of reference shall be deemed to be corrected in accordance with the certificate, and the Board may purchase, take, and use for the purposes of this Act any lands or buildings in accordance with such certificate, as if such omission, mis-statement, or wrong description had not been made.

Limitation of time for compulsory purchase.

9. The powers of the Board for the compulsory purchase of lands and houses 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, &c. temporarily.

10. For the purposes of and during the making of the said street the Board from time to time may cross, divert, alter, or stop up, as well temporarily as permanently, any streets, roads, approaches, ways, watercourses, drains, sewers, and gas, water, or other pipes, telegraphs, and telegraph apparatus, in any of the lands shown on the deposited plans and specified in the deposited book of reference, and which they are by this Act authorised to enter upon, take, use, or stop up respectively, or which they from time to time may find it expedient for any of those purposes so to interfere with.

As to removal and relaying of water pipes.

11. If in making the said street the mains and pipes belonging to the Commissioners of the Glasgow Corporation Waterworks are interfered with, they shall, if necessary, be removed and relaid by the Board in such position as the engineer of the said Commissioners for the time being shall determine, and the expense of removing and relaying such mains and pipes, and reasonable compensation for damage done to such mains or pipes in the lifting, removing, or relaying thereof, shall be paid by the Board to the said Commissioners; and in case of difference between the said Commissioners and the Board with respect to the necessity of removing mains and pipes, and to the amount of such compensation, the same shall be fixed and determined by a neutral engineer to be mutually agreed on by the parties, or, failing agreement, to be named by the sheriff of the county of Lanark on the application of the said Commissioners or of the Board.

As to removal and relaying of gas pipes.

12. If in making the said street the gas mains and pipes other than service pipes belonging to the Corporation are interfered with, they shall, if necessary, be removed and relaid by the Corporation in such position as the engineer of the Corporation shall determine, and the expense of removing and relaying such mains and pipes, and reasonable compensation for damage done to such mains and pipes in the lifting, removing, or relaying thereof, shall be paid by the Board to the Corporation; and in case of difference between

the Corporation and the Board with respect to the necessity of removing mains and pipes, and to the amount of such compensation, the same shall be fixed and determined by a neutral engineer to be mutually agreed on by the parties, or, failing agreement, to be named by the sheriff of the county of Lanark on the application of either the Corporation or of the Board.

Power to stop up portion of Virginia Place.

13. On the construction and opening of the said new street for public traffic, the Board may abandon and stop up the following portion of street shown on the deposited plans; (namely,)

Virginia Place aforesaid, so far as it extends from Ingram Street southward, along the eastern side of the said Bank building, for a distance of forty-three yards or thereby;

and the Corporation and the Board may appropriate and dispose of the solum of the said portion of street.

Soil of street stopped up.

14. The new street hereby authorised, when constructed and opened for traffic, shall be maintained by the Board as a public street, under the Glasgow Police Act, 1866, and the solum thereof is hereby vested in the Corporation.

Lateral deviations.

15. In making the street and other works by this Act authorised, the Board may deviate from the respective lines thereof shown on the deposited plans to any extent within the limits of deviation shown thereon; provided that no such deviation shall extend into the lands of any person whose name is not mentioned in the deposited book of reference, without his previous consent, unless his name is omitted by mistake, and the fact that the omission proceeded from mistake be certified as by this Act is provided for in cases of unintentional errors in the book of reference.

Vertical deviations.

16. In making the street and other works by this Act authorised, the Board may deviate from the levels thereof as referred to the datum line shown on the deposited sections, but not to any extent exceeding three feet.

Power to make minor works connected with new street, &c.

17. Subject to the provisions of this Act, and in accordance with the deposited plans, or within the limits thereon defined, the Board, in connexion with the street by this Act authorised, and for the purposes thereof, may remove, destroy, alter, divert, stop up, inclose, use, or appropriate all or any stream, drain, sewer, or watercourse within the limits of ateral deviation defined on the deposited plans, the Board first providing a proper substitute before interrupting the flow of sewage in any drain or sewer.

Confirmation of agreement in schedule.

18. The agreement set forth in the schedule to this Act is hereby confirmed, and made binding on the parties thereto.

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SCHEDULE to which the foregoing Act refers.

AGREEMENT between the Board of Police of Glasgow (herein-after called "the Board of Police") on the first part, the Lord Provost, Magistrates, and Council of the city of Glasgow (herein-after called "the Town Council") on the second part, and the Union Bank of Scotland (herein-after called "the Union Bank") on the third part.

WHEREAS the Union Bank are proprietors of (first) the block of building in Glasgow, used for their head office, bounded by Ingram Street on the north, and Virginia Place on the west, south, and east, (second) the buildings on the east side of the eastern portion of Virginia Place, and (third) a building on the west side of the western portion of Virginia Place: And whereas the Board of Police are vested in Virginia Place, as one of the public streets of the city of Glasgow, in terms of "The Glasgow Police Act, 1866:" And whereas the Union Bank are desirous to have their head office enlarged by extending the same upon the east side thereof, which would necessitate an alteration on the eastern portion of Virginia Place: And whereas the eastern portion of Virginia Place is at present a public thoroughfare, used principally for foot passengers, and is only partly causewayed for cart traffic, and it would be a public improvement if it was altered, widened, and properly constructed, and made suitable throughout as a public thoroughfare for carts and carriages and foot passengers: And whereas it would be a farther public improvement if the western portion of Virginia Place, which is a public thoroughfare for passengers, was widened at the southern end: And whereas a plan of the proposed improvements has been prepared, a copy of which is endorsed hereon, and signed as relative hereto: And whereas the Union Bank are owners of the property required to carry the improvements into effect, and are willing to contribute the ground for that purpose, and to defray the expense of said improvements, and connected therewith, on the terms and conditions underwritten: Therefore it is hereby agreed and concluded between the parties hereto as follows, viz.:—

First. The eastern portion of Virginia Place shall be altered, widened, and improved by the Board of Police as shown on the said plan; and in order to accomplish that object, and in consideration of the conveyance to be granted by the Board of Police and the Town Council in favour of the Union Bank, as after provided, the Union Bank hereby agree and bind themselves to convey to the Board of Police and the Town Council, and otherwise effectually to dedicate to the public, for the purpose of a public street in all time coming, the property belonging to them which is required for the said improvement, and which is coloured red on the said plan, extending to three hundred and seventy-six square yards and four square feet, or thereby. Further, the Union Bank shall pay to the Board of Police the expense of forming the said new portion

of street, and of paving the footway on the western side thereof, and also the expense of laying the carriageway thereof with asphalte, wood paving, or similar materials fitted to deaden sound. And it is hereby agreed and declared that the said new portion of Virginia Place shall be declared and held to be a public carriageway and public street, and shall be substituted for the eastern portion of Virginia Place which is coloured yellow on the said plan, and which is to be superseded. And it is further agreed that the said new portion of Virginia Place shall be completed and open for traffic before the said portion of Virginia Place to be superseded is shut for traffic.

Second. The western portion of Virginia Place shall be widened at the southern end by the Board of Police, as shown on the said plan, and in order to accomplish that object the Union Bank, in consideration as aforesaid, agree, and bind themselves, that upon the property belonging to them in the western portion of Virginia Place being rebuilt, and in any event not later than Martinmas eighteen hundred and seventy-seven, they shall remove the portion of their building on the west side of the western portion of Virginia Place, which is coloured red on the said plan, extending to sixteen square yards, one square foot, and seven square inches, or thereby, and shall convey the same to the Board of Police and the Town Council, and otherwise effectually dedicate it to the public as part of Virginia Place in all time coming. Further, the Union Bank shall pay to the Board of Police the expense of forming and paving the said addition to the said western portion of Virginia Place.

Third. In consideration of the foregoing stipulations, the Board of Police and the Town Council, for their respective rights and interests, agree to convey to the Union Bank that portion of Virginia Place which will be superseded as herein-before provided for, and which is coloured yellow on the said plan, extending to two hundred and eighty-six square yards and six square feet, or thereby.

Fourth. The expense of this agreement, and of all deeds and proceedings necessary to carry it into effect, or connected therewith, or arising therefrom, shall be borne by the Union Bank, who shall also free and relieve the Town Council and the Board of Police of all and every claim which may be made against them in connexion with or arising out of the arrangement herein-before set forth, or of the foresaid excambion.

In witness whereof these presents, written upon this and the preceding page of stamped paper by David Forsyth, apprentice to Alexander Pattison, writer in Glasgow, for Morrisons and Anderson, writers there, are executed in triplicate by the parties hereto, all at Glasgow, as follows, namely, they are sealed with the common seal of the said bank, and subscribed by Menzies James Bowden Fullarton, banker in Glasgow, secretary, and in name and on behalf of the said bank, upon the fifteenth day of June in the year eighteen hundred and seventy-four, before these witnesses, the said Alexander Pattison and William Boyd Anderson, clerk to the said Morrisons and Anderson; they are sealed with the common seal of the Board of Police of Glasgow aforesaid, at a meeting of the said Board, and subscribed by James Moir, member of the said Board and chairman of the said meeting thereof, on behalf of and as specially authorised by the said Board in meeting assembled, upon the said fifteenth day of June and year last mentioned, before these witnesses, George Paterson, writer in Glasgow, and Daniel Campbell, clerk in the office of the clerk to the said

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Board of Police; and they are signed by James Brown, John Brown, and William Clark, three members of the said Council of the city of Glasgow, and by James David Marwick, town clerk of Glasgow, on behalf of and as specially authorised by the said Lord Provost, Magistrates, and Council of the City of Glasgow, in Council assembled, upon the eighteenth day of the said month of June and year last mentioned, before these witnesses, William West Watson, City Chamberlain of Glasgow, and Donald Hamilton, clerk in the town clerk's office, Glasgow. (Signed) James Moir, Chairman; M. J. Bowden Fullarton Secy.; Jas. Brown; Jno. Brown; William Clark; J. D. Marwick, town clerk; Geo. Paterson, witness; D. Campbell, witness; Alex. Pattison, witness; W. Boyd Anderson, witness; Wm. W. Watson, witness; Don. Hamilton, witness.

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