CHAPTER clxvii.

An Act to enable the Board of Police of Glasgow to effect certain Street and other Improvements in the City of Glasgow; to raise further Moneys; to acquire additional Lands; and for other purposes. [2d August 1877.]

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WHEREAS by "The Glasgow Police Act, 1866," the Lord Provost and Magistrates of Glasgow, the Dean of Guild of Glasgow, and the Deacon Convener of the Trades House of Glasgow, and eighteen other members of the town council of the city of Glasgow, to be elected as provided by the said Act, were constituted and created a body corporate under the name and style of "The Board of Police of Glasgow," 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 Act; and by the said 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 whereas by "The Glasgow Municipal Act, 1872," the constitution of the Board was altered, and under that Act the Board now consists of the Lord Provost and Magistrates, the Dean of Guild, and the Deacon Convener of the Trades House of Glasgow, and of twenty-two other members of the town council of the city and royal burgh of Glasgow as elective members; and by the same Act the limits and boundaries of the said city and royal burgh were enlarged, and the jurisdiction of the Board was extended to the area and territory included within such limits and boundaries:

35 & 36 Vict. c. xli.

And whereas by "The Glasgow Police Act, 1873," on the preamble that the Board, as authorised by "The Glasgow Police Act, 1866," had spent large sums in various street and other improvements in the city, but, in consequence of the large increase

36 & 37 Vict. c. xxxviii.

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in the population and trade of the city, improved street accommodation had become essentially necessary, and that many of the existing thoroughfares were so narrow and circuitous as to be dangerous and inconvenient, and that it would be of public and local advantage if certain new streets were constructed in and through various parts of the city, and several of the existing streets were altered, widened, and diverted, and that the Board should be authorised to acquire by compulsion or otherwise lands and properties for the purpose of such improvements and for the sanitary improvement of the said city, and that the powers of the Board should be further increased, and the provisions of "The Glasgow Police Act, 1866," in various respects amended, the Board were authorised to make and maintain new streets, and alter, widen, and divert certain existing streets or roads, and to stop up certain roads and streets, all as in the said Act specified, and to borrow on the security of the police assessment leviable in virtue of the Board's former Acts, and of the lands, houses, and property belonging to or to be acquired by them, any sums not exceeding £250,000, in addition to the sums the Board were already authorised to borrow:

And whereas the Board have proceeded to carry into effect the powers conferred by the Act of 1873, and have borrowed the money thereby authorised, but the same has been found insufficient to complete the improvements by that Act authorised:

38 & 39 Vict. c. liii.

And whereas by "The Glasgow Police Act, 1875," the Board were authorised to make and maintain the new street therein described:

And whereas it is expedient that the Board should be authorised to make a new street or road, and to widen, alter, improve, and divert other streets or roads, and to effect certain further street and other improvements for opening up proper communications within the city, and to improve the sanitary condition thereof, and to raise additional money for that purpose, and for the purpose of completing the improvements authorised by the Act of 1873, and to assess and levy the special assessment by this Act authorised, and to charge the same in security of the money so authorised to be borrowed, and that the powers of the Board should be further increased, and the provisions of the recited Acts in various respects amended:

And whereas plans and sections of the said intended new street or road and of the widening, alteration, improvement, and diversion of existing streets or roads, showing the lines and levels thereof respectively, and the lands and houses to be taken for the purposes thereof, and plans of the lands and houses required to be taken for the other purposes of this Act, and books of reference to the plans containing the names of the owners or reputed owners, lessees or

reputed lessees, and of the occupiers of such lands and houses, have been deposited with the principal sheriff clerk of the county of Lanark, and those plans, sections, and books of reference are in this Act referred to as the "deposited plans, sections, and books 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, 1877;" 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 "The Glasgow Police Act, 1875," and this Act, may be cited together as the Glasgow Police Acts, 1866, 1872, 1873, 1875, and 1877.

8 & 9 Vict. c. 19. and 23 & 24 Vict. c. 106. 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:

"The Board" means the Board of Police of Glasgow:

"The Act of 1866" means "The Glasgow Police Act, 1866:"

"The Act of 1872" means "The Glasgow Municipal Act, 1872:"

"The Act of 1873" means "The Glasgow Police Act, 1873:"

"The Act of 1875" means "The Glasgow Police Act, 1875:"

"The Board's former Acts" means the Act of 1866, the Act of 1872, the Act of 1873, and the Act of 1875:

"The Corporation" means the Lord Provost, magistrates, and council of the city of Glasgow:

The expression "the undertaking" shall mean the works by this Act authorised, or any part thereof:

The words "the city" shall mean and include the city and royal burgh of Glasgow as described and defined in the Act of 1872:

Other terms have the same meanings as in the Board's former Acts.

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Certain provisions of 10 & 11 Vict. c. 16. incorporated.

4. The provisions of "The Commissioners Clauses Act, 1847," with respect to the mortgages executed or to be executed by the Commissioners, are incorporated with and form part of this Act; provided that the Commissioners shall mean the Board, and the register of such mortgages, and the transfer thereof, shall be kept by the clerk or by the registrar appointed under the Act of 1866.

Construction of Act.

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

Power to take land.

6. 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 or road, and may widen, alter, and divert the existing streets or roads hereinafter described, with all proper works and conveniences connected therewith.

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

7. The alterations, widenings, and diversions of streets or roads authorised by this Act and shown on the deposited plans are the following; (namely,)

(1.) To widen and improve Saint George's Road on the east side thereof, from its junction with Sauchiehall Street to its junction with Hill Street, all in the barony parish of Glasgow:

(2.) To alter the pavement on the west side of Saint George's Road for the extent of 140 feet, measuring in a northerly direction, from the south boundary of the property belonging or reputed to belong to James Ferguson, in the barony parish of Glasgow:

(3.) To divert the western portion of the roadway and footpath situated within the pleasure grounds in front of Albany Place, from a point on the said roadway 48 feet or thereabouts, measuring in a straight line in an easterly direction, from the east building line of Saint George's Road to the termination of the said roadway in Sauchiehall Street, all in the barony parish of Glasgow:

(4.) To widen Bell Street on the north side thereof, from its junction with Candleriggs to its junction with Police Lane, in the city parish of Glasgow:

(5.) To widen Rutherglen Loan on the north side thereof, from its junction with Commercial Road to the eastern boundary of the property belonging or reputed to belong

to John Yuille, in the parish of Govan or combination parish of Govan.

Description of new street.

8. The new road or street herein-before referred to, and authorised by this Act, is the new road or street shown on the deposited plans; (namely,)

A roadway with footpath situate wholly within the barony parish of Glasgow, commencing at a point in the roadway and footpath situate within the pleasure grounds in front of Albany Place, 48 feet or thereabouts, measuring in a straight line in an easterly direction, from the east building line of Saint George's Road, and terminating by a junction with Sauchiehall Street at a point 27 feet or thereabouts east of the centre of the gateway forming the western approach to Albany Place from Sauchiehall Street.

Roads may be stopped up.

9. The Board may stop up permanently the following roadway and portions of pavement:

(1.) That portion of the western portion of the roadway and footpath situated within the pleasure grounds in front of Albany Place, in the barony parish of Glasgow, from a point on the said roadway 48 feet or thereabouts, measuring in a straight line in an easterly direction, from the east building line of Saint George's Road to the termination of the said roadway in Sauchiehall Street; but the said portion shall not be shut up until the diversion of the said roadway and footpath, and the roadway and footpath authorised by this Act, are made and completed and opened for use, nor until Sauchiehall Street is widened and improved as herein-after provided:

(2.) That portion of the pavement on the west side of Saint George's Road, in the barony parish of Glasgow, extending for a distance of 140 feet or thereby, measuring in a northerly direction, from the south boundary of the property forming Numbers 3, 5, 7, 9, 11, 13, 15, and 17 of Saint George's Road, belonging to James Ferguson, and bounded on the east by the present carriageway of Saint George's Road, and on the west by a line parallel with and distant at all points 12 feet east of the west building line of the said Saint George's Road.

As to soil of streets stopped up.

10. The ground and soil of such roadway, footpath, and pavement, streets or parts thereof respectively as shall be stopped up, shall be and are hereby vested in the Board.

Omission or mis-statement in

11. If there be any omission, mis-statement, or wrong description of any lands or the buildings thereon, or of the owners, lessees, or

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plans, &c. may be corrected.

occupiers of any lands or buildings thereon, shown on the deposited plans or specified in the deposited books 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.

Certificates to be deposited.

12. 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 which it relates, and thereupon the deposited plans and books 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.

Time for compulsory purchases limited.

13. 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 five years from the passing of this Act.

Power to cross roads, &c. temporarily.

14. For the purposes of, and during the making, widening, altering, and diverting the streets or roads, the trustees from time to time may cross, divert, alter, or stop up, as well temporarily as permanently, any railway, tramways, streets, roads, approaches, ways, watercourses, drains, sewers, and gas, water, or other pipes, in any of the lands shown on the deposited plans and specified in the deposited books of reference, and which they are by this Act authorised to enter upon, take, use, or stop up respectively, which they from time to time find it expedient for any of those purposes so to interfere with.

As to removal and relaying of water pipes.

15. If any existing street is widened, altered, or diverted under the authority of this Act, the mains and pipes in such street belonging to the Commissioners of the Glasgow Corporation Waterworks shall, if necessary, be removed and relaid by the Board in the widened, altered, or diverted line of such street, and 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 the removal and relaying of gas pipes.

16. If any existing street is widened, altered, or diverted under the authority of this Act, the mains and pipes other than service pipes in such street belonging to the Corporation respectively shall, if necessary, be removed and relaid by the Corporation in the widened, altered, or diverted line of such streets, and in such position as the engineer of the Corporation shall determine; and the expense of removing or 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.

Lateral deviations.

17. In making the street or road 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 books 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.

18. In making the street or road 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 streets, &c.

19. 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 or road and other works by this Act authorised, or any of them, and for the purposes thereof, may make junctions and communications with any existing street which may be intersected or interfered with by or be contiguous to

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the said streets and other works, or any of them, and may make diversions, widenings, or alterations of lines or levels of any existing streets for the purpose of connecting the same with the said streets and other works, or any of them, or otherwise, and may remove, destroy, alter, divert, stop up, inclose, use, or appropriate all or any part of any street or court, or of any stream, drain, sewer, water-course, void ground, or other property within the limits of lateral deviation defined on the deposited plans, the Board first providing a proper substitute before interrupting the flow of sewage in any drain or sewer.

Power to take down buildings and lay out lands anew.

20. The Board may take down the whole or any part of the buildings situated on any part of the lands acquired by them under the authority of this Act, and sell and dispose of the materials thereof, and may lay out the said lands anew in such way and manner as they may deem best, and may sell or dispose of the ground or buildings, or any part or portion thereof, or lease or feu the same on such terms and subject to such conditions as they may prescribe, with the exception of that portion of the land forming part of the pleasure ground in front of Albany Place, fifteen feet in width along the northern line of Sauchiehall Street, and which fifteen feet shall be used for widening and improving Sauchiehall Street, on the north side thereof, so far as opposite Albany Place.

21. With respect to the Post Office telegraph system the following provisions shall take effect:

Restriction on works affecting Post Office telegraph system.

(A.) The Board shall not by any work or thing interfere with any telegraph post, wire, tube, apparatus, or work of Her Majesty's Postmaster General, or execute or do any work or thing causing or likely to cause any interruption of or impediment to postal telegraphic communication, unless and until the Board have given to the Postmaster General one calendar month's previous notice in writing of their intention to execute or do the proposed work or thing, specifying all necessary and proper particulars relating thereto, and unless and until the Postmaster General has approved of the proposed work or thing by writing delivered to the Board, or has failed to approve or to disapprove of the same for one calendar month after service of such notice and particulars on him: Provided always, that this section shall not be deemed to prevent the Board executing any repairs or other works or things which shall be necessary to prevent accidents, and in any such case the Board shall forthwith give notice to the Postmaster General of any such interference, and the reason for the same:

(B.) Her Majesty's Postmaster General may annex to his approval under this Act of any work or thing such reasonable terms and conditions as to the time and mode of execution of any such work or thing as he thinks fit, and the Board shall observe and perform the same:

Power for Postmaster General to annex conditions.

(C.) The engineer and other officers and servants and workmen of Her Majesty's Postmaster General may at and for all reasonable times enter on and into and remain on any of the highways, lands, and works of the Board for the purpose of examining, repairing, altering, or removing any telegraph post, wire, tube, apparatus, or work the property of the Postmaster General being thereon:

Power of entry for Postmaster General.

(D.) The Board shall from time to time make full compensation to Her Majesty's Postmaster General for any expense, loss, or damage which he is put to or sustains by reason of the Board, by any work or thing executed or done by them, interfering with any telegraph post, wire, tube, apparatus, or work of the Postmaster General; and if at any time any such work or thing causes an interruption of or impediment to postal telegraphic communication, the Board shall, in addition to making compensation as aforesaid, be liable to forfeit a sum not exceeding twenty pounds for every twenty-four hours during which that interruption or impediment continues; and the amount of any such expense, loss, damage, or forfeiture shall be a debt due from the Board to the Crown, and be recoverable accordingly with costs, or the same may be recovered with costs on behalf of the Postmaster General as a penalty is recoverable from the Board:

Compensation by Board to Postmaster General, and penalty.

(E.) Inasmuch as it is contemplated to introduce a general measure for the better protection of the national telegraphs, and to enlarge the powers of the Postmaster General in relation thereto, this section shall only remain in force for one year from the date of the passing of this Act, and to the end of the then next session of Parliament.

Provisions to remain in force for one year and to the end of the then next session of Parliament.

22. The Board shall, not less than eight weeks before they take in any parish fifteen houses or more occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers, make known their intention to take the same by placards, handbills, or other general notice placed in public view upon or within a reasonable distance from such houses, and the Board shall not take any such houses until they have obtained the certificate of the sheriff of Lanarkshire that it has been proved to his satisfaction that they have so made known their intention.

Notice to be given of taking houses of labouring classes.

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Board to procure accommodation for the persons of the labouring classes to be displaced.

23. Before displacing any person belonging to the labouring classes who may for the time being be the occupier of any house or part of any house which the Board are by this Act authorised to acquire, the Board shall (unless the Board and such person otherwise agree) procure sufficient accommodation elsewhere for such person: Provided always, that if any question shall arise as to the sufficiency of such accommodation the same shall be determined by the sheriff of Lanarkshire, and the Board may for the purpose of providing such accommodation appropriate any lands for the time being belonging to them or which they have power to acquire, and may purchase lands by agreement, and may on any such lands erect labouring-class dwellings, and may let or otherwise dispose of such lands.

Special assessment on security of money borrowed under the Act of 1873 and this Act.

24. The Board may, and they are hereby authorised and required, in the event of there being any deficiency of "the police assessment" authorised to be imposed and levied under the Act of 1866, or of the rents and profits of the other property belonging to the Board which may be mortgaged for that purpose to meet the interest of moneys borrowed under the Act of 1873 or of this Act, and as security for the moneys authorised to be borrowed under the Act of 1873 and of this Act, and paying off the moneys borrowed under said Acts, to assess and levy a special assessment not exceeding one penny in the pound, and such assessment shall be deemed to be a special assessment under section 41 of the Act of 1866, and shall be imposed and recovered as if the interest on moneys borrowed under the Act of 1873 and of this Act had been one of the objects for which special assessments are authorised to be imposed and recovered under that section.

Power to Board to borrow money.

25. In addition to the sums which the Board is authorised to borrow by the Board's former Acts, the Board may from time to time borrow or continue on loan any sums not exceeding the further amount of one hundred and twenty thousand pounds, on the security of the police assessment leviable in virtue of the Board's former Acts, and on the security of the special assessment by this Act authorised; and as an additional security for the said sum of one hundred and twenty thousand pounds, the Board 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, and sections 62 and 63 of the Act of 1866 shall apply to money so to be borrowed, as if it had been authorised to be raised under the Act of 1866.

Application of moneys.

26. The whole sums raised or borrowed under the authority of this Act shall be applied to the purposes herein and in the Act of 1873 specified, and to no other purpose whatsoever.

Saving existing annuities and securities.

27. Nothing in this Act contained shall prejudice any bonds, annuities, debentures, mortgages, or assignations in security granted by the Board under the authority of the recited Acts or any of them, and subsisting at the date of the passing of this Act, and such bonds, annuities, debentures, mortgages, and assignations shall be and remain in full force and as valid and effectual in all respects as if this Act had not been passed.

As to paying off money borrowed.

28. Section 26 of the Act of 1873 is hereby repealed, and the Board, after the completion of the new streets and other works by this Act and the Act of 1873 authorised, or after the expiration of ten years from the passing of this Act, whichever shall first happen, shall from time to time apply all moneys received by them for lands and houses sold under the powers of the Act of 1873 or of this Act in paying off an equivalent part of the sum borrowed under the authority of the Act of 1873 or of this Act, and shall annually set apart out of the police assessment a sum or sums equal to not less than two pounds ten shillings per centum on the amount borrowed under the authority of the Act of 1873 or of this Act, except so far as the same may have been paid off by the sale of lands or houses as aforesaid; and the Board shall from time to time apply the sum or sums so set apart as a sinking fund in paying off the principal sum so borrowed, and to the extent of the sums so paid off the borrowing powers of the Board shall be extinguished.

Form and service of notices, &c.

29. Any notice, order, resolution, declaration, requisition, demand, or other proceeding made or given pursuant to this Act by the Board may be either in print or in writing, or partly in print and partly in writing, and it shall be sufficient in all cases where any such notice, order, resolution, declaration, requisition, demand, or other proceeding is required to be given to or served upon the owner or occupier of or other person interested in any property, to address the same to such owner or occupier or other person without further name or description, and any such notice, order, resolution, declaration, requisition, demand, or other proceeding may be served upon any owner, occupier, or other person either personally or by sending the same prepaid through the post addressed to him by name at his last known place of abode or business, or by delivering the same to some inmate at his last known or usual place of abode or business, or in case of an occupier to any inmate of the building in respect whereof the same is given or served, or if the building is unoccupied and the place of abode of the occupier to be served is

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unknown after due inquiry, it shall be sufficient to affix the same or a copy thereof upon some conspicuous part of such building.

Expenses of Act.

30. The costs, charges, and expenses of and incident to the preparing for, obtaining, and passing this Act, or otherwise in relation thereto, shall be paid by the Board out of the police assessments leviable in virtue of the Board's former Acts, or out of the moneys to be raised by this Act.

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