



ANNO TRICESIMO PRIMO & TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

Cap. lxxxix.

An Act for enlarging and improving the Court Houses and Public Buildings of the City of *Glasgow* and County of *Lanark*, and erecting additional Court Houses, Halls, and Buildings; and for other Purposes. [13th July 1868.]

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 another Act was passed in the Nineteenth and Twentieth Years of the Reign of Her present Majesty, intituled *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:* And whereas the Sheriff and Justice of Peace Court Houses, and the Halls or Buildings erected under the Authority of the recited Acts for Meetings on public Occasions of the Magistrates and Council and Inhabitants of the City of *Glasgow*, are found to be inadequate for the

6 & 7 W. 4.
c. xxiv.

19 & 20 Vict.
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the

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the Purposes intended, and it would be for the Advantage and Convenience of the said City and of the Lower Ward of the County of *Lanark* that additional Accommodation should be provided for the Judges attending the Justiciary Courts at *Glasgow*, and for the Sheriffs, Justices of the Peace, Magistrates, and Council and Inhabitants of the said County and City, and the Officers and Witnesses and other Persons attending the Justiciary, Sheriff, Justice of Peace, and Dean of Guild Courts in the said City, and that the Commissioners appointed and acting under the recited Acts should be authorized to raise Money for that Purpose; but these Objects 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; (that is to say,)

Short Title.

1. This Act may be cited for all Purposes as "*The Glasgow Court Houses Amendment Act, 1868.*"

8 & 9 Vict.
c. 19. and
23 & 24 Vict.
c. 106. incor-
porated.

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.

Interpre-
tation of
Terms.

3. In this Act the several Words and Expressions to which Meanings are assigned by the Acts incorporated with this Act shall have the same respective Meanings, unless there be something in the Subject or Context repugnant to such Construction; and the following Words and Expressions in this Act shall have the several Meanings hereby assigned to them:

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

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

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

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

Commis-
sioners to
execute Act.

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

5. The

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5. The Commissioners shall hold a stated Annual Meeting at *Glasgow* on the Second *Wednesday* of *October* in each Year after the passing of this Act, of which Meetings, and of all other Meetings of the Commissioners held in virtue of the recited Acts or this Act, Six Days previous Intimation shall be given by printed or written Notice delivered to or left for each Commissioner individually at his usual Residence, or sent through the Post Office to his usual Address; and at all Meetings of the Commissioners Six shall form a Quorum; and the Commissioners may at such Meetings appoint Committees of Management or other Committees, with such Powers and Authorities, not inconsistent with the Provisions of this Act, as the Commissioners consider expedient.

Meetings of Commissioners, and Power to appoint Committees.

6. And whereas Plans of the Lands intended to be taken or which may be taken under the Authority and for the Purposes of this Act, and a Book of Reference to such Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of such Lands, have been deposited with the Principal Sheriff Clerk of the County of *Lanark* at *Glasgow*; Subject to the Provisions of this Act, the Commissioners may enter upon, take, and use such of the Lands delineated on the said Plans and described in the said Book of Reference as may be required for the Purposes of this Act, and may erect thereon such Court Houses, Halls, Offices, and Buildings as they may think necessary for the Use and Accommodation of the Judges attending the *Justiciary Courts* at *Glasgow*, and the Sheriffs and Justices of the Peace of the County of *Lanark*, and the Magistrates and Council and Dean of Guild of the City of *Glasgow*, and the Clerks, Procurators Fiscal, and other Officers connected with the said County and City respectively, and for the due Accommodation and Classification of Witnesses and other Persons attending the *Justiciary*, Sheriff, and Justice of Peace Courts in the said City, and may 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.

Power to erect Court Houses, Halls, and Offices.

7. If there be any Omission, Mis-statement, or erroneous Description of any Lands, or of the Owners, Lessees, or Occupiers of any Lands, delineated on the deposited Plans or described in the deposited Books of Reference, the Commissioners, after giving Ten Days Notice to the Owners of such Lands, may apply to the Sheriff of the County of *Lanark* for the Correction thereof; and if it appear to the Sheriff that the Omission, Mis-statement, or erroneous Description arose from Mistake, he shall certify the same accordingly, and shall in his Certificate state the Particulars of any such Omission, and in what respect any such Matter is mis-stated or erroneously described; and the Certificate of the Sheriff shall be deposited in the Office of the

Correction of Errors in deposited Plans and Books of Reference.

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the Principal Sheriff Clerk of the said County, and Duplicates thereof shall be deposited with the Schoolmaster, or, if there be no Schoolmaster, with the Session Clerk, of the Parish in which such Lands are situate, and with the Town Clerks of the City of *Glasgow*, and the Certificate and Duplicates respectively shall be kept by the Sheriff Clerk, Schoolmaster, or Session Clerk and Town Clerks respectively with the other Documents to which the same relate, and thereupon the deposited Plans and Books of Reference shall be deemed to be corrected in accordance with the Certificate, and the Commissioners may execute the Undertaking in accordance with the Certificate.

Powers for compulsory Purchases limited.

8. The Powers of the Commissioners 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.

Commissioners to maintain and regulate Buildings.

9. The several Court Houses, Halls, Offices, and Buildings erected or to be erected, enlarged, altered, or improved under the Authority of the recited Acts or 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 Acts and this Act.

Power to levy Assessments.

10. For defraying the Expense of acquiring the Lands by this Act authorized to be taken, and of the Buildings and additional Accommodation by this Act authorized to be erected and provided, and furnishing the same, and the Expense of maintaining, upholding, and keeping in repair the Court Houses, Halls, Offices, and Buildings erected or to be erected, enlarged, altered, or improved under the Authority of the recited Acts and this Act, and the whole Furniture and Appurtenances thereof, including cleansing, lighting, and heating, and other annual Expenses incident thereto, it shall be lawful for the Commissioners to levy and raise by Assessment annually, for such Period as they may find to be necessary, on and from all Heritages situate 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 Assessment to be levied under the Authority of the recited Acts and this Act shall not in any One Year exceed in the whole One Penny *per* Pound on the Rental or annual Value of any of such Heritages; provided also, that before imposing on the Heritages situate in the said Lower Ward beyond the Boundaries of the said City any Assessment which is to be applied in whole or in part towards the Cost of
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any Lands, Buildings, or other Accommodation to be acquired, erected, or provided under this Act for Purposes purely municipal, or towards the Cost of the Maintenance and annual Expenses of any municipal Accommodation to be so acquired, erected, or provided, the Commissioners shall submit to the Lord Advocate of *Scotland* for the Time being, whom failing as herein-after provided, to the Solicitor General of *Scotland* for the Time being, a Statement or Estimate of the Monies expended or proposed to be expended under the recited Acts and this Act towards Payment of which such Assessment is intended to be applied, distinguishing as nearly as may be the Portions of such Expenditure which are to be applied to each of the Purposes, municipal or otherwise, of the recited Acts and this Act; and the said Lord Advocate, whom failing by Inability or Declinature to act, the said Solicitor General, upon considering such Statement or Estimate, with any further Information or Evidence he may deem necessary, which the Commissioners are hereby required to furnish to him, shall determine what Portion, if any, of the Assessment so to be applied in whole or in part to Purposes purely municipal shall be imposed on the Heritages situate in the said Lower Ward beyond the Boundaries of the said City; and if he shall determine that any Portion of such Assessment shall be imposed upon such Heritages, he shall further determine the Proportion which the Rate *per* Pound of such Assessment on Heritages situate in the said Lower Ward beyond the Boundaries of the said City shall bear to the Rate *per* Pound of such Assessment on Heritages situate in the said City; and his Determination shall apply to each subsequent Assessment for similar Purposes until altered or varied by the Lord Advocate of *Scotland* for the Time being, whom failing as aforesaid, by the Solicitor General of *Scotland* for the Time being, which such Lord Advocate or Solicitor General may do from Time to Time if he see fit, on the Application of any Two or more of the Commissioners; and the Determination of such Lord Advocate or Solicitor General in force for the Time shall be always observed and followed by the Commissioners in imposing and levying the Assessments which are to be applied as aforesaid.

11. The Commissioners shall not impose or levy any Assessment under the Authority of this Act beyond the Assessments authorized to be levied under the recited Acts, or purchase or acquire any Lands under the Authority of this Act until the Expiration of Six Months after the passing of this Act and until the Plans and Specifications of the intended new or additional Buildings are approved as herein-after provided; and the Magistrates and Council of the City of *Glasgow* shall within the said Period of Six Months intimate to the Commissioners whether they resolve to continue to occupy the Offices and Apartments now occupied by them and the Town Clerks and Officers

Assessment
not to be
levied for a
certain
Period.

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connected with the Municipality in the Buildings situate between *Wilson Street* and *Ingram Street* in the said City, with such additional Accommodation as may be necessary in connexion therewith, or to remove from the said Offices and Apartments, and to accept in lieu thereof the Offices and Apartments and other Accommodation in the said Buildings to be provided for them under this Act; and in the event of their not intimating any such Resolution to the Commissioners the said Magistrates and Council shall be held as having resolved to continue to occupy the said Offices and Apartments now occupied by them, with such additional Accommodation as aforesaid.

Plans and Specifications to be submitted for Approval of Parties interested.

12. On the Expiration of the said Period of Six Months after the passing of this Act, or on the Resolution of the said Magistrates and Council being sooner intimated to the Commissioners as hereinbefore provided, the Commissioners shall cause to be prepared Plans and Specifications of the intended new or additional Court Houses, Halls, Offices, and Buildings to be erected by the Commissioners on the Lands delineated on the deposited Plans, and shall submit the same to the following Parties, for whose Accommodation such new or additional Court Houses, Halls, Offices, and Buildings are intended to be erected, *viz.*, the Lord Justice Clerk of *Scotland* on behalf of the Court of Justiciary, the said Magistrates and Council, the Sheriff of the said County, and the Justices of the Peace of the said County acting or having a Domicile or Place of Business in the Lower Ward; and if the said several Parties shall not, within Three Months after the said Plans and Specifications have been submitted to them, agree with the Commissioners as to the Nature, Extent, or Character of the said new or additional Court Houses, Halls, Offices, and Buildings, and approve of the said Plans and Specifications, or if they shall within the said Period state Objections in Writing to the said Plans and Specifications, any such Objections, and any Differences of Opinion arising between the Commissioners and the said several Parties, or any of them, or between the said several Parties themselves, in relation to the said Plans and Specifications, or the Nature, Extent, or Character of the said new or additional Court Houses, Halls, Offices, and Buildings, or the Apartments or Portions thereof proposed to be appropriated to the said several Parties, or to the Officers or other Persons connected with the said Parties respectively, shall be submitted and referred to the said Lord Advocate for the Time being, whom failing by Declinature or Inability to act, to the said Solicitor General for the Time being; and the said Lord Advocate or Solicitor General may direct such Alterations to be made on the said Plans and Specifications as he thinks fit, and his Decision on the Matters so submitted and referred to him, to be given summarily and without written Pleadings, shall be final and binding on all Parties concerned; and the said new or additional Court

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Court Houses, Halls, Offices, and Buildings shall be erected and appropriated in conformity with the said Plans and Specifications as approved of by the Commissioners and the said several Parties, or by the said Lord Advocate or Solicitor General as before mentioned; provided that any Questions or Proceedings under this Act shall be determined in the Case of the said Magistrates and Council by the Majority of those present at any Meeting of the Town Council, and in the Case of the said Justices of the Peace by the Majority of those present at a Meeting of the said Justices of the Peace acting or having a Domicile or Place of Business in the Lower Ward, to be called by the Clerk of the Peace of the County of *Lanark*.

13. When the said Plans and Specifications are finally approved of by the Commissioners and the said several Parties, or by the said Lord Advocate or Solicitor General as before provided, it shall be lawful for the Commissioners to levy the Assessments authorized by this Act, and to take and acquire the Lands authorized to be taken and acquired by this Act, and to proceed with the Erection, Enlargement, Alteration, or Improvement of the said Court Houses, Halls, Offices, and Buildings in conformity with the said Plans and Specifications, and otherwise to carry the recited Acts and this Act into execution.

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Specifica-
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14. 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, but One Half of such Assessments may be levied by the Commissioners directly from the Owner of the Heritages assessed.

Mode of
levying
Assessments.

15. For the Purposes of the Assessments by the recited Acts and this Act authorized to be levied, the Rental or annual Value of the Heritages herein-after mentioned, that is to say, any Heritages which are used as the Line of any Canal, or as a Towing-path for the same, or as the Line of any Railway constructed under the Powers of any Act of Parliament for Public Conveyance, and all the Underground Pipes or Underground Works of the Commissioners of the *Glasgow Corporation Waterworks*, and of the *Glasgow Gaslight Company* and the *City and Suburban Gas Company of Glasgow* respectively, shall be held to be the nearest aggregate Sum of Pounds Sterling to One Fourth of the yearly Value of the said Heritages respectively entered in the Valuation Roll which has been or may be made up and completed in the Year current at the Date of making such Assessments, in pursuance of the Acts for the Valuation of Lands and Heritages in *Scotland* in force for the Time being.

Annual
Value of
certain
Heritages.

16. The

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Collection of Assessments.

16. The Assessments by this Act authorized to be levied, so far as leviabie on and from Heritages situate 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 said 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 said City are by Law recoverable; and the said Assessments by this Act authorized to be levied, so far as leviabie on and from Heritages situate within the Lower Ward of the County of *Lanark*, including the Burgh of *Rutherglen*, shall be levied and collected by the Collectors of the Prison 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 Prison 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.

17. The Commissioners, or any Person authorized by them, may from Time to Time inspect, on Payment of the stated Fees for such Inspection, all or any of the Public Rates and Assessments leviabie 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 allow the Commissioners, or any Person authorized by them, to inspect the same at reasonable Times, or to take Copies thereof or Extracts therefrom, shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Auditor to be appointed.

18. The Sheriff of the County of *Lanark* shall, on Application made to him by the Commissioners, from Time to Time appoint an Auditor (being a Person well skilled in Accounts, and not being One of the Commissioners, or holding Office under them,) to audit the Accounts of the Commissioners; and in case the Office of such Auditor shall, before such Accounts have been audited by him, become vacant by Death or from any other Cause, the said Sheriff shall from Time to Time appoint an Auditor to supply such Vacancy.

19. It

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19. It shall be the Duty of such Auditor annually to audit the said Accounts; and for that Purpose the Commissioners shall, on or before the Fifteenth Day of *September* in each Year, deliver to him their Accounts for the Year ending on the Thirty-first Day of *August* preceding, with the proper Vouchers in support of the same; and the Auditor shall examine such Accounts and Vouchers, and may either make a special Report on such Accounts, or simply docquet the same; and such Report or Docquet shall be read to the Commissioners at their stated Annual Meeting on the Second *Wednesday* of *October* in each Year; and the Commissioners shall pay to such Auditor for his Trouble such Sum as they may think reasonable, or as, in case of Difference, may be fixed by the said Sheriff.

Accounts to be audited.

20. The Accounts of the Commissioners, with the Auditor's Report or Docquet thereon, shall be printed, and shall be open to the Inspection of any Person liable in Payment of Assessments to be levied under the recited Acts and this Act, in the Office of the Treasurer of the Commissioners, at all reasonable Times within Three Months after the First Day of *November* in each Year.

Accounts may be inspected.

21. It shall be lawful for the Commissioners to borrow on Mortgage or Cash Credit on the Security of the Assessments by this Act authorized to be levied any Sum not exceeding Thirty thousand Pounds, and to make and grant Mortgages and Assignations of the said Assessments, or such other Deeds as may be necessary, 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.

Power to borrow Money.

22. The Provisions contained in Sections Eleven to Nineteen, both inclusive, of the second-recited Act, and the Schedules thereto annexed, shall extend and apply to the Money by this Act authorized to be borrowed on Mortgage or Cash Credit, in the same Manner and to the same Effect as if such Money had formed Part of the Money by the recited Acts authorized to be borrowed.

Extending Provisions of recited Acts to Money borrowed under this Act.

23. The Commissioners shall annually, after the Expiration of Five Years from the Date of imposing the First Assessment under this Act, set apart out of the Assessments by this Act authorized to be levied a Sum equal to Three Pounds *per Centum* on the Amount borrowed on the Security of the said Assessments; and the Commissioners shall from Time to Time apply the Sums so set apart as a Sinking Fund in paying off the Principal Sums so borrowed.

Sinking Fund.

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Application of Money.

24. All Money borrowed and all Assessments levied under the Authority of this Act shall be applied in defraying the Expense of acquiring Lands, and erecting, enlarging, altering, improving, or furnishing, repairing, and maintaining the Court Houses, Halls, Offices, and Buildings by this Act authorized to be erected and provided, and the other Purposes of the recited Acts and this Act, and to no other Purpose whatsoever.

Expenses of Act.

25. All Costs, Charges, and Expenses of and incident to the preparing for, obtaining, and passing this Act shall be paid by the Commissioners out of the Assessments authorized to be levied or the Money authorized to be borrowed by this Act.

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