



CHAPTER lxxxvii.

An Act for enlarging and improving the Court House and for erecting public buildings at Hamilton and for other purposes. A.D. 1884.
[3rd July 1884.]

WHEREAS an Act was passed in the fourth year of the reign of His late Majesty King William the Fourth intituled "An Act for erecting and maintaining a Gaol Court Houses and Public Offices for the burgh of Lanark and the upper ward of the county of Lanark and also for erecting and maintaining a Gaol Court Houses and Public Offices for the Burgh of Hamilton and middle ward of the said county" and another Act was passed in the twelfth year of the reign of Her present Majesty intituled "An Act to raise a further sum of money for the Court House and Offices at Hamilton and to alter the mode of assessing and levying certain rates and assessments in the county of Lanark": 3 & 4 W. 4.
c. 108.

And whereas the commissioners appointed and acting under the recited Acts erected a gaol court houses public offices and other buildings in each of the said burghs of Lanark and Hamilton as authorised by those Acts:

And whereas an Act was passed in the twenty-fourth year of the reign of Her present Majesty for providing additional accommodation for the sheriff courts in Scotland called therein the Sheriff Court Houses Act 1860 and herein-after called "the Sheriff Courts Act": 23 & 24 Vict.
c. 79.

And whereas in virtue of the powers contained in the last-recited Act the then existing court house at Hamilton became vested in the Commissioners of Supply of the county of Lanark (herein-after called "the Commissioners of Supply") and the same was enlarged and extended part of the total expense of such enlargement and extension being paid by the Commissioners of Her Majesty's Treasury and the remainder being raised and defrayed by assessments on lands and heritages in the Hamilton District of the said county as defined by the last-recited Act (herein-after referred to as "the Hamilton District") in accordance with the provisions of that Act:

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And whereas in consequence of the largely increased population of the Hamilton District the court house at Hamilton is found to be inadequate for the purposes intended and it would be for the advantage and convenience of the Hamilton District if the same were enlarged and improved :

And whereas it is expedient that the expense of such enlargement and improvement in so far as the same shall not be borne by the Commissioners of Her Majesty's Treasury should be contributed by the Commissioners of Supply and the provost magistrates and town council of the burgh of Hamilton (herein-after called "the corporation") respectively in the proportions by this Act provided :

And whereas it is expedient for the conduct of the affairs of the county of Lanark and for the proper discharge of the duties of the Commissioners of Supply the Property and Income Tax Commissioners the justices of the peace the county road trustees and county road boards and the committees and clerks and other officers of those respective bodies and for the safe custody of their records and documents and other similar purposes that suitable buildings (herein-after referred to as "county buildings") should be erected as in this Act provided :

And whereas it is expedient that the Commissioners of Supply should be authorised to apply the county general assessment now leviable by them for the purpose of defraying the expenses of the county buildings and to impose that assessment at such special rate within the Hamilton District as may be necessary for defraying the expenses of the enlargement and improvement of the court house and of such parts of the county buildings as shall be appropriated to the use of the justices of the peace or to the exclusive uses and purposes of that district and to borrow on the credit of the said assessment for the purposes of this Act :

And whereas it is expedient that the provisions of the Sheriff Courts Act with respect to the payment of the expense of erecting improving and maintaining court houses should be made applicable to the court house to be erected enlarged and improved under the authority of this Act :

And whereas the purposes 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 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) :

[47 & 48 VICT.] *Hamilton Court House and* [Ch. lxxxvii.]
Lanarkshire County Buildings Act, 1884.

1. This Act may be cited for all purposes as the Hamilton Court House and Lanarkshire County Buildings Act 1884.

A.D. 1884.

Short title.

2. In this Act the following words and expressions have the meanings hereby assigned to them respectively unless there be something in the subject or context repugnant to such construction (that is to say):

Interpretation.

The expression "the county" means the county of Lanark;

The expression "the Commissioners of Supply" means the Commissioners of Supply of the county;

The expression "the burgh" means the burgh of Hamilton;

The expression "the corporation" means the provost magistrates and town council of the burgh;

The expression "valuation roll" means the valuation roll made up under the authority of an Act passed in the session of Parliament held in the seventeenth and eighteenth years of Her present Majesty chapter ninety-one intituled "An Act for the Valuation of Lands and Heritages in Scotland" and any Acts amending the same and the expression "lands and heritages" has the same meaning as is assigned thereto in those Acts;

The expression "the county general assessment" means the county general assessment leviable under the County General Assessment (Scotland) Act 1868;

The expression "the Sheriff Courts Act" means the Sheriff Court Houses Act 1860;

The expression "the Hamilton District" means the Hamilton District of the county as defined in section 22 of the Sheriff Courts Act and the word "court house" has the same meaning as is assigned thereto in section 2 of that Act;

The expression "county buildings" means and includes buildings for the use of the Commissioners of Supply the Property and Income Tax Commissioners the justices of the peace the county road trustees the county road boards and the committees and clerks and other officers of those respective bodies and for the safe custody of their records and documents and other similar purposes;

The expression "erect" "erected" or "erection" with reference to any court house or county buildings includes and refers to the addition to and the alteration or rebuilding and furnishing of any court house or county buildings already existing and all necessary works connected with such erection addition alteration or rebuilding and also in the case of any court house includes the purchase of any existing building for the purposes of a court house.

[Ch. lxxxvii.] *Hamilton Court House and* [47 & 48 VICT.]
Lanarkshire County Buildings Act, 1884.

A.D. 1884.

Commence-
ment of Act.
Undertakers.

3. This Act shall except as herein otherwise provided come into operation on its passing.

4. The Commissioners of Supply shall be and are hereby empowered to carry into effect this Act and the undertaking hereby authorised and for the purposes of this Act so far as the same relate to the court house the Commissioners of Supply may at each of their annual general meetings appoint from their own body fourteen persons qualified as Commissioners of Supply in the Hamilton District who with the convener of the county shall form a committee and such committee shall have all the powers and privileges by this Act conferred on the Commissioners of Supply except the power of levying assessments. At all meetings of such committee the convener of the county shall be chairman or in the absence of the convener a member of such committee who may be elected by the members present shall be chairman of the meeting and five shall be the quorum of such committee. Provided always that until the first annual general meeting of the Commissioners of Supply held after the passing of this Act all the powers and privileges (except the power of levying assessments) by this Act conferred on the said Commissioners may be exercised by the committee of that body appointed at their next preceding annual general meeting for managing the affairs of the court house.

Power to
erect and
enlarge court
house and
county
buildings.

5. Subject to the provisions of this Act the Commissioners of Supply may on the site of the present court house or on any other lands belonging to them or which may be acquired by them by agreement under the provisions of this Act erect a court house and such county buildings as they may think necessary and may enlarge alter and improve the court house and county buildings already erected or acquired by them or any part thereof so as to make the same suitable for the purposes before mentioned.

Power to
purchase
lands by
agreement.

6. For effecting the objects and purposes of this Act the Commissioners of Supply may agree with the owners of any houses lands or hereditaments which those Commissioners may think it desirable to purchase for the purchase of any such houses lands or hereditaments.

Commis-
sioners to
maintain and
regulate
buildings.

7. The court house and county buildings and lands and other property and effects real and personal heritable and movable erected or acquired by and belonging to or held by the Commissioners of Supply or which may be erected enlarged altered or improved by them under the authority of this Act and the whole furniture and appurtenances thereof respectively shall be vested in and managed and regulated by the Commissioners of Supply for the uses and

purposes and with and under the powers and provisions of the Sheriff Courts Act and this Act. A.D. 1884.

8. On the completion of the court house to be erected or improved under the provisions of this Act an account of the total expense thereof including the price of the land acquired therefor and the expenses incurred in or with respect to the erection or improvement fitting up and furnishing thereof certified as correct under the hands of the convener of the county and two Commissioners of Supply shall be transmitted by the clerk of supply to the Commissioners of Her Majesty's Treasury and the Commissioners of Her Majesty's Treasury on the receipt of such account and certificate may if they think fit pay one half or any less portion of such total expense to the Commissioners of Supply or their treasurer out of any moneys to be provided by Parliament for that purpose and the remainder of such total expense shall be paid by the Commissioners of Supply and the corporation in proportion to their respective valuations as appearing in the respective valuation rolls for the year from Whitsunday one thousand eight hundred and eighty-four to Whitsunday one thousand eight hundred and eighty-five.

Payment of costs of court house and buildings.

9. The Commissioners of Supply may provide their proportion of the funds required for the erection of the court house authorised by this Act in so far as the same shall not be paid by the Commissioners of Her Majesty's Treasury out of that portion of the county general assessment which is levied within the Hamilton District and they may impose that assessment at such special rate within the Hamilton District as may be necessary for the purpose aforesaid.

Commissioners of Supply may contribute out of county general assessment.

10. The corporation may and shall out of the common good of the burgh provide their proportion of the funds required for the erection of the court house authorised by this Act.

Corporation to contribute out of common good.

11. The Commissioners of Her Majesty's Treasury may out of any moneys to be from time to time provided by Parliament for that purpose pay the expense of maintaining managing and keeping in repair and of cleaning lighting and warming the court house to be erected or improved under the provisions of this Act including the salaries or wages of porters hall keepers and other persons employed therein and other incidental annual disbursements as if such expenses had been originally incurred under the provisions of the Sheriff Courts Act Provided that the accounts of all such expenses shall be transmitted to and certified by the Queen's and Lord Treasurer's Remembrancer in such manner as the Commissioners of Her Majesty's Treasury shall direct.

Commissioners of the Treasury may pay expense of maintaining court house.

A.D. 1884.

Payment of
cost of
county
buildings.

12. The Commissioners of Supply may provide the funds required for the erection and maintenance of the county buildings out of the county general assessment. Provided that the Commissioners of Supply may provide the proportion of the funds required for the erection and maintenance of such part of the county buildings as shall be appropriated to the use of the justices of the peace or to the exclusive use and purposes of the Hamilton District out of that portion of the county general assessment which is levied on the Hamilton District and they may impose that assessment at such special rate within the Hamilton District as may be necessary for such uses and purposes.

Power to
Commis-
sioners of
Supply to
borrow.

13. The Commissioners of Supply may borrow on mortgage in respect of the erection of the court house any sums not exceeding in the whole four thousand five hundred pounds and in respect of the erection of the county buildings any sums not exceeding in the whole twelve thousand pounds and they may make and grant mortgages and assignments of the county general assessment in security of the payment of the respective moneys so borrowed by them and interest thereon.

Provisions as
to future
borrowing.

14. If the Commissioners of Supply pay off otherwise than by instalments as by this Act provided any of the moneys borrowed by them under the powers of this Act they may again borrow the amount so paid off and make and grant mortgages and assignments therefor and so from time to time as they shall think proper.

Power to
borrow on
cash credit.

15. The Commissioners of Supply may accept and take from any bank or banking company credit on cash accounts to be opened and kept with such bank or banking company in their name according to the usage of bankers in Scotland to the extent of the sums which they are authorised to borrow as aforesaid or any part thereof and may make and grant mortgages and assignments of the county general assessment in security of the payment of the amount of such credit or of the sums advanced from time to time on such cash accounts with the interest thereon. Provided that the whole sums due and owing by the Commissioners of Supply on such cash accounts and for money borrowed by them on mortgages and assignments shall not when taken together exceed four thousand five hundred pounds in respect of the erection of the court house and twelve thousand pounds in respect of the erection of the county buildings.

Application
of moneys
borrowed.

16. The whole of the respective sums borrowed under the authority of this Act shall be applied to the respective purposes herein specified being in each case purposes to which capital is properly applicable and to no other purpose whatsoever.

17. The moneys to be borrowed under the authority of this Act shall be repaid by annual instalments of not less in any one year than one-thirtieth part of the whole amount of the principal sum borrowed besides payment of the interest thereon.

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Repayment
of borrowed
moneys.

18. The provisions of the Sheriff Courts Act and of the Act 29 and 30 Victoria chapter 53 amending that Act and of any other Act which may be passed amending that Act shall be and are hereby made applicable to the court house authorised to be erected under this Act and the Commissioners of Supply shall have the same powers and be subject to the same obligations as Commissioners of Supply under those Acts.

Provisions
of Sheriff
Courts Act
to apply to
court house
under this
Act.

19. The Commissioners of Supply and the several other public bodies herein-before mentioned may from time to time agree with each other as to the payments (if any) to be made to the Commissioners of Supply for the accommodation to be afforded to such other bodies respectively in the buildings erected under the authority of the recited Acts and this Act and the Commissioners of Supply may let from time to time for such rents as can be obtained for the same any portions of the buildings erected under the authority of the recited Acts and this Act (excepting the court house) which for the time may not be absolutely required for the purposes of those Acts and this Act and the rents which may be obtained for such portions so let as well as any sums which may be received by them under any such agreements as aforesaid shall be applied by them towards the reduction of the county general assessment.

Agreements
as to use of
buildings and
power to let
portions
thereof.

20. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act shall be paid out of the county general assessment or the moneys to be borrowed under the authority of this Act.

Costs of Act.

