



CHAPTER cxxxiii.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Paisley Corporation. A.D. 1907.
[21st August 1907.]

WHEREAS His Majesty's Secretary for Scotland has made the Provisional Order set forth in the schedule hereunto annexed under the provisions of the Private Legislation Procedure (Scotland) Act 1899 and it is requisite that the said Order should be confirmed by Parliament: 62 & 63 Vict.
c. 47.

Be it therefore enacted by the King'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:—

1. The Provisional Order contained in the schedule hereunto annexed shall be and the same is hereby confirmed. Confirmation
of Order in
schedule.

2. This Act may be cited as the Paisley Corporation Order Confirmation Act 1907. Short title.

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SCHEDULE.

PAISLEY CORPORATION.

Provisional Order to authorise the Provost Magistrates and Councillors of the burgh of Paisley to construct additional Waterworks and new streets bridges and other improvements to borrow money to amend certain Acts relating to the financial police and public health administration of the burgh and for other purposes.

WHEREAS the burgh of Paisley in the county of Renfrew (hereinafter in this Order called "the burgh") is under the government of the provost magistrates and councillors of the burgh (hereinafter in this Order called "the Corporation"):

And whereas the water supply of the burgh and the districts and places adjacent thereto is regulated by the following Acts and Orders (that is to say):—

The Paisley Waterworks Act 1854;

The Paisley Waterworks Act 1866;

The Paisley Waterworks Act 1876;

The Paisley Waterworks Act 1881;

The Order confirmed by the Paisley Waterworks Provisional Order Confirmation Act 1897;

The Order confirmed by the Paisley Waterworks Provisional Order Confirmation Act 1900;

The Paisley Police and Public Health Act 1901;

The Paisley Gas and Water Order 1906;

which Acts and Orders are hereinafter in this Order collectively referred to as "the Water Acts" and separately as the Act or Order of the year in which the same was passed or confirmed:

And whereas by the Act of 1881 the Corporation were authorised to construct (among other works) a reservoir to be called Barcraigs Reservoir but such reservoir has not been constructed and the powers conferred on the Corporation for the construction thereof and for the acquisition of land for the purposes thereof have long since expired:

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And whereas the demand for water in the burgh and suburbs thereof and places adjacent thereto has increased and is increasing and it is expedient that the Corporation should be authorised to construct additional waterworks including a reservoir partly on the site of but of greater area than the said proposed Barcraigs Reservoir and to borrow money for the purposes of the said works :

And whereas it is expedient that the Corporation should be empowered to make and maintain the new road and other improvements hereinafter described and to acquire lands for the purposes thereof and in connection therewith :

And whereas by the Act of 1901 the Corporation were authorised to raise money by means of bills to an amount not exceeding fifty thousand pounds and it is expedient that the amount of money which the Corporation may so raise should be increased :

And whereas by the Paisley Corporation (Loans) Act 1898 it is provided that the price at which the Corporation may create redeemable stock under the said Act shall not be lower than ninety-five per centum but in view of the decreased value of municipal stocks it is expedient that the Corporation should be empowered to issue such stock at a lower price than that provided by the said Act :

And whereas it is expedient to extend the purposes for which the gas guarantee rate authorised by the Paisley Corporation Gas Act 1870 may be assessed and levied by the Corporation :

And whereas the farm of Gockston within the burgh was some time since purchased by the Corporation for the purposes of the Burial Grounds (Scotland) Act 1855 but has been found unsuitable for such purposes and the Corporation have no power of sale thereof and it is expedient that the Corporation should be authorised to utilise the said lands for other municipal purposes or to sell the same :

And whereas by the Order confirmed by the General Police and Improvement (Scotland) Act 1862 Orders Confirmation Act 1875 (hereinafter called "the Order of 1875") it was enacted that the value of the existing slaughter-house of the burgh belonging to the Corporation should be ascertained by a valuator as therein set forth and a price equal to such value should be paid into the funds of the Corporation by the provost magistrates and town

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A.D. 1907. council of the burgh out of the funds in their hands as Commissioners for executing within the burgh the provisions of the General Police and Improvement (Scotland) Act 1862:

And whereas by the Order confirmed by the General Police and Improvement (Scotland) Act 1862 Order Confirmation (Paisley) Act 1878 it is enacted that instead of the price of five thousand three hundred and forty-two pounds being the value of the slaughter-house as ascertained in terms of the Order of 1875 the said provost magistrates and councillors as commissioners aforesaid should pay annually to the Corporation the sum of two hundred and thirteen pounds thirteen shillings and sevenpence:

And whereas the said annual payment is found to be an excessive charge against the slaughter-house and it is expedient that it be reduced and that any deficit which may arise in any year in connection with the said slaughter-house should be chargeable against the burgh general assessment of the burgh:

And whereas there are in the hands of the Corporation the sums of forty-two pounds ten shillings and thirty-four pounds six shillings and eightpence which were bequeathed to the town council of the burgh many years ago by John McKerrell and Alexander Park respectively both residents in Paisley with directions as regards the first-mentioned sum that the interest thereof should be paid to the managers of Maxwellton School Paisley and as regards the sum secondly above mentioned that the interest should be paid to the teacher of Seedhill School Paisley:

And whereas neither of the said schools is now in existence and it is expedient that the amounts so bequeathed as aforesaid with the accumulations of interest thereon should be appropriated to other educational purposes:

And whereas it is expedient that further powers should be conferred on the Corporation for enforcing the removal of privy middens ashpits and pan privies:

And whereas it is expedient that the other provisions contained in this Order should be sanctioned:

And whereas plans and sections showing the lines and levels of the works authorised by this Order and also books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands and other property required or which may be taken for the purposes of or under the powers of this Order were duly deposited in the offices at Paisley

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and Greenock of the principal sheriff clerk of the county of Renfrew and in the offices at Ayr and Kilmarnock of the principal sheriff clerk of the county of Ayr and are hereinafter respectively referred to as the deposited plans sections and books of reference: A.D. 1907.

And whereas the purposes aforesaid cannot be effected without an Order of the Secretary for Scotland confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1899:

Now therefore in pursuance of the powers contained in the last-mentioned Act the Secretary for Scotland orders as follows:—

1. This Order may be cited as the Paisley Corporation Order 1907. Short title.

2. This Order shall commence and have effect on and from the date of the passing of the Act confirming the same which date is hereinafter referred to as “the commencement of this Order.” Commence-
ment of
Order.

3. In this Order 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 And in this Order unless the context otherwise requires— Interpreta-
tion.

The expression “the waterworks” means the reservoirs and other Works Nos. 1 to 5 both inclusive by this Order authorised;

The expression “the improvements” means the new streets bridges and widenings Works Nos. 6 to 10 both inclusive by this Order authorised;

The expression “the sheriff” means the sheriff of the counties of Renfrew and Bute or the sheriff of the county of Ayr as the case may require and includes the sheriffs substitute of those counties respectively.

4. The following Acts and parts of Acts (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Order) are hereby incorporated with and form part of this Order (that is to say):— Incorporation of Acts.

(1) The Lands Clauses Acts:

(2) The Waterworks Clauses Acts 1847 and 1863 except—

(A) The words “with the consent in writing of the owner or reputed owner of any such house or of

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“ the agent of such owner ” in section 44 of the Waterworks Clauses Act 1847 ;

(B) Sections 75 to 82 of the Waterworks Clauses Act 1847 with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit and section 83 relating to accounts :

Provided that the water to be supplied by the Corporation need not be constantly laid on under pressure during the execution of necessary repairs renewals or alterations nor be supplied in any case at a pressure greater than that to be afforded by gravitation from their service tanks existing at the commencement of this Order :

- (3) The provisions of the Railways Clauses Consolidation (Scotland) Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof.

This Order shall be deemed to be a special Act within the meaning of the Acts wholly or partially incorporated therewith.

WATERWORKS.

Power to
make new
waterworks.

5. Subject to the provisions of this Order the Corporation may in the lines and according to the levels shown on the deposited plans and sections make and maintain the waterworks hereinafter described (that is to say):—

A reservoir (Work No. 1) to be situate on the stream called Rowbank Burn and adjacent lands commencing at the centre of the bye-wash at the southern end of the main embankment of the existing Rowbank Reservoir of the Corporation and terminating at an embankment to be formed across the said Rowbank Burn at a point therein one hundred and seventy-seven yards or thereabouts south-westward from the south-west corner of Barcraigs Farm-steading which embankment will commence at a point forty-seven yards or thereabouts north-westward and will terminate at a point five hundred and seventy yards or thereabouts south-eastward from the aforesaid point at which the Rowbank Burn will be crossed by the said intended embankment and which reservoir will also

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terminate at an embankment north of the embankment above described commencing at a point in the enclosure marked No. 1003 on the Ordnance Survey map of the parish of Lochwinnoch (scale $\frac{1}{2500}$ edition 1897) one hundred and ten yards or thereabouts south-eastward from the south-east corner of Wardyett Farm-steading and terminating at a point in the enclosure marked No. 1011 on the said Ordnance Survey map one hundred and seventy-seven yards or thereabouts south-westward from the south-west corner of Overtrees Farm-steading all in the parish of Beith in the county of Ayr and the parish of Lochwinnoch in the county of Renfrew :

A reservoir (Work No. 2) to be situate on the stream called the Rye Water and adjacent lands commencing at a point on the said stream three hundred and ninety-five yards or thereabouts measured along its course above the point where it is joined by the Guillie Burn and terminating at an embankment to be formed across the Rye Water at a point eight hundred and fifty-seven yards or thereabouts measured along its course below the point where it is joined by the aforesaid burn which embankment will commence at a point one hundred and eighty yards or thereabouts south-westward and will terminate at a point three hundred and fifty-seven yards or thereabouts north-eastward from the aforesaid point at which the Rye Water will be crossed by the said intended embankment all in the parishes of Largs and Dalry in the county of Ayr :

A diversion (Work No. 3) of the public road leading from Largs to Kilbirnie commencing at a point in the said road eight hundred and twenty-four yards or thereabouts measured along the line of the said road south-eastward from the point where it crosses the Guillie Burn and terminating at a point in the said road two hundred and twenty-four yards or thereabouts measured as aforesaid north-westward from the point where it crosses the aforesaid burn all situate in the parishes of Largs and Dalry in the county of Ayr :

An aqueduct or catchwater drain (Work No. 4) commencing at a point in the stream called the Dusk Water five hundred and sixty-two yards or thereabouts south-westward from the south-west corner of Rigfoot Farm-steading and

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terminating at the southernmost extremity of Rowbank Reservoir at a point four hundred yards or thereabouts north-westward from the westmost corner of Sproulston Farm-steading all in the parish of Lochwinnoch in the county of Renfrew and in the parish of Beith in the county of Ayr:

An aqueduct or catchwater drain (Work No. 5) commencing at a point in the stream called the Clea Burn four hundred and seventy yards or thereabouts measured along its course south-eastward from the point where it joins the Kel Burn and terminating at the point of commencement of the reservoir (Work No. 2) above described all in the parishes of Largs and Dalry in the county of Ayr.

Power to
make subsi-
diary works.

6. The Corporation in addition to the waterworks and in connection therewith may upon or in the lands which they are authorised to acquire or use for the purposes thereof make erect and maintain all such embankments dams weirs intake weirs bye-wash channels bridges roads accesses approaches wells tanks gauges filter-beds sluices outlets drains aqueducts culverts channels cuts mains pipes engines machinery buildings telegraphs telephones posts wires and other works and conveniences as may be necessary or convenient in connection with or subsidiary to the waterworks or any of them. But nothing in this section shall exonerate the Corporation from any action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them. Provided that any telegraphs telephones posts wires and other works made erected or maintained by the Corporation shall not be used in contravention of the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

Temporary
occupation
of lands.

7. The provisions of the Railways Clauses Consolidation (Scotland) Act 1845 with respect to the temporary occupation of lands as incorporated with this Order shall apply only to the reservoirs authorised by this Order and works immediately connected therewith and for the purposes of this Order those provisions shall be read as if the Corporation and the reservoirs and works immediately connected therewith were mentioned therein respectively instead of the Company and the railway and as if the boundaries of the reservoirs and such works were mentioned therein instead of the centre of the railway. Provided that sections 25 and 26 of the said Act shall apply to all the waterworks by this Order authorised and that in such application the

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prescribed limits mentioned in those sections shall be two hundred yards from any part of the boundaries of any of such works. A.D. 1907.

8. Subject to the provisions of this Order the Corporation may in the construction of the waterworks deviate laterally from the lines thereof described on the deposited plans to any extent not exceeding the limits of lateral deviation shown on such plans and where the line of any such work is shown on the said plans as passing along any road and no limits of lateral deviation are marked thereon the Corporation may in constructing such work deviate laterally to any extent within the boundaries of such road and the Corporation may also deviate vertically from the levels of the waterworks shown on the deposited sections to any extent not exceeding five feet upwards and ten feet downwards Provided that the Corporation shall not construct the embankment or wall of a reservoir of a greater height above the general surface of the ground than that shown on the deposited sections in respect of the corresponding embankment or wall and five feet in addition and that except for the purpose of crossing over a stream no part of any conduit or line of pipes shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections.

Limits of lateral and vertical deviation of waterworks.

9. So soon as the substituted portion of the public road leading from Largs to Kilbirnie by this Order authorised to be diverted is formed and ready for traffic and certified as in the next following section provided and open to the public the Corporation may stop up and extinguish all rights of way over the portion of the said existing road between the points of commencement and termination of the said diversion thereof and may appropriate for the purposes of this Order the site of the portion of the said road so stopped up and diverted so far as the same is bounded on both sides by land belonging to the Corporation.

On completion of diverted portion of road site of existing road to vest in Corporation.

10. Upon the completion of the said substituted portion of road the Corporation shall apply to the sheriff to certify the completion of the same and the road authority of the district in which the existing road is situate shall be made parties to such application The said diverted portion of road when its completion is so certified (of which completion the certificate of the sheriff shall be conclusive evidence) shall become and the same shall thenceforth be part of the said public road and be maintained by the road authority liable to maintain the portion of road for which the same is substituted.

Maintenance of diverted road.

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Period for
completion of
waterworks.

11. If the waterworks are not completed within ten years after the commencement of this Order then on the expiration of such period the powers by this Order granted to the Corporation for executing the same shall cease except as to so much thereof as is then completed.

Power to di-
vert and
impound
waters.

12. Subject to the provisions of this Order the Corporation may by means of the waterworks and of their existing waterworks collect impound take use divert and appropriate the waters of the streams known as the Rowbank Burn the Guillie Burn the Rye Water the Dusk Water and the Clea Burn and the tributaries thereof and of all or any of the affluents of those streams and also all such other springs streams and waters as will or may be intercepted by the Works Nos. 1 2 4 and 5 by this Order authorised.

Provisions
as to Dusk
Water and
Clea Burn.

13. Before taking or abstracting water under the powers of this Order from the Dusk Water the Corporation shall construct on the said stream a gauge weir immediately below the point at which the water will be taken or abstracted and shall so lay their intake pipe that no water shall be taken from the said Dusk Water unless the flow of water over the said gauge weir shall be at the rate of eight hundred thousand gallons at least in the twenty-four hours Provided that when the flow of water over the said gauge weir falls below the rate of three hundred and fifty thousand gallons in the twenty-four hours although no water is at the time being taken by the Corporation from the said Dusk Water the Corporation shall by means of a pipe of not less than seven inches in diameter and a second lower gauge weir discharge into the said Dusk Water at a convenient point below the upper gauge weir a quantity of water equal to the difference between the amount of water actually passing over the said upper gauge weir in the twenty-four hours and three hundred and fifty thousand gallons Provided also that before taking or abstracting water under the powers of this Order from the Clea Burn the Corporation shall construct on that stream a gauge weir immediately below the point at which the water will be taken or abstracted and shall so lay their intake pipe that no water will be taken from the said Clea Burn unless the flow of water over the last-mentioned gauge weir shall be at the rate of three hundred thousand gallons at least in the twenty-four hours.

Compensa-
tion water.

14.—(1) In lieu of the compensation provided by section 31 of the Act of 1866 to the owners and occupiers of mills and

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manufactories and other persons interested in the streams called Muir Burn Reivoch or Muirhead Burn and Rowbank Burn and also as full compensation to such owners and occupiers and all other persons for the additional water which may be impounded and taken from the Rowbank Burn under the provisions of this Order the Corporation shall as soon as the reservoir (Work No. 1) by this Order authorised is completed and the waters of the aforesaid streams respectively impounded therein so as to be able to afford the supply of compensation water after mentioned discharge or deliver from such reservoir into the Rowbank Burn below the said reservoir at a point therein situate not more than one hundred feet below the foot of the south embankment of the reservoir a quantity of water not less than nine hundred and seventy thousand four hundred and forty-five gallons of water in a continuous flow during every day of twenty-four hours Provided that in the event of the Corporation exercising the powers of lateral deviation conferred by this Order as respects either of the embankments of the said reservoir so as by means thereof to impound the waters of a catchment area exceeding two hundred and thirty-two acres being the area estimated to be affected by the said embankments if the same are constructed as shown on the deposited plans and sections they shall discharge or deliver into the said burn in respect of each acre of such additional catchment area an additional quantity of water not less than six hundred and nineteen gallons in a continuous flow during every day of twenty-four hours calculated upon the proportion of one hundred and forty-three thousand seven hundred and seventy gallons to two hundred and thirty-two acres.

(2) For the purpose of measuring the quantity of water to be so discharged, or delivered into the Rowbank Burn the Corporation shall erect and maintain on the said burn below the said reservoir not more than one hundred feet from the foot of the south embankment thereof a proper and suitable measuring gauge over or through which the said compensation water shall flow and such gauge shall be open to the inspection and examination of all persons interested therein.

(3) In case of any neglect on the part of the Corporation to maintain the said gauge in a state of efficiency and in case of any other neglect by or in consequence of which the said quantities of compensation water shall not so flow the Corporation shall for every day on which such neglect occurs forfeit and pay to each of the persons affected thereby (who may sue for and recover the same)

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A.D. 1907. the sum of five pounds and shall in addition make compensation for any loss damage or injury sustained by such persons or any of them.

(4) In the event of any dispute or difference arising between the Corporation and any person interested with reference to the construction or use of the said gauge or the state of repair or condition thereof such dispute or difference shall failing agreement be settled by an engineer to be agreed on and failing agreement to be named by the sheriff on the application of either party.

Power to discharge water into streams.

15. The Corporation may for the purpose of the repairing or cleansing of their waterworks discharge water from the waterworks or from their existing waterworks into any available stream or watercourse or into any stream or watercourse with which any of the said waterworks may communicate.

In the exercise of the powers conferred by this section the Corporation shall do as little damage as may be and shall make full compensation for all damage caused by reason or in consequence of the exercise of such powers and such compensation shall be settled in default of agreement by arbitration in accordance with the provisions of the Lands Clauses Acts.

Corporation may enlarge or increase number of pipes.

16. The Corporation may at any time subject to the provisions of this Order and notwithstanding the expiration of the period limited for the completion of the waterworks lay down maintain use extend alter renew relay replace enlarge and increase the number and size of any mains pipes and other conveniences of the Corporation for conveying and distributing water under the Waterworks Acts and this Order Provided that such laying down extension enlargement or increase shall be executed only on lands or property belonging to the Corporation or which they may acquire by agreement or which they are by the Waterworks Clauses Acts 1847 and 1863 entitled to open and break up for such purposes.

Laying mains on public roads.

17. The Corporation may at any time for the purposes of conveying water from any of the sources of their water supply whether existing or authorised or for distributing and supplying water within the limits districts or areas or any part of the same within which the Corporation are authorised to supply sell or distribute water either in bulk or otherwise and that whether within the limits of their water supply or beyond the same (and so far as beyond such limits with the consent of the road authority) lay down make maintain and use aqueducts conduits or lines of pipes

through over under along across or into any public road or highway and renew alter enlarge duplicate and increase the number and size thereof or extend the same and stop up temporarily any such public road or highway for such purposes providing when possible a proper temporary substitute to the reasonable satisfaction of the road authority before interrupting the traffic on any such road and making full compensation to all persons injuriously affected by anything done under the provisions of this section. A.D. 1907.

•18. The waterworks and the water supply obtained therefrom shall be held administered and used by the Corporation as part of the water undertaking of the Corporation and subject to the provisions of this Order all the powers and provisions of the Water Acts shall so far as the same are not inconsistent with this Order extend and apply to and may be exercised in connection with the waterworks and water supply authorised by this Order. Waterworks to form part of existing water undertaking of Corporation.

IMPROVEMENTS.

19. Subject to the provisions of this Order the Corporation may make and maintain in the lines and according to the levels shown on the deposited plans and sections the works hereinafter described or some of them or some part or parts thereof (that is to say):— Power to Corporation to make streets bridges &c.

A new road (Work No. 6) in continuation of Blackhall Street commencing at the east side of Ross Street at a point ten yards or thereabouts eastward from the point of intersection of the centre line of Blackhall Street and Ross Street and running eastward for a distance of three hundred and twenty-four yards or thereabouts thence northward by a bridge across the River White Cart and terminating at a point on the southern side of Seedhill Road eighty-seven yards or thereabouts eastward from the east side of Ralston Street at its northern end: •

A footbridge (Work No. 7) over the said River White Cart to the south of Carlile Quay with approaches thereto commencing at a point on Carlile Quay eighty-seven yards or thereabouts eastward from the east side of New Sneddon Street at its junction with Carlile Place and terminating in Abercorn Street at a point eighteen yards or thereabouts south-westward from the south-west corner of Laighpark Farm-steading:

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A widening and improvement (Work No. 8) of the bridge called Abercorn Bridge crossing the said River White Cart on the north side thereof with approaches thereto commencing at the east side of New Sneddon Street at a point eighteen yards or thereabouts northward from the north-east corner of Gilmour Street and Old Sneddon Street and terminating at the west side of West Croft at a point eighteen yards or thereabouts northwards from the north-west corner of New Smithhill Street and Old Sneddon Street:

A widening and improvement (Work No. 9) of the pathway called Cart Walk extending along the north side of the said River White Cart commencing at a point six yards or thereabouts westwards from the intersection of the north boundary line of the said Cart Walk with the east building line of Bridge Street and terminating at a point two and a half yards or thereabouts southwards from the intersection of the north boundary line of the said Cart Walk with the west building line of Thread Street:

A new street (Work No. 10) connecting Albion Street with Caledonia Street commencing at a point in the centre of the west end of Albion Street and terminating at a point on the east side of Caledonia Street forty-eight yards or thereabouts northward from the south building line of Andrews Street at its junction with Caledonia Street:

All which last-mentioned Works Nos. 6 to 10 both inclusive will be situate within the burgh.

New streets
&c. to vest
in Corpora-
tion.

20. The improvements shall after the completion thereof be and become vested in the Corporation to the same extent and effect as the other public streets roads and bridges in the burgh are now vested in them.

Power to
make subsi-
diary street
works.

21. Subject to the provisions of this Order and within the limits shown on the deposited plans of the improvements the Corporation may in connection with the improvements or any of them and for the purposes thereof make junctions and communications with any existing streets or roads which may be intersected or interfered with by or be contiguous to the improvements or any of them and may make such diversions widenings or alterations of lines or levels of any existing streets as may

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be necessary for the purpose of connecting the same with the improvements or any of them. A.D. 1907.

22. In the construction of the improvements the Corporation may deviate laterally to any extent not exceeding the limits of deviation defined on the deposited plans relating thereto and they may deviate vertically from the levels thereof as shown on the deposited sections to any extent not exceeding two feet Provided that no deviation either lateral or vertical below high-water mark shall be made without the consent in writing of the Board of Trade. Limits of lateral and vertical deviation for improvements.

23. If the improvements are not completed within six years after the commencement of this Order then on the expiration of such period the powers by this Order granted to the Corporation for executing the same shall cease except as to so much thereof as is then completed. Period for completion of improvements.

24. The Corporation shall not under the powers of this Order construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and reflows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve such approval being signified as last aforesaid and where any such work may have been constructed the Corporation shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals If any such work be commenced or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs and charges of the Corporation and the amount of such costs and charges shall be a debt due from the Corporation to the Crown and shall be recoverable as a Crown debt or summarily. Works below high-water mark not to be commenced without consent of Board of Trade.

LANDS.

25. Subject to the provisions of this Order the Corporation may enter upon take and use all or any of the lands delineated on the deposited plans and described in the deposited books of reference which they may require for the waterworks and improvements by this Order authorised. Power to acquire lands.

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Power to use
lands already
acquired for
waterworks
purposes.

26. The Corporation may hold retain and use for the purposes of the waterworks any lands which they have already acquired under the powers of the Water Acts for the purposes of the existing waterworks of the Corporation.

Power to ac-
quire servi-
tudes only.

27. The Corporation may in lieu of acquiring any lands for the purposes of the waterworks acquire such servitudes in or over such lands as may be required for the purpose of making extending enlarging altering renewing maintaining cleansing and repairing the aqueducts or catchwater drains by this Order authorised and affording access to any of the waterworks and may give notice to treat in respect of such servitudes and may in such notice describe the nature thereof and the several provisions of the Lands Clauses Acts (inclusive of those with regard to limited owners and to arbitration and the summoning of a jury) shall apply to such servitudes as fully as if the same were lands within the meaning of such Acts :

Provided that nothing herein contained shall authorise the Corporation to acquire by compulsion any such servitude in any case in which the owner in his particulars of claim shall require the Corporation to acquire the lands in respect of which they have given notice to treat for the acquisition of a servitude only and every notice to treat for the acquisition of a servitude shall be endorsed with notice of this provision :

Provided also that as regards any lands taken or used only for the purpose of such aqueducts or catchwater drains and accesses the Corporation shall not unless they shall have given notice to treat for or have acquired such lands and not merely servitudes therein be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall at all times after the completion of the works have the same rights of passing over such lands for all purposes of or connected with the use or enjoyment of the adjoining lands as if such lands had not been taken or used for such works.

Limiting
powers of
Corporation
to abstract
water.

28. The Corporation shall not sink any well upon or construct any works for taking or intercepting water from any lands acquired by them after the commencement of this Order unless the works and the lands upon which the same are to be constructed are specified in this Order or in an Act of Parliament or Order confirmed by Parliament.

29. Persons empowered by the Lands Clauses Acts to sell and convey or discharge lands may if they think fit subject to the provisions of those Acts and of this Order grant to the Corporation any servitude right or privilege (not being a servitude right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Order in over or affecting any such lands and the provisions of the said Acts with respect to lands and feu duties or ground annuals so far as the same are applicable in this behalf shall extend and apply to such grants and to such servitudes rights and privileges as aforesaid respectively.

A.D. 1907.

Persons under disability may grant servitudes &c.

30. In addition to the lands which the Corporation are by this Order authorised to purchase compulsorily they may for any of the waterworks purposes of this Order or for the purposes of the water undertaking of the Corporation by agreement purchase any further quantity of land not exceeding in the whole fifteen acres or any servitude in any lands (not being a servitude of water in which persons other than the grantors have an interest) Provided that the Corporation shall not upon any such lands create or permit any nuisance or erect any buildings thereon other than offices and dwellings for persons in their employ and such buildings and works as may be incident to or connected with their water undertaking.

Power to acquire additional lands by agreement.

31. The Corporation may hold any lands acquired by them under the powers of the Water Acts or this Order for the purposes of or in connection with the waterworks which they may deem necessary for the purpose of protecting the water supply of the Corporation against pollution fouling and contamination and so long as such necessity shall continue such lands shall not be deemed to be superfluous lands within the meaning of the Water Acts or this Order or the Lands Clauses Acts but the Corporation shall not create or permit a nuisance on any such lands and shall not erect any buildings thereon other than offices and dwellings for persons in the employ of the Corporation and such buildings and works as may be incident to or connected with their water undertaking.

Power to hold lands for protection of waterworks.

32. The Corporation on selling any lands acquired for or in connection with the waterworks purposes of this Order and not required to be retained for those purposes may reserve to themselves all or any part of the water rights belonging thereto

Reservation of water rights on sale.

[Ch. cxxxiii.] *Paisley Corporation Order Confirmation* [7 EDW. 7.]
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A.D. 1907, and may make the sale subject to such reservation accordingly and may also make any such sale subject to such other reservations special conditions restrictions and provisions with respect to use of water exercise of noxious trades or discharge or deposit of manure sewage or other impure matter or otherwise as they may think fit.

Owners may be required to sell parts only of certain lands and buildings.

33. And whereas in the construction of the improvements or otherwise in the exercise by the Corporation of the powers of this Order in connection therewith it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Corporation and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto Therefore the following provisions shall have effect:—

- (1) The owner of and persons interested in any of the properties whereof the whole or part is described in the Schedule to this Order and whereof a portion only is required for the purposes of the Corporation or each or any of them are hereinafter included in the term "the owner" and the said properties are hereinafter referred to as "the scheduled properties":
- (2) If for twenty-one days after the service of the notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Corporation that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Corporation such portion only without the Corporation being obliged or compellable to purchase the whole the Corporation paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise:
- (3) If within such twenty-one days the owner shall by notice in writing to the Corporation allege that such portion cannot be so severed the jury arbiter or other authority to whom the question of disputed compensation shall be submitted (hereinafter referred to as "the tribunal") shall in addition to the other questions required to be determined by it determine whether the portion

of the scheduled property specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Corporation have compulsory powers of purchase) can be so severed:

- (4) If the tribunal determine that the portion of the scheduled property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Corporation the portion which the tribunal shall have determined to be so severable without the Corporation being obliged or compellable to purchase the whole the Corporation paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal:
- (5) If the tribunal determine that the portion of the scheduled property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the arbitration or inquiry shall be borne and paid by the owner:
- (6) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not they shall determine that any other portion can be so severed) the Corporation may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice:
- (7) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Corporation in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and

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properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case and their final determination think fit.

The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation (Scotland) Act 1845 contained and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 90 of the Lands Clauses Consolidation (Scotland) Act 1845.

The provisions of this section shall be stated in every notice given thereunder to sell and convey any premises.

Period for compulsory purchase of lands.

34. The powers of the Corporation for the compulsory purchase of lands shall cease as regards lands authorised to be purchased for the waterworks purposes of this Order after the expiration of five years and as regards the other lands authorised to be purchased after the expiration of three years from the commencement of this Order.

Power to take down buildings and lay out lands.

35. The Corporation may take down the whole or any part of the buildings situated on any part of the lands and property acquired by them under the authority of this Order for the purposes of or in connection with the improvements and sell and dispose of the materials thereof and may subject to the provisions of this Order as to the making and executing of the improvements lay out the said lands and property in such way and manner as they may deem best and may sell or dispose of the said lands and property or any part or portion thereof or grant leases feu dispositions contracts of ground annual or other deeds or conveyances of such lands or property or any part or portion thereof on such terms and subject to such conditions as they may determine and prescribe and generally they may deal with such lands and property and any feu duties or ground annuals created by them as absolute proprietors thereof.

Any rents feu duties or ground annuals payable to the Corporation from such lands and property shall after defraying the costs incurred by the Corporation in maintaining and managing such lands and property and other charges incident thereto be carried to the credit of the assessment referred to in the section of this Order of which the marginal note is "Borrowing and assessing

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power for improvements” The proceeds of the sale of any such lands and property feu duties or ground annuals shall be applied in payment of the sums to be borrowed as hereinafter provided for defraying the cost of the improvements.

A.D. 1907.

36. If there be any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited books of reference the Corporation after giving ten days' notice to the owners lessees or occupiers of the lands in question may apply to the sheriff for correction thereof and if it appears to the sheriff that the omission mis-statement or wrong description arose from mistake he shall certify the same accordingly and he shall in his certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and such certificate shall be deposited with the principal sheriff clerk of the county of Renfrew or of Ayr as the case may be with the other documents to which the same relates and thereupon the deposited plans and books of reference shall be deemed to be corrected according to such certificate and the Corporation may enter upon take and use the lands and execute the works in accordance with such certificate.

Correction
of errors
&c. in
deposited
plans and
books of
reference.

37.—(1) The Corporation shall not under the powers of this Order purchase or acquire in any district within the meaning of the Public Health (Scotland) Act 1897 ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Secretary for Scotland ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

Restriction
on taking
houses of
labouring
class.

(2) If the Corporation acquire or appropriate any house or houses for the purposes of this Order in contravention of the foregoing provisions they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Secretary for Scotland by action in the Court of Session and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the Court may if it think fit reduce such penalty.

(3) For the purposes of this section the expression “house” means any house or part of a house occupied as a separate dwelling and the expression “labouring class” means mechanics artisans

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A.D. 1907. labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

GENERAL WORKS.

Power to
alter roads
&c.

38. For the purposes of the several works by this Order authorised the Corporation may subject to the provisions of this Order break up alter divert cross stop up or otherwise interfere with temporarily any roads highways paths bridges streams water-courses tramways sewers drains telegraphic telephonic gas water and other mains pipes wires posts and other works which they may find it expedient to interfere with the Corporation doing as little damage as possible and providing substitutes for any sewers drains gas or water pipes or electric or other apparatus interfered with and making full compensation to all persons injuriously affected by the exercise of the powers of this section Provided that nothing in this section shall extend to authorise any interference with the telegraphic or telephonic pipes wires posts and other works or property of His Majesty's Postmaster-General Provided also that nothing in this section shall extend to authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Act 1882 otherwise than in accordance with the provisions of section 15 of that Act.

PROTECTIVE PROVISIONS.

For pro-
tection of
county
authorities
of county of
Renfrew.

39. For the protection of the county council of the county of Renfrew and the district committee of the second or lower district of that county (in this section called "the county authority") the following provision shall have effect unless otherwise agreed between the Corporation and the county authority (that is to say):—

Notwithstanding anything herein contained to the contrary the Corporation shall not in exercising the powers of this Order break up alter divert cross stop up or otherwise interfere with any public road highway path or bridge vested in or under the control of the county authority unless and until they shall have provided to the reasonable satisfaction of the county authority a substituted road highway path or bridge or made other reasonable provision to

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the like satisfaction sufficient for the conduct of the traffic during such time as such breaking up alteration diversion crossing stopping up or interference shall continue and they shall as soon as possible thereafter restore such road highway path or bridge to the same condition in all respects as it was in prior to such interference. A.D. 1907.

40.—(1) Notwithstanding anything shown on the deposited plans the Corporation shall construct the diversion of the public road leading from Largs to Kilbirnie (Work No. 3) by this Order authorised so that the width of the roadway of the diverted road shall not be less than thirty-five feet and on such curves and gradients as may be approved by the county council of the county of Ayr in this section called "the county council." For protection of county council of county of Ayr.

(2) The Corporation shall make a sufficient open side ditch along each side of the diverted road outside the fences and shall discharge into it by proper gratings drains and outfalls the drainage of the said road.

(3) Over the Guillie Burn the Corporation shall construct an arched bridge of stone work.

(4) The Corporation shall before commencing the construction of Work No. 3 submit plans sections and specifications thereof to the county council and the approval by the county council of such plans sections and specifications or if the county council refuse to approve the same or neglect to signify their approval or disapproval thereof within two months after the submission to the county council of such plans sections and specifications the approval of an arbiter to be appointed as hereinafter provided shall be obtained by the Corporation before commencing the said work and such work shall be executed in accordance with the plans sections and specifications so approved and under the superintendence and to the reasonable satisfaction of the county council.

(5) Any difference which may arise between the Corporation and the county council under this section shall be referred to an arbiter to be mutually agreed upon or failing agreement to be appointed on the application of either party by the sheriff of the county of Ayr.

41. For the protection of the trustees of the Cart Navigation (which term shall include the judicial factor on the undertaking of the Cart Navigation) hereinafter referred to as "the Cart Navigation" the following provisions shall unless otherwise agreed For protection of Cart Navigation.

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Act, 1907.

A.D. 1907. upon between the Corporation and the Cart Navigation have effect (that is to say):—

- (A) The footbridge (Work No. 7) shall be an opening bridge:
- (B) In constructing the said footbridge no pier or other obstacle shall be placed in the channel of the River White Cart:
- (C) The said footbridge shall not extend northwards beyond a line extending eastwards across the river in continuation of the line of the north wall of the Roman Catholic School at Carlile Place:
- (D) The said footbridge shall not without consent of the Cart Navigation be constructed after the double leaf swing type but may be of the bascule or horizontal draw-bridge type or such other type as may be approved of by the engineers for the time being of the Cart Navigation:
- (E) The design and construction of the said footbridge shall be submitted to and approved of by the engineers of the Cart Navigation. Should the said engineers be unable to agree as to the design and construction with the engineer of the Corporation the same shall be referred to the decision of the engineer for the time being of the Clyde Navigation Trust:
- (F) Any expense which may be incurred by the Cart Navigation in connection with their being advised as to the design and construction of the bridge or in connection with the reference to the engineer of the Clyde Navigation Trust shall be borne by the Corporation:
- (G) The Corporation shall undertake and be responsible for the proper working of the said footbridge and for the maintenance thereof and for the banks of the river ex adverso of the same and they shall also be liable for all accidents attributable to the said footbridge and for any claims which may arise in consequence of delay to vessels passing up and down the river in any way connected therewith:
- (H) The Corporation shall cause attendance to be given at all times for the opening of the said footbridge for the passage of boats or other harbour purposes so that there may be no interruption of the traffic on the

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river and river traffic shall in all cases have priority over traffic crossing the bridge: A.D. 1907.

- (i) The Corporation shall be liable in compensation for any subjects belonging to the Cart Navigation taken occupied or injuriously affected by the operations authorised by this Order and for the deterioration or injuriously affecting of the undertaking of the Cart Navigation consequent on or attributable to the said operations:
- (j) The Corporation shall pay to and relieve the Cart Navigation of all expenses already incurred by them or on their behalf in connection with this Order (including engineer's fees) and all expenses in connection with watching the proceedings before the Secretary for Scotland Parliament or the Commissioners or other authority under the Private Legislation Procedure (Scotland) Act 1899 and on the Confirming Bill as the same shall be taxed by the auditor of the Court of Session not exceeding forty pounds:
- (k) If any dispute or difference shall arise between the Corporation and the Cart Navigation under this section such dispute or difference shall be referred to the arbitration of one arbiter mutually chosen and failing agreement as to the arbiter to be appointed such arbiter shall be appointed by the sheriff of Renfrew and Bute.

42. Notwithstanding anything contained in this Order or shown upon the deposited plans the Corporation shall not without the written consent of the Glasgow and South Western Railway Company enter upon take and use any of the lands of that company being or forming parts of the properties numbered on the deposited plans of the new road (Work No. 6) 2 3 4 and 5 in the parish of Paisley.

For protection of Glasgow and South Western Railway Company.

43.—(1) In constructing the new road (Work No. 6) the Corporation shall not without the consent in writing of the Caledonian Railway Company (in this section referred to as "the company") deviate from the lines and levels shown on the deposited plans and sections so far as the said road passes in through or across the property of the company.

For protection of Caledonian Railway Company.

(2) The new road (Work No. 6) where passing in through or across the property of the company shall be constructed and

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Act, 1907.

A.D. 1907. — thereafter maintained with a bridge or bridges at such point or points as the company may determine so as to leave one clear opening of fifty-two feet wide and fourteen and a half feet high throughout or in the option of the company two clear openings of thirty feet wide and fourteen and a half feet high throughout for the purpose of allowing of the company laying railway lines or sidings under and across the said road and running locomotives and railway waggons on such lines and sidings.

(3) The new road (Work No. 6) so far as in through or across the property of the company and such bridge or bridges shall be constructed by the Corporation in accordance only with plans sections working drawings and specifications to be submitted to and approved of by the company or in the case of difference to be approved by an engineer to be appointed failing agreement by the Board of Trade.

(4) The Corporation notwithstanding anything in this Order contained or shown on the deposited plans shall not without the consent in writing of the company take or acquire under the powers of this Order any property of the company except only so much thereof as may be necessary or requisite for the construction of the said road in through or across the property of the company and the purchase money or compensation to be paid by the Corporation to the company for the property so taken or acquired and in respect of the company's remaining property injuriously affected by the construction of the said road shall be fixed and determined failing agreement by arbitration in terms of the Lands Clauses Consolidation (Scotland) Act 1845.

FINANCIAL.

As to existing borrowing powers for waterworks purposes.

44. The powers to borrow money and grant security therefor and to create funded debt contained in the Water Acts may be exercised by the Corporation for the waterworks purposes of this Order as well as for the purposes of those Acts and of the waterworks undertaking of the Corporation and the money so borrowed and the funded debt so created may be applied for such several purposes.

Power to borrow further money for waterworks purposes.

45. In addition to the money which the Corporation are already authorised to borrow by the Water Acts they may for the purposes of the Water Acts and this Order from time to time borrow on mortgage on the security of the rates and charges

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leviable under the Water Acts any sums not exceeding in the whole one hundred and fifty-five thousand pounds and the Corporation may from time to time create funded debt in lieu of borrowing such sums on mortgage or in lieu of borrowing any sums which they are at present authorised to borrow on mortgage under the Water Acts or in lieu of any such sums so borrowed. A.D. 1907.

46. The money by this Order authorised to be borrowed and the funded debt by this Order authorised to be created for waterworks purposes may be secured in the same manner as money by the Act of 1866 authorised to be borrowed and funded debt by that Act authorised to be created is or may be secured and subject to the provisions of this Order all the powers forms and provisions of the Act of 1866 with regard to the borrowing of money the creating of funded debt and the application of the water rates and charges levied under the authority of the Act of 1866 shall apply to the borrowing of money and the creating of funded debt for waterworks purposes by this Order authorised and to the money borrowed and the funded debt created for those purposes under the provisions of this Order in the same manner as if the money so authorised to be borrowed or the funded debt so authorised to be created were part of the money authorised to be borrowed or funded debt authorised to be created under the Act of 1866 Provided always that the mortgages and certificates of funded debt to be granted for the money borrowed or the funded debt created under the powers of this Order shall specify that the same have been so granted under the powers of this Order And provided further that all mortgages granted and all funded debt created under the powers of the Water Acts shall while subsisting and without prejudice to their priorities inter se have priority over any mortgages granted and any funded debt created under the provisions of this Order for waterworks purposes. Provisions applicable to mortgages and funded debt.

47. The Corporation may redeem in whole or in part by means of the sinking fund provided for by this Order but not otherwise all or any part of the funded debt created under the powers of this Order for waterworks purposes on payment to the holders of such funded debt of the principal sums due to them respectively in addition to any arrears of annuity which at the time may be due thereon Provided always that the Corporation shall give at least six months' notice in writing of such intended redemption to the holders of such funded debt or such part thereof as may be intended to be so redeemed and such holders Redemption of funded debt.

[Ch. cxxxiii.] *Paisley Corporation Order Confirmation* [7 EDW. 7.]
Act, 1907.

A.D. 1907. — respectively shall be bound to accept of such redemption money when tendered by the Corporation.

Estimate to be made by Corporation.

48. The estimate to be made up by the Corporation under the provisions of the Act of 1866 and the assessments and rates authorised and required to be levied by them for waterworks purposes by the Water Acts shall include and be sufficient for the purpose of defraying the interest on and any annuity granted in respect of any money borrowed and funded debt created under the powers of this Order for waterworks purposes and the payment to the sinking fund and the expense of maintaining and managing the waterworks and all other annual expenditure arising out of or consequent on such works.

Sinking fund for money borrowed for waterworks purposes.

49.—(1) In lieu of the sinking funds provided for by the Water Acts in respect of money borrowed and funded debt created for waterworks purposes and notwithstanding anything contained in those Acts the Corporation shall from and after the fifteenth day of May one thousand nine hundred and eight out of the rates and charges authorised to be levied by the Water Acts pay off or redeem all money borrowed and funded debt created under the authority of those Acts for waterworks purposes by means of a sinking fund to be formed and maintained by payment annually into the fund (A) during the period of five years after the said date of a sum equal to one and one quarter per centum on the amount of such borrowed money and funded debt remaining unpaid or unredeemed at the said date (B) during the succeeding seven years of a sum equal to one and one half per centum on such amount and (C) thereafter until the whole of such borrowed money and funded debt shall have been paid off or redeemed a sum equal to two per centum on such amount.

(2) The provisions of the preceding subsection shall apply to all money borrowed or funded debt created for waterworks purposes under the authority of the Water Acts after the fifteenth day of May one thousand nine hundred and eight or under the authority of this Order so that the sum annually payable into the sinking fund in respect of all such money borrowed or funded debt created shall be the same amount per centum as is payable in respect of the same year under the preceding subsection.

(3) The sums paid into the sinking fund shall unless applied in the repayment or redemption of borrowed money or funded debt be invested in securities in which trustees are by law for the time being authorised to invest or in mortgages bonds

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debentures debenture stock stock or other securities (not being annuity certificates or securities payable to bearer) duly issued by any local authority other than the Corporation the Corporation being at liberty from time to time to vary and transpose such investments. A.D. 1907.

(4) The interest on the investments of the fund may be applied by the Corporation towards the annual payments to the fund.

(5) The Corporation may at any time apply the whole or any part of the sinking fund in or towards the discharge or redemption of the borrowed money or funded debt for the repayment of which the fund is formed.

(6) Any expenses connected with the formation maintenance investment application management or otherwise of the fund shall be paid by the Corporation in addition to the payments provided for by this section.

(7) If the Corporation desire to accelerate the repayment or redemption of any borrowed money or funded debt they may increase the amounts payable into the fund.

(8) Any surplus of the fund remaining after the discharge of the whole of the money for the repayment of which it was formed shall be applied to such purposes as the Corporation may determine.

(9) Nothing in this section shall affect the sums payable into the sinking funds provided for by the Water Acts in respect of the period prior to the fifteenth day of May one thousand nine hundred and eight.

50. The treasurer of the Corporation shall within two months after the expiration of each year during which any sum is by the immediately preceding section of this Order required to be set apart for a sinking fund transmit to the Secretary for Scotland a return in such form as may be prescribed by the Secretary for Scotland and verified by statutory declaration if so required by him showing the amount which has been so set apart in respect of that year and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of such sinking fund and the interest or income thereof have been applied during the same period and the total amount remaining invested at the end of the year and in the event of any default in making such return such treasurer so making default shall be liable to a penalty not exceeding twenty

Annual
return to
Secretary for
Scotland
with respect
to sinking
fund.

[Ch. cxxxiii.] *Paisley Corporation Order Confirmation* [7 EDW. 7.]
Act, 1907.

A.D. 1907. — pounds which shall be recoverable by the Secretary for Scotland as a debt to the Crown is recoverable. If it appear to the Secretary for Scotland by any such return or otherwise that the Corporation have failed to set apart the sum so required to be set apart for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest or income thereof to any purposes other than those authorised by this Order the Secretary for Scotland may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund and such order shall be enforceable by decree of either division of the Inner House of the Court of Session in Scotland pronounced in a summary application presented for that purpose.

Borrowing
and assessing
power for
improve-
ments.

51.—(1) The Corporation may for the purposes of the improvements and for the acquisition of the land which they are authorised to acquire for the purposes thereof or in connection therewith borrow on mortgage any sum not exceeding fifty thousand pounds on the security of an assessment to be imposed in the same manner and along with and as part of the assessment for the maintenance and repair of highways leviable by the Corporation as local authority within the burgh under the Roads and Bridges (Scotland) Act 1878 and the Corporation may assign so much or such part as may be required of such assessment as security for the money which may be so borrowed under the provisions of this section.

(2) The provisions of the said Roads and Bridges (Scotland) Act 1878 with regard to the borrowing of money by the local authority of a burgh and the repayment of the money so borrowed shall apply to money borrowed by the Corporation under the powers of this section.

Application
of borrowed
money.

52. All money borrowed by the Corporation under the powers of this Order shall be applied only for the purposes for which the same is authorised to be borrowed to which capital is properly applicable and in payment (in such proportions as the Corporation may think fit as between the money borrowed for the waterworks purposes and the other purposes of this Order) of the costs charges and expenses of and incident to the preparing for obtaining and confirming of this Order.

Extension of
power to raise
money by bill.

53. From and after the commencement of this Order subsection (13) of section 94 of the Act of 1901 shall be read and

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have effect as if the words "one hundred thousand" had been inserted therein instead of the words "fifty thousand." A.D. 1907.

54. Section 6 (Creation of stock) of the Paisley Corporation (Loans) Act 1898 shall be read as if in subsection (1) of that section for the words "at such price not being lower than ninety-five per centum" there were substituted the words "at such price not being lower except where the Secretary for Scotland otherwise consents than ninety-five per centum." Amendment of Paisley Corporation (Loans) Act.

55. The purposes for which the Gas Guarantee Rate authorised by section 51 of the Paisley Corporation Gas Act 1870 may be assessed and levied by the Corporation shall include the making good of any deficiency that may occur in any year in the funds available for payment of the interest on money borrowed or to be borrowed by the Corporation under or subject to the provisions of that Act and the said guarantee rate may notwithstanding anything contained in the said Act be assessed and levied at such amount in the pound as may be necessary for making good any such deficiency. Amendment of section 51 of Paisley Corporation Gas Act 1870.

MISCELLANEOUS.

56.—(1) The Corporation may hold for such period as they think fit the lands of Gockston purchased by them for the purposes of the Burial Grounds (Scotland) Act 1855 and may notwithstanding anything contained in that Act with consent of the Secretary for Scotland use such lands for such municipal or public purposes as they may think expedient or may subject to the provisions of section 98 of the Town Councils (Scotland) Act 1900 feu lease or sell the said lands or any part or parts thereof for such price feu duty or rent and upon such terms and conditions as the Corporation think proper. The proceeds of the sale of the said lands or any feu duty or rent to be derived therefrom shall be paid into and form part of the common good of the burgh. Power to retain lands of Gockston.

(2) From and after the commencement of this Order the Corporation shall out of the feu duties or rents to be derived from the feuing or leasing of the said lands so long as the same shall remain unsold or if and to such extent as such feu duties or rents shall be insufficient out of the annual revenues of the common good annually set apart and accumulate as a sinking fund such a sum as shall by accumulation with compound interest thereon at the rate of three per centum per annum be sufficient to pay off in fifty years the sum of six thousand and thirty pounds

[Ch. cxxxiii.] *Paisley Corporation Order Confirmation* [7 EDW. 7.]
Act, 1907.

A.D. 1907. — being the amount borrowed by the Corporation on the security of the said lands and remaining unpaid at the commencement of this Order.

(3) Nothing in this section shall authorise the Corporation to create or permit any nuisance on the said lands.

Amendment
of Burgh
Slaughter
House Order.

57.—(1) From and after the commencement of this Order section 1 section 2 section 4 and section 6 of the Order confirmed by the General Police and Improvement (Scotland) Act 1862 Order Confirmation (Paisley) Act 1878 shall be read and construed as if the words "one hundred and sixty pounds five shillings and two-pence" were inserted therein in place of the words "two hundred and thirteen pounds thirteen shillings and sevenpence" and the Corporation shall within one year after the commencement of this Order borrow under section 57 of the Paisley Corporation (Loans) Act 1898 such sum or sums of money as may be necessary for the purpose of redeeming the slaughter-house annuity.

(2) Without prejudice to the provisions of section 7 of the said Order of 1878 the Corporation may if they think fit make good any excess of expenditure over receipts which may occur in any year in connection with the burgh slaughter-house out of the burgh general assessment for that year.

Transfer of
educational
endowments
to Paisley
Burgh
School
Board.

58.—(1) As soon as conveniently may be after the commencement of this Order the Corporation shall pay over or transfer to the Paisley Burgh School Board the sums of forty-two pounds ten shillings and thirty-four pounds six shillings and eightpence respectively bequeathed to the town council of the burgh by John McKerrell residenter in Paisley and Alexander Park residenter there or the investments for the time being representing the same together with the accumulations of interest thereon respectively and such payment shall effectually discharge the Corporation of all obligations with regard to the said bequests and the application thereof and from all claims and demands in respect thereof.

(2) The said school board shall either retain the said sums so paid or transferred to them as aforesaid in their present state of investment or invest the same in any security in which trustees are by law authorised to invest trust funds and shall apply the annual income of the said two sums or of the investments for the time being representing the same respectively in providing school books for scholars attending any of the schools within the burgh under the management of the said school board.

[7 EDW. 7.] - *Paisley Corporation Order Confirmation* [Ch. cxxxiii.]
Act, 1907.

A.D. 1907.

Removal of
middens ash-
pits and pa-
privies.

59.—(1) The Corporation may if they think fit in the interests of the public health order the removal within a period to be specified in such order of all privy middens ashpits and pan privies within the burgh and the provision in lieu thereof respectively by the owner of the property on which any such privy midden ashpit or pan privy is situate of proper receptacles for rubbish and suitable watercloset accommodation to the satisfaction of the Corporation.

(2) The period to be specified in the said order for such removal and provision as aforesaid shall not be less than three years from the making of the said order.

(3) The Corporation shall within one month after the making of the said order give public notice thereof by advertisement in local newspapers and by handbills and otherwise in such manner as they shall think sufficient.

(4) If the owner of any property shall fail to comply with the said order within the period thereby limited for compliance therewith he shall be liable to a penalty not exceeding forty shillings and to a further penalty not exceeding five shillings for every day during which non-compliance continues and such penalties may be recovered in the same manner as penalties under the Burgh Police (Scotland) Act 1892.

(5) The provisions of this section shall be in addition to any existing powers of the Corporation with regard to waterclosets and receptacles for rubbish and such last-mentioned powers may be exercised notwithstanding the making of any order by the Corporation under this section.

(6) Any person whose property may be affected or who thinks himself aggrieved by any requirement proceeding or act of the Corporation under any order made by them under this section shall have the same right of appeal as is conferred by section 339 of the Burgh Police (Scotland) Act 1892 as amended by section 104 of the Burgh Police (Scotland) Act 1903.

60. Nothing in this Order affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Corporation to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Woods or of the Board of

Crown
rights.

[Ch. cxxxiii.] *Paisley Corporation Order Confirmation* [7 EDW. 7.]
Act, 1907.

A.D. 1907. Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose (which consent the said Commissioners and Board are hereby respectively authorised to give).

Costs of
Order.

61. All costs charges and expenses of and incidental to the preparing for obtaining and confirming this Order or otherwise in relation thereto shall be paid by the Corporation out of the moneys to be borrowed by them under the powers of this Order or out of any other moneys received by them or out of any rates or assessments which they are authorised to levy Provided that all borrowed money so applied shall be repaid within five years from the commencement of this Order.

The SCHEDULE referred to in the foregoing Order.

DESCRIBING PROPERTIES WHEREOF PORTIONS ONLY ARE REQUIRED
TO BE TAKEN.

Parish.	Numbers on deposited Plans.
NEW ROAD (WORK NO. 6).	
Paisley - - - - -	5 5 6 7.
FOOTBRIDGE (WORK NO. 7).	
Paisley - - - - -	2.

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FOR
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