



CHAPTER clxv.

An Act to authorise the Commissioners of the Glasgow Corporation Waterworks to raise a further sum of money to construct additional works and acquire additional lands ; and for other purposes. A.D. 1877.
[2d August 1877.]

WHEREAS by “The Glasgow Corporation Waterworks Act, 1855,” (herein-after called the Act of 1855,) the magistrates and council of the city of Glasgow were appointed Commissioners for carrying into effect the purposes of the said Act, and were authorised to purchase and acquire the Glasgow Waterworks and the Gorbals Gravitation Waterworks, and to introduce an additional supply of water from Loch Katrine, and to supply with water the said city and suburbs thereof and districts and places adjacent : 18 & 19 Vict.
c. cxviii.

And whereas the Commissioners purchased and acquired the undertakings of the Glasgow Waterworks Company and the Gorbals Gravitation Water Company, and the whole waterworks, property, rights, and privileges of the said Companies were transferred to and vested in the Commissioners :

And whereas further powers were granted to the Commissioners by “The Glasgow Corporation Waterworks Amendment Act, 1859,” (herein-after called the Act of 1859,) “The Glasgow Corporation Waterworks Amendment Act, 1860,” (herein-after called the Act of 1860,) “The Glasgow Corporation Waterworks Amendment Act, 1865,” (herein-after called the Act of 1865,) “The Glasgow Corporation Waterworks Amendment Act, 1866,” (herein-after called the Act of 1866,) and “The Glasgow Corporation Waterworks Amendment Act, 1873,” (herein-after called the Act of 1873) : 22 Vict.
c. xvii.
23 & 24 Vict.
c. xxxiii.
28 & 29 Vict.
c. lxi.
29 & 30 Vict.
c. cccxxviii.
36 & 37 Vict.
c. xxxvi.

And whereas in consequence of the great increase in the trade and population of the districts forming the water limits of the Commissioners it has become necessary to construct further and additional works and conveniences to afford an increased supply of

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A.D. 1877. water, and to provide for the efficient distribution to those districts, and to construct the road of access herein-after described :

And whereas it is expedient that for the purpose of their undertaking the Commissioners should be authorised to construct the additional works and to acquire the lands herein-after referred to :

And whereas for these purposes and the general purposes of their undertaking, and to enable the Commissioners to bring in the whole 50,000,000 gallons a day authorised by the Act of 1855, it is expedient that the Commissioners should be authorised to borrow an additional sum of money :

And whereas plans and sections showing the lines, situation, and levels of the works authorised by this Act, and the lands and property to be acquired compulsorily under the authority of this Act, and a book of reference thereto containing the names of the owners or lessees, or reputed owners or lessees, and of the occupiers of such lands and property, have been deposited with the principal sheriff clerk of the county of Renfrew (which are in this Act referred to as the deposited plans, sections, and book of reference) :

And whereas the objects of this Act cannot be attained 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 :

Short title. 1. This Act may be cited as "The Glasgow Corporation Waterworks Amendment Act, 1877," and this Act and the Act of 1855, the Act of 1859, the Act of 1860, the Act of 1865, the Act of 1866, and the Act of 1873, may be cited together as the Glasgow Corporation Waterworks Acts, 1855, 1859, 1860, 1865, 1866, 1873, and 1877, and the recited Acts and this Act, except in so far as the former are altered or amended by any subsequent Act or by this Act, shall be read as one Act.

Interpretation of terms. 2. The several words and expressions interpreted in the Act of 1855 and the Acts therewith incorporated shall, when used in this Act, have the same meanings as are by the Act of 1855 and the said Acts assigned to them respectively.

Certain provisions of general Acts herein-named incorporated. 3. "The Lands Clauses Consolidation (Scotland) Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Waterworks Clauses Act, 1847," (with the exception specified in section 5 of the Act of 1855,) "The Waterworks Clauses Act, 1863," and the sections and provisions of "The Railways

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Clauses Consolidation (Scotland) Act, 1845," with respect to the temporary occupation of lands near the railway during the construction thereof, are (except when expressly varied and inconsistent with this Act) incorporated with and form part of this Act: Provided as regards the last-mentioned Act that the said sections and provisions shall be read as if "the works" were therein mentioned instead of "the railway," and "the boundaries of the works" instead of "the centre of the railway," and "the commissioners" instead of "the Company," and the "prescribed limits" shall be fifty yards. A.D. 1877.

4. The sections of "The Commissioners Clauses Act, 1847," with respect to the mortgages to be executed by the Commissioners, are hereby incorporated with and form part of this Act, and shall be applicable to the mortgages to be granted under the authority of this Act in the same manner as the said sections are applicable to the mortgages granted or to be granted under the authority of the recited Acts. Incorporating provisions of Commissioners Clauses Act.

5. In addition to the sum of one million four hundred thousand pounds authorised to be borrowed by the recited Acts, the Commissioners may from time to time borrow on mortgage any sums not exceeding in the whole four hundred and fifty thousand pounds, and may make and grant mortgages and assignations of the several rates and charges to be levied by them under the provisions of the recited Acts, in security of the payment of the money so borrowed, and interest thereon. Power to borrow on mortgage.

6. If the Commissioners after the date of the passing of this Act pay off otherwise than by means of the sinking fund (provided by the Act of 1855, and by this Act made applicable to the money hereby authorised to be borrowed) any of the moneys borrowed by them under the recited Acts or this Act, it shall be lawful for them again to borrow the amount so paid off, and so from time to time, and they may make and grant mortgages and assignations of but limited to the several rates and charges to be levied by them under the provisions of the recited Acts, in security of the moneys so borrowed, and interest thereon. Provisions as to future borrowing by the Commissioners.

7. Every mortgage and assignation to be granted by the Commissioners after the date of the passing of this Act shall be by deed duly stamped, and may be partly in writing and partly printed, and shall be subscribed by at least two Commissioners and the treasurer at a meeting of the water committee of the Commissioners, and shall be in the form of the Schedule A. to this Act annexed. Form of mortgages.

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Commis-
sioners may
borrow on
cash account.

8. The Commissioners may accept and take from any bank or banking company credit on a cash account to be opened and kept with such bank or banking company in the name of the Commissioners, according to the usage of bankers in Scotland, to the extent of the sum which the Commissioners are authorised to borrow as aforesaid, or any part thereof, and, if required, to make and grant mortgages and assignations of the several rates to be levied and charges to be made by them under the provision of the recited Acts, or any of them, and this Act, in security of the amount of such credit or of the sums advanced from time to time on such cash account with interest thereon: Provided that the whole sum due and owing by the Commissioners on such cash account and for money borrowed by them on bonds, or on mortgages or assignations, shall not when taken together exceed the sum of one million eight hundred and fifty thousand pounds by the recited Acts and this Act authorised to be borrowed.

Application
of money
borrowed.

9. The sums to be borrowed by the Commissioners under the authority of this Act shall be applied in defraying the cost of constructing the works by this Act authorised, and of acquiring the lands to be taken for the purposes thereof, and in carrying into effect the purposes of the recited Acts and this Act.

Debt may be
funded.

10. Section 116 of the Act of 1855 shall be read and have effect as if the words "the property and works vested in and to be acquired or constructed by the Commissioners in virtue of this Act" were omitted therefrom, and the Commissioners may fund the whole or any part of the sums to be raised on mortgage under the authority of this Act or the recited Acts, under the powers and provisions, with the rights and privileges, and subject to the restrictions and conditions which are contained in sections 112 to 116, both inclusive, of the Act of 1855 as amended by this Act.

Provisions as
to judicial
factor and
sinking fund
to be ap-
plicable to
this Act.

11. Sections 117, 118, and 119 of the Act of 1855, and section 20 of the Act of 1865, with respect to the appointment, powers, and duties of a judicial factor, and the sinking fund to be set apart for the redemption of mortgages and annuities, shall be and are hereby made applicable to the money to be borrowed, and the mortgages and assignations in security to be granted under the authority of this Act, in the same manner as if the money to be borrowed under the authority of this Act had been borrowed under the authority of the recited Acts, or any of them.

Saving exist-
ing annuities
and securi-
ties.

12. Nothing in this Act contained shall prejudice any bonds, annuities, debentures, mortgages, or assignations in security granted

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by the Commissioners under the authority of the recited Acts, or any of them, and subsisting at the date of the passing of this Act, and such bonds, annuities, debentures, mortgages, and assignments shall be and remain in full force, and as valid and effectual in all respects as if this Act had not been passed. A.D. 1877.

13. Sections 10 to 13, both inclusive, of the Act of 1859, and sections 14 and 15, and section 16 (as amended by the Act of 1873), and sections 17 to 19, both inclusive, of the Act of 1865, and section 7 of the Act of 1873, with respect to the execution, transfer, transmission, and discharge of mortgages granted under the authority of the recited Acts, shall be and are hereby made applicable to the money to be borrowed, and the mortgages and assignments in security to be granted under the authority of this Act, in the same manner as if the money to be borrowed and the mortgages and assignments in security to be granted under the authority of this Act had been borrowed or granted under the authority of the recited Acts, or any of them. Provisions as to transfer and discharge of mortgages to be applicable to this Act.

14. Subject to the provisions of this Act, the Commissioners may make and maintain, in the lines and according to the levels described in the said deposited plans and sections, the conduits or lines of pipes, filtering beds, tanks, and access road herein-after described, and all approaches and other proper and necessary works and conveniences connected therewith, and may enter upon, take, and use such of the land delineated on the said deposited plans and described in the deposited book of reference as may be required for that purpose. Power to make works according to deposited plan.

15. The works authorised by this Act are—

1. A conduit or line of pipes situate in the parish of Neilston, commencing by a junction with the existing pipe laid through the north-westerly embankment of the Balgray reservoir of the Commissioners, and terminating in the filter bed herein-after next described :
2. A filter bed and clear water tank situate in the parish of Neilston in a field belonging or reputed to belong to the Right Honourable the Earl of Glasgow, and in the occupation of John Imrie, farmer, Auchinback, at a point in the said field 270 yards or thereabouts, measuring in an easterly direction, from the east corner of the farmhouse of Auchinback :
3. A conduit or line of pipes commencing in the parish of Neilston, and leading out of the said clear water tank lastly herein-before described on the northern side thereof,

Description of works.

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and terminating in the Abbey Parish of Paisley at a point on the turnpike road from Thornliebank to Hurlet 100 yards or thereabouts north-west from the north-west end of the bridge carrying the railway from Glasgow by Barrhead to Kilmarnock over the said road :

4. A conduit or line of pipes commencing in the parish of Mearns by a junction with the discharge pipe laid through the embankment of the Ryat Lynn reservoir of the Commissioners at the sluice situated 436 yards or thereabouts, measuring in a north-westerly direction, from the north-west corner of the Ryat Farm Buildings, and terminating in the parish of Eastwood in the filter herein-after next described :
5. A filter bed wholly in the parish of Eastwood in a field belonging or reputed to belong to Sir William Stirling Maxwell, Baronet, of Pollock, and in the occupation of James Strang, farmer, Upper Darnley, and which filter bed will be situated 200 yards or thereabouts south from the sluice keeper's house, near the existing filters of the Commissioners near Patterton, in the parish of Eastwood :
6. A conduit or line of pipes wholly in the parish of Eastwood, commencing in the said filter lastly above described on the north side thereof, and terminating in the existing clear water tanks of the Commissioners immediately north of the existing filters of the Commissioners lastly above referred to :
7. A road of access to the works of the Commissioners wholly in the parish of Eastwood, commencing at a point on the existing road of access to the Gorbals reservoirs of the Commissioners 79 yards or thereabouts, measuring in a westerly direction, from the sluice keeper's house before referred to, and terminating at a point on the private road leading to Upper Darnley farmsteading 225 yards or thereabouts, measuring in a north-westerly direction, from the north-west corner of the said farmsteading.

Power to
deviate.

16. The Commissioners may make lateral deviations from the lines of the works by this Act authorised to any extent not exceeding the limits of lateral deviation mentioned in the deposited plans, and may make vertical deviations from the levels of the said works as defined in the said deposited sections to any extent not exceeding three feet : Provided that the powers of lateral deviation shall not be used so as to increase the height of the walls or embankments of the filter beds and tanks by this Act authorised.

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17. Subject to the provisions of this Act, the Commissioners may also enter on, take, and use such of the other lands described in the deposited plans and book of reference as they may from time to time require for the purposes of their undertaking: Provided that the said lands shall not be built over, except for purposes connected with the undertaking of the Commissioners.

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Power to
take other
lands.

18. The Commissioners shall not, without the previous consent in writing of the Caledonian Railway Company and the Glasgow and South-western Railway Company, joint proprietors of the Glasgow and Kilmarnock joint line of railway, enter upon, take, or use under the powers of this Act any lands, works, or property in the parish of Eastwood or in the Abbey Parish of Paisley belonging to those companies, and the pipe or conduit already laid by the Commissioners under and near the bridge by which the said line of railway is carried over the road numbered 40 of the parish of Eastwood and numbered 4 of the Abbey Parish of Paisley in the deposited plans and book of reference shall be maintained and repaired, and any new or additional pipe or conduit which may be laid under and near that bridge shall be made, maintained, and repaired by the Commissioners, so as to secure the said line of railway and bridge from injury, and to prevent interruption or inconvenience to the traffic on the railway.

For protec-
tion of Glas-
gow and
Kilmarnock
joint line of
railway.

19. If any omission, misstatement, or erroneous description is found to have been made of any lands, or of any owners, lessees, or occupiers of any lands described or intended to be described in the deposited plans or book of reference, the Commissioners may apply to the sheriff for the correction thereof, after giving ten days notice to the owners, lessees, and occupiers of the lands affected by the proposed correction; and if it appears to the sheriff that the omission, misstatement, or erroneous description arose from mistake, he shall certify the same accordingly, stating the particulars of the omission, misstatement, or erroneous description, and his certificate shall be deposited with the principal sheriff clerk for the county of Renfrew, and shall be kept by him with the other documents to which it relates, and subject and according to the same enactments and provisions as apply to those other documents, and thereupon the deposited plans or book of reference (as the case requires) shall be deemed to be corrected according to the certificate, and the Commissioners may enter on, take, hold, and use those lands accordingly.

Corrections
of errors,
omissions,
&c.

20. The powers of the Commissioners for the compulsory purchase of lands, leases, and property shall not be executed after the period of three years from the passing of this Act.

Limitation of
time for com-
pulsory pur-
chases.

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Period for
completion
of works.

21. The works by this Act authorised shall be completed within seven years after the passing of this Act, and on the expiration of that period the powers by this Act granted to the Commissioners for executing the said works, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Power to
take addi-
tional lands
by agree-
ment.

22. The Commissioners may from time to time for purposes of their undertaking purchase by agreement any lands in addition to lands which they are authorised to take by compulsion, and the Commissioners may hold the same, not exceeding in the whole at one time ten acres; provided that the said lands shall not be built over except for purposes connected with the undertaking of the Commissioners.

Power to
take ease-
ments, &c.
by agree-
ment.

23. Persons empowered by "The Lands Clauses Consolidation (Scotland) Act, 1845," to sell and convey or release lands may, if they think fit, subject to the provisions of that Act, and of "The Lands Clauses Consolidation Acts Amendment Act, 1860," and of this Act, grant to the Commissioners any easement, right, or privilege, not being an easement of water, required for the purposes of this Act, in, over, or affecting any such lands, and the provisions of the said Acts with respect to lands and rentcharges, so far as the same are applicable in this behalf, shall extend and apply to such grants and to such easements, rights, and privileges as aforesaid respectively.

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

Restriction
on works
affecting
Post Office
telegraph
system.

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

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which shall be necessary to prevent accidents, and in any such case the Commissioners shall forthwith give notice to the Postmaster General of any such interference, and the reason for the same : A.D. 1877.

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

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

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

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

25. All costs, charges, and expenses of and incident to the preparing for, obtaining, and passing this Act, or otherwise in Expenses of Act.

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A.D. 1877. relation thereto, shall be paid by the Commissioners out of the
— rates to be levied, or the money to be borrowed under the authority
of the recited Acts and this Act.

The SCHEDULES referred to in the foregoing Act.

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SCHEDULE (A).

Form of Mortgage.

Mortgage No.

£

BY virtue of "The Glasgow Corporation Waterworks Act, 1855," "The Glasgow Corporation Waterworks Amendment Act, 1859," "The Glasgow Corporation Waterworks Amendment Act, 1860," "The Glasgow Corporation Waterworks Amendment Act, 1865," "The Glasgow Corporation Waterworks Amendment Act, 1866," "The Glasgow Corporation Waterworks Amendment Act, 1873," and "The Glasgow Corporation Waterworks Amendment Act, 1877," we, the magistrates and council of the city of Glasgow, as Commissioners appointed and acting under the said Acts, in consideration of the principal sum of (*specify amount*), paid by (*name and designation of mortgagee*) to the treasurer to the said Commissioners for the purposes of the said Acts, do hereby grant and assign to the said (*name of mortgagee*), and his executors, administrators, and assigns (*or as the case may be*), the several rates and charges to be levied and charged by them under the authority of the said Acts, or any of them, to hold to the said mortgagee and his foresaids until the said principal sum and the whole interest due thereon shall be fully paid and satisfied; and it is hereby stipulated that the said principal sum shall be repayable on the (*date*), or shall thereafter in virtue hereof remain as a loan to the said Commissioners until the expiration of a further term of years, and at such rate of interest as shall be specified in a minute or minutes to be endorsed hereon and signed by the said mortgagee or his foresaids, and by the treasurer to the said Commissioners, and which minutes are hereby declared and shall be held to be valid and binding though they may be neither holograph of the said mortgagee or his foresaids, nor tested, and for and in respect of interest on the said principal sum to the said date of repayment first above-mentioned (being at the rate of

per centum per annum), the said Commissioners shall pay the several sums contained in the (*state number*) interest warrants bearing the number and date hereof and delivered herewith, and that at the several times mentioned in such warrants, upon delivery of the same respectively, and such delivery shall be a sufficient receipt and discharge to the said Commissioners for the contents of such warrants: Declaring that the said mortgagee and his foresaids shall not be entitled to make, and that the said Commissioners shall not be bound to recognise or register any partial assignation of these presents, or of the sums of money, principal or interest, herein contained, and that the said Commissioners shall not be liable for any expenses that may be incurred by the said mortgagee or his foresaids for or in relation to the preparation, revision, adjustment, or execution of this mortgage, or of any

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In witness whereof (*testing clause according to the form of the law of Scotland*).

SCHEDULE (B).

Form of Interest Warrant.

GLASGOW CORPORATION WATERWORKS.

Mortgage No.

Dated

18

Interest Warrant.

For	pounds	shillings	£
and	pence	.	.
	Less Income Tax	.	.

£

Payable on
at the

18

Treasurer.