

CHAPTER cxciv.

An Act to confer further powers on the Lord Provost Magistrates and Town Council of the City and Royal Burgh of Aberdeen with reference to their Gas and Water Undertakings to make more effectual provision for the prevention of the pollution of the River Dee and for other purposes. A.D. 1893.
[24th August 1893.]

WHEREAS by the Aberdeen Police and Waterworks Act 1862 (herein-after called "the Act of 1862") a body of commissioners of police was established in the city of Aberdeen and provisions were made and powers conferred with respect to the supply of water to the city: 25 & 26 Vict.
c. cciii.

And whereas by the General Police and Improvement (Scotland) Supplemental Act 1866 and by the Aberdeen Police and Waterworks Amendment Act 1867 (herein-after called "the Act of 1867") the Act of 1862 was in certain respects amended: 29 & 30 Vict.
c. xciii.
30 Vict.
c. li.

And whereas by the Aberdeen Municipality Extension Act 1871 (herein-after called "the Act of 1871") the municipal boundaries of the city and Royal burgh of Aberdeen (herein-after called "the city") were extended and defined and the powers of the commissioners of police acting under and in virtue of the Act of 1862 and the Acts amending the same were transferred to and vested in the Town Council and the provisions of those Acts or some of them were extended and made to apply to the city as extended and defined by the Act under recital and the works and undertaking of the Gas Light Company of Aberdeen were by that Act transferred to and vested in the Town Council: 34 & 35 Vict.
c. cxli.

And whereas by the Aberdeen Corporation Act 1881 (herein-after called "the Act of 1881") further powers were conferred on the Town Council with reference among other purposes to their gas and water undertakings: 44 & 45 Vict.
c. lxxiii.

[Ch. cxciv.] *Aberdeen Corporation (Gas and Water) Act, 1893.* [56 & 57 VICT.]

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46 & 47 Vict.
c. lx.

And whereas by the Aberdeen Extension and Improvement Act 1883 the municipal boundaries of the city were further extended and the powers of the Town Council under and in virtue of the recited Acts and the provisions of those Acts or some of them were extended and made to apply to the city as extended and defined by the Act under recital :

48 & 49 Vict.
c. cxxiii.

And whereas by the Aberdeen Corporation Water Act 1885 (herein-after called "the Act of 1885") the Town Council were authorised to construct additional works in connection with their water supply :

54 & 55 Vict.
c. cxxiv.

And whereas by the Aberdeen Corporation Act 1891 (herein-after called "the Act of 1891") the municipal boundaries of the city were further extended and the recited Acts were in some respects amended :

And whereas it is expedient on account of the increasing population and trade of the city that further powers should be conferred on the Town Council with reference to their gas and water undertakings and that the Town Council should be authorised to acquire the lands and construct the works by this Act authorised :

And whereas the water supply of the city is wholly derived from the River Dee :

And whereas the burgh of Ballater is a police burgh under the administration of a body of police commissioners and the villages of Kincardine O'Neil Aboyne and Braemar are subject to the jurisdiction of the county council of the county of Aberdeen and the Deeside district committee of that county under the Local Government (Scotland) Act 1889 :

And whereas sewage from that burgh and those villages is now discharged into the river above the intake of the city waterworks and is a source of pollution of the river :

And whereas the villages of Kincardine O'Neil and Aboyne have been formed into special drainage districts under and in terms of the Public Health (Scotland) Act 1867 :

And whereas the portion of the village of Braemar called Auchindryne is a special water supply district and special drainage district but such district does not include the portion called Castleton :

And whereas the existing works at Auchindryne and Castleton for the treatment of the sewage are inadequate :

And whereas it is desirable that the special water supply and drainage district at Braemar should be enlarged so as to include both Auchindryne and Castleton :

And whereas the police commissioners of the burgh of Ballater and the Deeside district committee have agreed to construct works

for the interception of the sewage of the burgh of Ballater and of the special districts before mentioned and of the enlarged special district at Braemar respectively : A.D. 1893.

And whereas it is expedient that provision should be made for effectually securing the purity of the water of the River Dee and that the Town Council should for that purpose be authorised to acquire land and construct and maintain works for leasing treating and utilising the sewage of the said burgh and special districts :

And whereas it is expedient that the Town Council the county council of the county of Aberdeen the Deeside district committee of that county and the police commissioners of the burgh of Ballater should be authorised from time to time to enter into contracts and agreements with reference to the purposes of this Act :

And whereas it is expedient that the powers of the Town Council with respect to the levying of rates assessments and charges within the city should be amended :

And whereas it is expedient that the Town Council should be authorised to raise further moneys for the general purposes of their gas and water undertakings and the other purposes of this Act and that their borrowing powers should be enlarged :

And whereas it is expedient that the Town Council should be authorised to erect and maintain a new police station and burgh court house and to defray the cost thereof :

And whereas it is expedient to confer further powers on the Town Council in reference to fixing the level and width of new streets and to amend the provisions of the recited Acts in other respects :

And whereas plans and sections and additional plans and sections showing the lines and levels of the works authorised by this Act and plans and additional plans of the lands to be taken under the powers thereof and also respective books of reference thereto containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the principal sheriff clerks for the counties of Aberdeen and Kincardine and are herein-after respectively referred to as the deposited plans sections and books of reference :

And whereas the purposes of this Act cannot be effected without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :—

A.D. 1893. **1.** This Act may be cited as the Aberdeen Corporation (Gas and Water) Act 1893.

Short title.

Division of Act into parts.

2. This Act is divided into parts as follows:—

Part I.—Preliminary.

Part II.—Gas.

Part III.—Water.

Part IV.—Prevention of pollution of River Dee.

Part V.—Rates and assessments.

Part VI.—Additional borrowing powers.

Part VII.—New police station and burgh court house.

Part VIII.—Miscellaneous.

PART I.—PRELIMINARY.

When Act to take effect.

3. This Act shall come into operation and take effect on and from the first day of September one thousand eight hundred and ninety-three except as regards the provisions contained in Part V. hereof intituled Rates and assessments and in section 34 hereof relating to the sinking fund applicable to the water undertaking and those provisions shall come into operation and take effect as on and from the fifteenth day of May one thousand eight hundred and ninety-four.

Incorporation of Acts.

4. The Acts and enactments following so far as they are applicable to the purposes of and are not varied by or inconsistent with this Act are incorporated with and form part of this Act (that is to say):—

The Lands Clauses Acts:

The provisions of the Railways Clauses Consolidation (Scotland) Act 1845 with respect to roads and to the temporary occupation of lands near the railway during the construction thereof Provided nevertheless that those provisions shall be read so as to apply only to the construction of the reservoirs by this Act authorised and the works immediately connected therewith and as if such reservoirs and works were therein referred to instead of “the railway” and as if the boundaries of the said reservoirs and works were therein mentioned instead of “the centre of the railway” and the prescribed limits shall be two hundred yards from the margin of the intended reservoirs and the works immediately connected therewith;

The Gasworks Clauses Acts 1847 and 1871;

The Waterworks Clauses Acts 1847 and 1863 except the provisions 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 except

the words in section 44 of the Waterworks Clauses Act 1847 A.D. 1893.
 “ with the consent in writing of the owner or reputed owner
 “ of any such house or of the agent of such owner.”

5. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction. Provided always that in the Acts wholly or partially incorporated with this Act the expression “ the special Act ” means this Act the expressions “ the promoters of the undertaking ” “ the commissioners ” and “ the company ” mean the Town Council and the expression “ the undertaking ” means the gas undertaking the water undertaking and the sewage utilisation works respectively authorised by this Act. Same meanings to words in incorporated Acts and this Act.

6. In this Act the following words and expressions have the meanings hereby assigned to them :— Interpretation of terms.

“ The city ” means the city and Royal burgh of Aberdeen within the boundary and limits described and defined in the Act of 1891 ;

“ The Town Council ” means the lord provost magistrates and town council of the city for the time being ;

“ The gas undertaking ” means the gas undertaking authorised by the recited Acts and this Act ;

“ The water undertaking ” means the water undertaking authorised by the recited Acts and this Act ;

“ The county council ” means the county council of the county of Aberdeen ;

“ The district committee ” means the Deeside district committee of the county of Aberdeen under the Local Government (Scotland) Act 1889 ;

“ The police burgh ” means the police burgh of Ballater ;

“ The police commissioners ” means the police commissioners of the burgh of Ballater ;

“ The drainage districts ” means the special drainage districts formed at Kincardine O’Neil and Aboyne and the special drainage district at Braemar constituted and defined by this Act ;

“ The sewage lands ” means the lands to be acquired under the powers of this Act for the treatment and utilisation of sewage.

PART II.—GAS.

7. Subject to the provisions of this Act the Town Council may enter upon take hold and use such of the lands delineated on the deposited plans and described in the deposited books of reference Power to take lands for gas purposes.

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as they from time to time require for the purposes of the gas undertaking which lands are respectively described in the First Schedule to this Act.

Power to store gas &c.

8.—(1.) On the lands at Gallowhills described in Part I. of the First Schedule to this Act the Town Council may store and supply gas and may erect lay down provide and from time to time maintain alter improve enlarge extend and renew or discontinue gasometers receivers drains sewers mains pipes machinery and other works apparatus and conveniences and may do all such other acts as they deem proper for storing gas and residual products arising from the manufacture of gas and coke coal or other materials used or manufactured in connection therewith Provided always that no gasholder shall be erected on those lands within the distance of thirty-six feet from the north enclosing wall of Trinity Cemetery.

(2.) On the lands at Scatterburn described in Part II. of the First Schedule to this Act the Town Council may store and supply gas and may erect lay down provide and from time to time maintain alter improve enlarge extend and renew or discontinue gasometers receivers drains sewers mains pipes machinery and other works apparatus and conveniences and may do all such other acts as they deem proper for storing gas.

Power to purchase lands by agreement. Gas not to be stored except on lands scheduled.

9. The Town Council may for the purposes of the gas undertaking purchase take and hold (by agreement but not otherwise) in addition to the lands described in the First Schedule to this Act any lands and hereditaments not exceeding in the whole ten acres which they may from time to time require for the purposes of the gas undertaking but the Town Council shall not create or permit a nuisance on any such lands and no lands acquired under the powers of this Act shall be used by them for the purpose of storing gas except the lands described in the First Schedule to this Act or for the purpose of storing residual products except the lands described in Part I. of the First Schedule to this Act.

Period for compulsory purchase of lands for gas undertaking.

10. The powers of the Town Council for the compulsory purchase of lands for the purposes of this part of this Act shall cease after the expiration of two years from the commencement of this Act.

New works to form part of gas undertaking.

11. The lands described in Part I. of the First Schedule to this Act and the lands to be acquired under the authority of this part of this Act and the works to be constructed by the Town Council shall for all purposes be deemed to be part of the gas undertaking.

PART III.—WATER.

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12. Subject to the provisions of this Act the Town Council may make and maintain in the lines and according to the levels shown on the deposited plans and sections the reservoirs and other works and conveniences connected therewith herein-after described and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited books of reference as may be required for that purpose The works authorised by this part of this Act are—

Power to
construct
waterworks.

- (1.) A settling reservoir at Invercannie in the parish of Banchory Ternan and county of Kincardine on the lands of Invercannie belonging or reputed to belong to Sir Robert Burnett Baronet lying to the south of the burn of Cannie and to the west of the existing reservoir at Invercannie belonging to the Town Council which reservoir will be of a circular form and six hundred and seventy feet or thereabouts internal diameter and the centre of which will be two hundred and twenty-five yards or thereabouts west of the centre of the existing reservoir at Invercannie ;
- (2.) Two service reservoirs at Kittybrewster on the lands of Cattofield belonging to the Town Council and lying on the south-west side of Tanfield Road which reservoirs will be of a rectangular form and constructed in juxtaposition the north-west wall of the one reservoir forming the south-east wall of the other reservoir and which reservoirs will be bounded as follows On the north-west by a straight line four hundred feet or thereabouts in length drawn in a north-easterly direction from a point six hundred and sixty feet or thereabouts south-west from Tanfield Road parallel to and at the distance of seventy-three feet from the south-east side of Cattofield Place on the north-east by a straight line two hundred and forty-five feet or thereabouts in length drawn in a south-easterly direction at right angles to the north-west boundary on the south-east by a straight line drawn parallel to the north-west boundary and on the south-west by a straight line drawn parallel to the north-east boundary ;
- (3.) A supply main or line of pipes commencing by a junction with a main of the Town Council in Back Hilton Road at a point ninety-three yards or thereabouts east of the entrance gate to Cattofield House proceeding thence in a north-westerly and north-easterly direction and terminating by a junction with each of the service reservoirs ;

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(4.) A distribution main commencing by a junction with each of the service reservoirs on the north-east side thereof proceeding thence in a north-easterly direction and terminating by a junction with a main of the Town Council in Lilybank Place.

The service reservoirs and mains before described will be situated in the parish of Old Machar and city and Royal burgh of Aberdeen and county of Aberdeen.

Town council not to acquire certain property at Invercannie.

13. Notwithstanding anything in this Act contained the Town Council shall not acquire by compulsion or agreement under the powers of this Act the lands at Invercannie numbered nine on the deposited plans in the parish of Banchory Ternan and county of Kincardine.

Purchase of additional lands for water undertaking.

14. The Town Council may for the purposes of the water undertaking from time to time purchase take and hold by agreement but not otherwise any lands and any interest easement right of user power or privilege in over or affecting any lands which they think expedient not exceeding in the whole ten acres But the Town Council shall not be exempt from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any lands so taken.

New works to form part of water undertaking.

15. Subject to the provisions of this part of this Act the works to be constructed under the authority thereof shall be deemed part of the waterworks belonging to the Town Council and be comprised in the water undertaking and the provisions contained in the Act of 1862 for preventing accidents from reservoirs shall apply to the reservoirs and other works by this part of this Act authorised.

Period for compulsory purchase of lands for water undertaking.

16. The powers of the Town Council for the compulsory purchase of lands for the purposes of this part of this Act shall cease after the expiration of five years from the commencement of this Act.

Period for completing works.

17. If the works by this part of this Act authorised are not completed within seven years from the commencement of this Act then on the expiration of that period the powers by this Act granted to the Town Council for making and completing those works or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

PART IV.—PREVENTION OF POLLUTION OF RIVER DEE.

Constitution of special drainage district at Braemar.

18. The area or district comprehended within the boundary after described and including the village of Braemar (Auchindryne and Castleton) is hereby formed into and constituted and declared to be a special water supply district and a special drainage district under

and for the purposes of the Public Health (Scotland) Act 1867 the Public Health (Scotland) Amendment Act 1882 and the Local Government (Scotland) Act 1889 to the like effect in all respects as if it had been formed and constituted under the Public Health (Scotland) Act 1867 (that is to say):—

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Commencing on the east side of the public road leading from Ballater to Braemar at a point three hundred and thirty yards or thereabouts south from the fifty-eighth milestone from Aberdeen proceeding thence eastwards in a straight line for a distance of one hundred yards or thereabouts thence south-eastwards in a straight line to the point where the Coire Feragie Burn enters the curling pond thence southwards in a straight line to the junction of the Dubh-Chlais Drive with the public road leading from Braemar to Spital of Glenshee thence westwards in a straight line across the River Clunie to a point fifty yards or thereabouts south of the cottage known as Woodhill Cottage thence westwards in the same straight line to the Mill of Coull Burn thence northwards along that burn to its junction with the River Dee thence eastwards along the River Dee to the centre of the pool known as Pola Pool thence north-eastwards in a straight line to the point of commencement.

The district so formed shall be known as the Braemar Special Water Supply District and the Braemar Special Drainage District.

19. The agreement entered into between the Town Council and the district committee dated the first and third days of April one thousand eight hundred and ninety-three and set forth in the Second Schedule to this Act is hereby confirmed and made binding on the parties thereto.

Confirming agreement with Deeside district committee.

20. The agreement entered into between the Town Council and the police commissioners dated the first and third days of April one thousand eight hundred and ninety-three and set forth in the Third Schedule to this Act is hereby confirmed and made binding on the parties thereto.

Confirming agreement with Ballater Police Commissioners.

21. Subject to the provisions of this Act and the agreements hereby confirmed the Town Council may enter upon take and use for the purpose of receiving treating utilizing disinfecting or distributing the sewage of the respective drainage districts and the police burgh such of the lands delineated upon the deposited plans and described in the deposited books of reference as may be required for those purposes which lands are respectively described in the Fourth Schedule to this Act.

Power to take lands for sewage purposes.

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Power to construct works for sewage purposes.

22. Subject to the provisions of this Act and the agreements hereby confirmed the Town Council may from time to time construct on the sewage lands or any part thereof and thereafter maintain and use all necessary and proper erections appliances tanks reservoirs basins mains buildings machinery apparatus and works for the treatment and utilisation of the sewage of the respective drainage districts and the police burgh but so always that the ground and the operations conducted thereon shall not become a nuisance.

Power to construct road of access at Kincardine O'Neil.

23. Subject to the provisions of this Act and the agreements hereby confirmed the Town Council may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited books of reference as may be required for the purpose of making and constructing in the line and according to the level shown on the deposited plans and sections the road herein-after described (that is to say) :—

A road of access commencing by a junction with the public road leading from Banchory to Aboyne at a point fifty yards or thereabouts east of the bridge which carries the said public road over the Neil Burn and terminating on the west bank of the Neil Burn at a point two hundred and eighty yards or thereabouts above the junction of that stream with the River Dee all in the parish of Kincardine O'Neil in the county of Aberdeen.

Power to county council and police commissioners to borrow.

24. The county council and police commissioners shall have and may exercise all the powers of borrowing rating and assessing within their respective jurisdictions conferred on county councils with respect to special drainage districts under the Public Health (Scotland) Act 1867 and the Local Government (Scotland) Act 1889 and on police commissioners by the Burgh Police (Scotland) Act 1892 for the purpose of enabling the county council the district committee and the police commissioners respectively to pay any moneys falling to be paid by them for the sewage lands under this Act or the agreements hereby confirmed.

Power to county council and district committee as to construction of sewers and drains and

25. The county council and the district committee respectively shall in addition to all other powers exercisable by them under any other statute have such and the same powers for the construction of sewers and drains and for obtaining supplies of water for special drainage districts and for special water supply districts as are conferred upon police commissioners in respect of the burghs administered by them by sections 215 to 256 of the Burgh Police

(Scotland) Act 1892 as to public sewers drainage of houses soil pipes and waterclosets and by sections 257 to 269 of the said Act as to supply of water.

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for obtaining supplies of water.

26. The powers of the Town Council for the compulsory purchase of lands for the purposes of this part of this Act shall cease after the expiration of three years from the commencement of this Act.

Limitation of time for compulsory purchase of sewage lands.

27. The Town Council the district committee and the police commissioners may make and carry into effect such further contracts and agreements as they may deem expedient for purposes similar to those specified and contained in the agreements hereby confirmed.

Further agreements with district committee &c.

28. All costs charges and expenses incurred by the Town Council in executing and carrying into effect the provisions of this part of this Act and the agreements hereby confirmed shall in so far as not repayable by the district committee and police commissioners respectively be chargeable as expenditure in connection with the water undertaking.

Provision as to expenditure for sewage purposes.

PART V.—RATES AND ASSESSMENTS.

29. Section 37 of the Act of 1885 shall as regards the public water rate leviable within the city be read and construed as if the words two pence were therein mentioned instead of one penny.

Amendment of section 37 of the Act of 1885.

30. Sub-section 2 of section 95 of the Public Health (Scotland) Act 1867 shall as regards the assessments within the city be read and construed as if the word fourpence were therein mentioned instead of threepence.

Amendment of sub-section 2 of section 95 of the Public Health (Scotland) Act 1867.

PART VI.—ADDITIONAL BORROWING POWERS.

31. The Town Council may from time to time borrow for the purposes of the gas undertaking any sum or sums of money not exceeding ninety thousand pounds in addition to the moneys authorised to be borrowed by the Act of 1871 and the Act of 1881 and they may again borrow any sums which may be repaid by them from time to time otherwise than by means of the sinking funds provided by those Acts and this Act and any moneys so borrowed by them shall be deemed to have been borrowed for the purposes of the gas undertaking under the powers of those Acts and this Act and the maximum sum which may be borrowed by the Town Council for the gas undertaking is hereby increased accordingly and all sums borrowed under the authority of this section shall be secured on mortgage of the rents charges and revenues to be levied and received

Power to borrow for gas undertaking.

A.D. 1893. by the Town Council in respect of the gas undertaking and of the Aberdeen gas contingent guarantee rate.

As to sinking fund for gas undertaking.

32. Section 44 of the Act of 1881 with reference to the sinking fund shall be and is hereby made applicable to the moneys authorised to be borrowed under this Act for the gas undertaking.

Power to borrow for water undertaking.

33. The Town Council may from time to time borrow for the purposes of the water undertaking any sum or sums of money not exceeding seventy thousand pounds in addition to the moneys authorised to be borrowed by the Act of 1862 the Act of 1867 the Act of 1881 and the Act of 1885 and they may again borrow any sums which may be repaid by them from time to time otherwise than by means of the sinking funds provided by those Acts and this Act and any moneys so borrowed by them shall be deemed to have been borrowed for the purposes of the water undertaking under the powers of the Act of 1885 and the maximum sum which may be borrowed by the Town Council for the water undertaking is increased accordingly.

Repeal of sinking fund clauses applicable to water undertaking and provision for new sinking fund.

34. Section 22 of the Act of 1867 section 43 of the Act of 1881 and section 51 of the Act of 1885 are hereby repealed and the Town Council are hereby required annually to set apart as a sinking fund from and out of the water rates rents and charges authorised to be levied by the Act of 1885 and this Act a sum not less than three pounds per centum upon all moneys borrowed for the purposes of the water undertaking and such sinking fund shall from time to time be applied by the Town Council in paying off such borrowed moneys until the same be wholly paid off and to no other purpose.

Application of unexhausted borrowing powers for water undertaking.

35. The Town Council may from time to time exercise for the general purposes of the water undertaking to which capital is properly applicable all or any borrowing powers conferred upon them by the Act of 1885 so far as the same have not already been exercised.

PART VII.—NEW POLICE STATION AND BURGH COURT HOUSE.

Power to erect police station and burgh court house.

36. The Town Council may upon any lands now belonging to them within the city erect fit up furnish and maintain a new police station and burgh court house and defray the cost of such buildings and site thereof out of moneys to be borrowed as hereinafter provided.

Power to borrow additional moneys on security of city rate.

37. The Town Council may from time to time borrow on the security and credit of the city rate authorised to be levied by the Act of 1891 (hereinafter referred to as "the city rate") the sum of twenty thousand pounds for defraying the cost of the new police

station and burgh court house and the site thereof and may make and grant bonds and assignations for the money so to be borrowed and if after having borrowed the said sum or any part thereof the Town Council pay off the same except by means of the sinking fund herein-after provided they may again borrow the amount so paid off and so from time to time and the provisions of the Act of 1891 with respect to the form of mortgage or assignation shall in so far as applicable apply to the moneys to be borrowed under the authority of this part of this Act.

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38. The Town Council shall and they are hereby required annually to set apart out of the city rate as a sinking fund a sum not less than three pounds per centum on the amount for the time being borrowed under this part of this Act to be applied in paying off such borrowed money until the same is wholly paid off and to no other purpose.

Sinking fund.

39. The interest on the amount borrowed under the authority of this part of this Act the sum to be annually set apart as a sinking fund and the annual expense of maintenance of the new police station and burgh court house shall be deemed expenditure under the sixth head of the estimate made up in terms of section 39 of the Act of 1891 and shall be included in the city rate and the proportion of such rate corresponding thereto shall be payable one-half by the owners and one-half by the occupiers of all lands and heritages within the city.

Cost of maintenance of police station and burgh court house.

PART VIII.—MISCELLANEOUS.

40. The sinking funds to be set apart as provided by the recited Acts and this Act may from time to time be invested in any of the securities specified in the Trusts (Scotland) Amendment Act 1884.

Investment of sinking funds.

41. For the purposes of the Act of 1891 the powers by this Act granted to the Town Council to borrow moneys shall be deemed a borrowing power of the Town Council within the meaning of the Act of 1891 and may be exercisable by the Town Council as if those borrowing powers had been a borrowing power of the Town Council under the Act of 1891 and the provisions of that Act shall apply to the borrowing powers by this Act granted to the Town Council and this Act shall be deemed one of the City Acts specified in the Act of 1891.

Borrowing powers under this Act to be deemed borrowing powers under Act of 1891.

42. The several sums borrowed by the Town Council under the authority of this part of this Act for the purposes of the gas undertaking and water undertaking respectively shall be applied to those

Application of borrowed moneys.

A.D. 1893. purposes so far only as capital is properly applicable thereto and for no other purpose whatever.

Existing mortgages not to be affected.

43. Nothing in this Act shall prejudice or affect any mortgage bond or other security granted under the provisions of the recited Acts for the purposes of the gas undertaking or the water undertaking or either of them and existing at the time of the commencement of this Act or any powers rights or authorities of the persons entitled to any such mortgage bond or security for recovering or enforcing payment thereof or of the interest thereon.

Limits of lateral and vertical deviation.

44. In the construction of the works by this Act authorised the Town Council may deviate laterally from the lines thereof as shown on the deposited plans to the extent of the limits of lateral deviation marked thereon and vertically from the levels shown on the deposited sections to any extent not exceeding five feet upwards and five feet downwards Provided always that the Town Council shall not in the exercise of the powers of lateral deviation hereby given construct any embankment or wall of the said reservoirs or any conduit of a greater height above the general surface of the ground than the height of the corresponding embankment wall or conduit as shown on the deposited sections and three feet in addition.

Power to sell or lease superfluous land and exempting same from provisions of Lands Clauses Acts.

45. The Town Council may from time to time sell feu or lease as they think fit any lands acquired by them under this Act which may not be required for the purposes of this Act and the provisions of the Lands Clauses Acts with respect to the sale of superfluous lands shall not apply to such lands.

Power to grant easements.

46. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Town Council any easement servitude right or privilege not being an easement of water required for the purposes of this Act in or 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.

Correction of errors in deposited plans and books of reference.

47. 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 described in the deposited books of reference the Town Council after giving ten days notice to the owners lessees and occupiers of the lands in question may apply to the sheriff for the 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 Aberdeen or of the county of Kincardine as the case may be and a duplicate thereof shall also be deposited with the session clerk of the parish in which such lands affected thereby are situate and such certificate and duplicate shall be kept by such sheriff clerk and session clerk respectively with the other documents to which the same relate and thereupon the deposited plans and books of reference shall be deemed to be corrected according to such certificate and the Town Council may enter upon take and use the lands and execute the works in accordance with such certificate.

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48. The Town Council shall not under the powers of this Act purchase or acquire 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.

For the purpose of this section the expression "labouring class" means and includes mechanics artizans 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 of such persons who may be residing with them.

49. The cost and expenses which the Town Council may from time to time incur in widening altering or improving any street or road within the city shall be deemed to be and be chargeable as expenditure under the Aberdeen County and Burgh Roads Act 1883 and shall be included under the sixth head of the estimate made up in terms of section 39 of the Act of 1891 and the rate or assessment to be imposed in respect thereof shall be payable one-half by the owners and one-half by the occupiers of all lands and heritages within the city.

As to cost of widening &c. of streets.

50. Sections 324 to 327 of the Act of 1862 and section 71 of the Act of 1881 shall be read and construed in the case of streets laid out after the commencement of this Act as if the words "level and gradients" had been used therein instead of the word "level" wherever the same occurs in the said sections:

Amendment of certain sections of Acts of 1862 and 1881.

[Ch. cxciv.] *Aberdeen Corporation (Gas and Water) Act, 1893.* [56 & 57 VICT.]

A.D. 1893.

Section 330 of the Act of 1862 and section 55 of the Act of 1881 shall be read and construed in the case of streets laid out and buildings erected after the commencement of this Act as if the word "forty" were inserted in those sections instead of the words "thirty-six":

Section 50 of the Act of 1881 shall be read and construed as if the words "and also elevations" were inserted in that section after the word "storey":

Section 71 sub-section 3 of the Act of 1881 shall be read and construed as if the words "or deviate from the sanctioned plans sections and elevations" were inserted in that sub-section after the word "therein."

Alteration of designation of superintendent of police.

51. In the Act of 1862 and the other recited Acts the expression "chief constable" shall be substituted for the expression "superintendent of police" wherever the latter expression occurs.

Dates at which city accounts to be closed and balanced.

52. The dates at which the Town Council shall annually close and balance their accounts shall be:—

- (1.) As regards the corporation police water and city improvement accounts the thirty-first day of May;
- (2.) As regards the gas accounts the thirty-first day of July;
- (3.) As regards the other accounts of the Town Council the thirty-first day of May.

Costs of Act.

53. The costs charges and expenses of and incident to the preparing for obtaining and passing of this Act shall be paid by the Town Council out of the funds assessments rates rents charges and revenues of the gas undertaking and water undertaking or any other funds under their control in such proportions as they may determine or out of moneys borrowed under the authority of this Act and the recited Acts.

SCHEDULES referred to in the foregoing Act.

A.D. 1893.

THE FIRST SCHEDULE.

PART I.

LANDS BELONGING OR REPUTED TO BELONG TO THE TOWN COUNCIL WHICH
MAY BE USED FOR THE STORAGE OF GAS AND RESIDUAL PRODUCTS.

Certain lands at Gallowhills in the parish of St. Nicholas (North Parish) and the city and Royal burgh of Aberdeen containing an area of ten and a half acres Imperial measure or thereabouts and comprehended within the following boundary:—

Commencing at the junction of Park Road with the footpath which leads from that road to the shelter at Gallowhills proceeding thence westwards along the north side of the said footpath for a distance of three hundred and twenty-nine yards or thereabouts thence northwards in a straight line for a distance of sixty-nine yards or thereabouts thence eastwards in an irregular line for a distance of three hundred and eighty-two yards or thereabouts along the south boundary of the property belonging or reputed to belong to Henry William Knight Erskine thence southwards for a distance of seventeen yards or thereabouts along the west boundary of the Old Town Links thence eastwards for a distance of twenty-six yards or thereabouts along the south boundary of the Links thence southwards along the west boundary of the Links for a distance of one hundred and twenty-six yards or thereabouts to Park Road thence westwards along the north side of Park Road for a distance of one hundred and three yards or thereabouts to the point of commencement.

PART II.

LANDS WHICH MAY BE ACQUIRED BY THE TOWN COUNCIL UNDER THIS ACT
TO BE USED FOR THE STORAGE OF GAS.

A piece of ground at Scatterburn in the parishes of Newhills and Old Machar and county and city and Royal burgh of Aberdeen forming part of the lands of Auchmill containing an area of two roods sixteen poles and eighteen square yards Imperial measure or thereabouts and comprehended within the following boundary:—

Commencing on the south side of the Aberdeen and Inverurie Road at a point forty yards or thereabouts west of the centre line of the bridge carrying that road across the Scatterburn proceeding thence southwards in a straight line for a distance of three hundred and ninety-five feet or thereabouts thence westwards in a straight line for a distance of seventy feet or thereabouts thence northwards in a straight line for a distance of four hundred and forty-eight feet or thereabouts to the said Aberdeen and Inverurie Road and thence eastwards along that road for a distance of seventy feet or thereabouts to the point of commencement.

A.D. 1893.

THE SECOND SCHEDULE.

MINUTE OF AGREEMENT between the Lord Provost Magistrates and Town Council of the city and Royal burgh of Aberdeen (herein-after called "the Town Council") on the one part and the Deeside District Committee of the county of Aberdeen under the Local Government (Scotland) Act 1889 (herein-after called "the District Committee") on the other part.

WHEREAS the Town Council are the promoters of the Bill in the present session of Parliament intituled "A Bill to confer further powers on the Lord Provost Magistrates and Town Council of the city and Royal burgh of Aberdeen with reference to their gas and water undertakings to make more effectual provision for the prevention of the pollution of the River Dee and for other purposes" (herein-after called "the Bill") the parties have agreed and hereby agree and bind and oblige themselves as follows—that is to say:—

First.—The sewage of the special drainage districts of Kincardine O'Neil Aboyne and Braemar (Auchindryne and Castleton) (herein-after referred to as "the drainage districts") shall be leased by the District Committee to the Town Council subject to the approval and authority of the board of supervision for the period of twenty-five years from the first day of January one thousand eight hundred and ninety-five at a nominal rent.

Second.—Where the District Committee may be in a position to provide land suitable as regards character situation and extent for the treatment and utilisation of the sewage of any of the drainage districts the land shall be leased by the District Committee to the Town Council for the like period of twenty-five years at a nominal rent.

Third.—Where the District Committee may be unable to provide to the satisfaction of the Town Council land for the treatment and utilisation of the sewage of any of the drainage districts the Town Council shall be entitled to exercise the compulsory powers contained in the Bill for the acquisition of the sewage lands therein described and in the event of these powers being so exercised the District Committee shall repay to the Town Council the cost of the land acquired such cost to be repayable on the Town Council executing a conveyance in favour of the District Committee and receiving from the District Committee a lease of the land so acquired for the like period of twenty-five years at a nominal rent.

Fourth.—The Town Council shall from time to time construct on the lands so leased and thereafter maintain during the currency of the lease all necessary and proper works for the treatment and utilisation of the sewage of the respective drainage districts but so always that the ground and the operations conducted thereon shall not become a nuisance.

Fifth.—The District Committee shall at their own expense construct previous to the first day of January one thousand eight hundred and ninety-five and thereafter maintain during the currency of the lease relating to each drainage district such main or intercepting sewers between the respective drainage districts and the sewage lands as may be necessary for intercepting and

conveying the whole of the sewage of the respective drainage districts to the point of discharge at the irrigation ground. A.D. 1893.

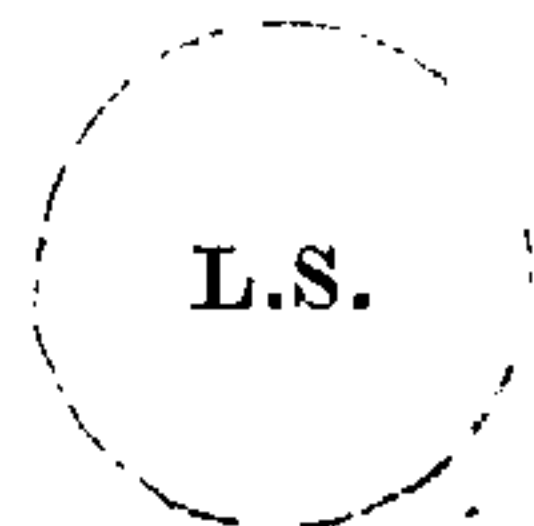
Sixth.—In the event of an extension of the area of any of the drainage districts during the currency of the lease relating to such district the provisions of this agreement shall apply to the district as so extended.

Seventh.—This agreement which is made subject to such alterations as Parliament may think fit to make therein shall be scheduled to and confirmed by the Bill.

Eighth.—Both parties consent to the registration hereof for preservation and execution.

In witness whereof these presents (printed on this and the preceding page) are executed by the parties in duplicate as follows that is to say Are subscribed on behalf and by authority of the District Committee by Colonel Thomas Innes and Lieutenant-Colonel Francis Newell Innes two members of the District Committee and by Andrew George Anderson the district clerk as follows namely By the said Andrew George Anderson at Aboyne on the first day of April one thousand eight hundred and ninety-three before these witnesses John Walkinshaw accountant in the office at Aboyne of the North of Scotland Bank Limited and the Reverend Andrew Gray schoolmaster Aboyne and by the said Thomas Innes and Francis Newell Innes both at Aberdeen on the third day of said month of April and year last mentioned before these witnesses Charles Brown Davidson advocate in Aberdeen and George Troup Cran law apprentice to Messrs. Lumsden and Davidson advocates in Aberdeen and are in terms of the Aberdeen Municipality Extension Act 1871 subscribed on behalf of the Town Council by David Stewart the lord provost Alexander Lyon junior the senior baillie and William Gordon the town clerk all of the said city and Royal burgh of Aberdeen and sealed with the common seal of the Town Council all at Aberdeen on the said third day of April one thousand eight hundred and ninety-three before these witnesses Alexander Yeats depute town clerk of Aberdeen and George Strachan assistant in the town clerks office Aberdeen Declaring that this testing clause from and after the words "that is to say" is written by George Thomson writer in Aberdeen.

ALEX. YEATS Witness.
GEORGE STRACHAN Witness.



C. B. DAVIDSON Witness.
GEO. T. CRAN Witness.
JOHN WALKINSHAW Witness.
ANDREW GRAY Witness.

DAVID STEWART
Lord Provost.
ALEXANDER LYON JR.
Senior Baillie.
W. GORDON
Town Clerk.
THOS. INNES
Member of Committee.
F. N. INNES
Member of Committee.
ANDW. G. ANDERSON
District Clerk.

A.D. 1893.

THE THIRD SCHEDULE.

MINUTE OF AGREEMENT between the Lord Provost Magistrates and Town Council of the city and Royal burgh of Aberdeen (herein-after called "the Town Council") on the one part and the Police Commissioners of the burgh of Ballater (herein-after called "the Police Commissioners") on the other part.

WHEREAS the Town Council are the promoters of the Bill in the present session of Parliament intituled "A Bill to confer further powers on the Lord Provost Magistrates and Town Council of the city and Royal burgh of Aberdeen with reference to their gas and water undertakings to make more effectual provision for the prevention of the pollution of the River Dee and for other purposes" (herein-after called "the Bill") the parties have agreed and hereby agree and bind and oblige themselves as follows—that is to say—

First.—The sewage of the burgh of Ballater (herein-after referred to as "the burgh") shall be leased by the Police Commissioners to the Town Council subject to the approval and authority of the board of supervision for the period of twenty-five years from the first day of January one thousand eight hundred and ninety-five at a nominal rent.

Second.—If the Police Commissioners shall be in a position to provide land suitable as regards character situation and extent for the treatment and utilisation of the sewage of the burgh the land shall be leased by the Police Commissioners to the Town Council for the like period of twenty-five years at a nominal rent.

Third.—If the Police Commissioners shall be unable to provide to the satisfaction of the Town Council land for the treatment and utilisation of the sewage of the burgh the Town Council shall be entitled to exercise the compulsory powers contained in the Bill for the acquisition of the sewage lands therein described and in the event of these powers being so exercised the Police Commissioners shall repay to the Town Council the cost of the land acquired such cost to be repayable on the Town Council executing a conveyance in favour of the Police Commissioners and receiving from the Police Commissioners a lease of the land so acquired for the like period of twenty-five years at a nominal rent.

Fourth.—The Town Council shall from time to time construct on the lands so leased and thereafter maintain during the currency of the lease all necessary and proper works for the treatment and utilisation of the sewage of the burgh but so always that the ground and the operations conducted thereon shall not become a nuisance.

Fifth.—The Police Commissioners shall at their own expense within one year from the date of the passing of the Bill put in proper order and repair the existing main or intercepting sewer between the burgh and the sewage lands so as to prevent any leakage into or from the River Dee and in the

event of the Police Commissioners being unable to alter or repair the said sewer to the satisfaction of an engineer to be mutually appointed by the Town Council and the Police Commissioners they shall either construct a new sewer or lift and relay such portion of the existing sewer as may be found necessary to prevent such leakage. The Police Commissioners shall also at their own expense within the same period extend the said sewer to such distance as may be necessary so as to intercept and convey the whole of the sewage of the burgh to the point of discharge at the irrigation ground and shall thereafter maintain the said sewer during the currency of the lease. A.D. 1893.

Sixth.—In the event of an extension of the area of the burgh during the currency of the said lease the provisions of this agreement shall apply to the burgh as so extended.

Seventh.—This agreement which is made subject to such alterations as Parliament may think fit to make therein shall be scheduled to and confirmed by the Bill.

Eighth.—Both parties consent to the registration hereof for preservation and execution.

In witness whereof these presents (printed on this and the preceding page) are executed by the parties in duplicate as follows that is to say Are subscribed by William Barnett chief magistrate and John Strath clerk of police acting on behalf and by authority of the Police Commissioners both at Ballater on the first day of April one thousand eight hundred and ninety-three before these witnesses John Lawson head master of the Ballater Public Schools and John Simpson agent at Ballater of the Union Bank of Scotland Limited and are in terms of the Aberdeen Municipality Extension Act 1871 subscribed on behalf of the Town Council by David Stewart the lord provost Alexander Lyon Junior the senior baillie and William Gordon the town clerk all of the said city and Royal burgh of Aberdeen and sealed with the common seal of the Town Council all at Aberdeen on the third day of April one thousand eight hundred and ninety-three before these witnesses Alexander Yeats depute town clerk of Aberdeen and George Strachan assistant in the town clerk's office Aberdeen Declaring that this testing clause from and after the words "that is to say" is written by George Thomson writer in Aberdeen.

ALEX. YEATS Witness.

GEORGE STRACHAN Witness.

JOHN LAWSON Witness.

JOHN SIMPSON Witness.

DAVID STEWART

Lord Provost.

ALEXANDER LYON JR.

Senior Baillie.

W. GORDON

Town Clerk.

WILLIAM BARNETT

Chief Magistrate.

JOHN STRATH

Clerk of Police.

A.D. 1893.

THE FOURTH SCHEDULE.

LANDS WHICH MAY BE ACQUIRED BY THE TOWN COUNCIL UNDER THIS ACT
TO BE USED FOR THE TREATMENT OF SEWAGE.

(1.) Kincardine O'Neil.—A piece of ground forming part of the lands of Kincardine and situate on the Haugh Farm in the parish of Kincardine O'Neil and county of Aberdeen delineated on the deposited plans and comprehended within the following boundary Commencing at a point on the west bank of the Neil Burn twenty yards or thereabouts above the junction of that stream with the River Dee proceeding thence in a north-westerly direction along the west bank of the said Neil Burn for a distance of two hundred and eighty yards or thereabouts thence due south in a straight line for a distance of one hundred and thirty yards or thereabouts to a point on the north bank of the River Dee two hundred and fifteen yards or thereabouts westwards from the point first mentioned thence eastwards along the said bank of the River Dee to the point of commencement.

(2.) Aboyne.—A piece of ground forming part of the lands of Aboyne and situate on the Haugh Farm in the parish of Aboyne and county of Aberdeen delineated on the deposited plans and comprehended within the following boundary Commencing at a point on the south bank of the Tarland Burn at the east boundary of the arable land of the said Haugh Farm one thousand four hundred and twenty-five yards or thereabouts measured in a south-easterly direction from the centre of the bridge carrying the Great North of Scotland Railway across the said Tarland Burn proceeding thence westwards along the south bank of the said burn for a distance of three hundred and sixty-five yards or thereabouts thence due south for a distance of one hundred and forty yards or thereabouts to the north bank of the River Dee thence eastwards along the north bank of the River Dee for a distance of three hundred and twenty yards or thereabouts to the south end of the east boundary of the arable land before mentioned thence north-eastwards along the said east boundary to the point of commencement.

(3.) Glenmuick Tullich and Glengairn (Ballater).—A piece of ground lying on the south side of the public road leading from Aboyne to Ballater forming part of the lands of Monaltrie in the parish of Glenmuick Tullich and Glengairn and county of Aberdeen delineated on the deposited plans and comprehended within the following boundary Commencing at a point on the south side of the said public road three hundred and seventy-five yards or thereabouts north-eastwards from the forty-first milestone from Aberdeen proceeding thence south-westwards along the south side of the said public road for a distance of five hundred and eighty-five yards or thereabouts thence south-eastwards in a straight line for a distance of twenty yards or thereabouts along the south-west boundary of the field numbered 621 in the parish of Glenmuick Tullich and Glengairn on the Ordnance map of Aberdeenshire (scale $\frac{1}{2500}$) thence north-eastwards in a straight line for a distance of two hundred and twenty-three yards or thereabouts to a point on the north-east boundary of the last-mentioned field eighty yards or thereabouts south-

[56 & 57 VICT.] *Aberdeen Corporation (Gas and Water) Act, 1893.* [Ch. cxciv.]

eastwards from the said forty-first milestone thence eastwards and north-eastwards in an irregular direction along the south boundary of the field numbered 622 in the said parish of Glenmuick Tullich and Glengairn on the Ordnance map before mentioned thence north-eastwards for a distance of sixty yards or thereabouts along the south-east boundary of the field numbered 333 in the said parish of Glenmuick Tullich and Glengairn on the Ordnance map before mentioned thence north-westwards in a straight line to the point of commencement. A.D. 1893.

(4.) Crathie and Braemar.—A piece of ground forming part of the lands of Invercauld in the parish of Crathie and Braemar and county of Aberdeen delineated on the deposited plans and comprehended within the following boundary Commencing at a point on the east bank of the River Clunie three hundred and fifty yards or thereabouts above its junction with the River Dee thence proceeding southwards and eastwards along the right bank of the said River Clunie for a distance of five hundred and fifty yards or thereabouts thence northwards in a straight line for a distance of one hundred and forty yards or thereabouts to a point three hundred yards or thereabouts west of the fifty-eighth milestone on the public road leading from Ballater to Braemar thence north-westwards in a straight line to the point of commencement.

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