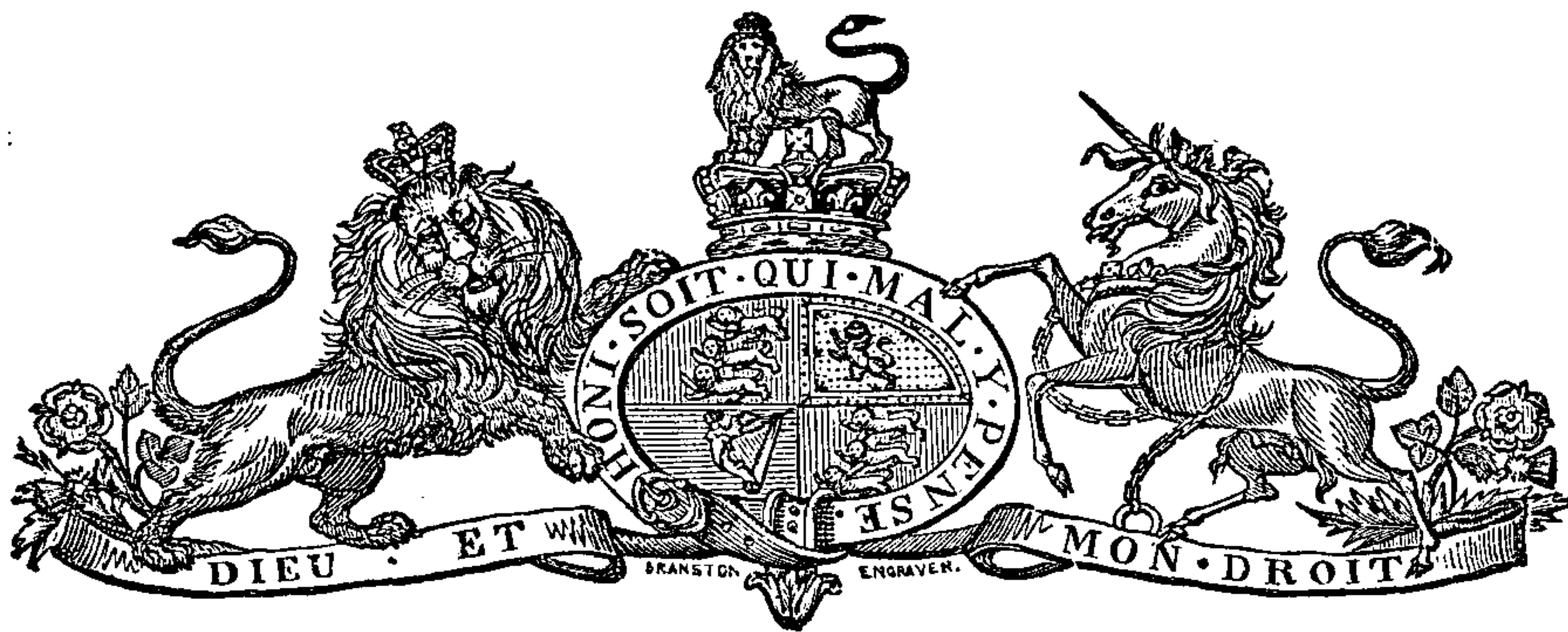




ANNO NONO & DECIMO

VICTORIÆ REGINÆ.

Cap. cccxlvii.

An Act for further and better supplying with
Water the Barony or Regality of *Gorbals*, and
Places adjacent. [3d August 1846.]

WHEREAS the Inhabitants in the Barony or Regality of *Gorbals*, the Burgh or Town of *Pollockshaws*, and the Town or Village of *Govan*, and Places intermediate and adjacent, in the Counties of *Lanark* and *Renfrew* respectively, are at present inadequately supplied with pure and wholesome Water, and it would be of great advantage to them if a plentiful Supply thereof were provided for domestic, manufacturing, and other Purposes: And whereas such a Supply may be obtained from a certain Stream or River called the *Brock* or *Brockburn*, and the tributary Streams uniting therewith, situated in the Parishes of *Mearns*, *Neilston*, and *Eastwood*, in the County of *Renfrew*, if the Company herein-after named were authorized to take and divert the Waters of the said Stream or River, and its tributary Streams and Springs, and to construct Reservoirs and other Works necessary for storing up and for conducting the Water by Pipes or Conduits into the said Barony of *Gorbals*, Burgh or Town of *Pollockshaws*, and Town or Village of *Govan*, and Places intermediate
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8 & 9 Vict.
cc. 17 & 19.
incorporated
with this
Act.

and adjacent thereto: And whereas the Persons herein-after named, together with others, are willing, at their own Expence, to make and maintain all the necessary Works for affording such Supply of Water to the said Inhabitants; but such Object 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, That the several Acts of Parliament following, (that is to say,) the "Companies Clauses Consolidation (*Scotland*) Act, 1845," and the "Lands Clauses Consolidation (*Scotland*) Act, 1845," shall be incorporated with and form Part of this Act, excepting in so far as the Provisions of the said recited Acts shall be inconsistent with or altered by the Provisions of this Act.

Short Title.

II. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression "*The Gorbals Gravitation Water Company Act, 1846.*"

Subscribers
incorporated.

III. And be it enacted, That *Robert Bunten, Thomas Brownlie, George Binnie, Alexander Harvey, John Mitchell, John Walker, David Wilkie, John Bain, James Craig, John Willox, Andrew Gemmill*, and all other Persons and Corporations who have already subscribed or shall hereafter subscribe to the Undertaking, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purpose of supplying the said Inhabitants with Water the said Barony and Regality, Burgh or Town of *Pollockshaws*, and Town or Village of *Govan*, and Places intermediate and adjacent, and Inhabitants and others therein, and for making and maintaining the Works and Conveniences for that Purpose, according to the Provisions of the said recited Acts and this Act, and for other the Purposes herein and in the said recited Acts contained; and for the Purposes aforesaid such Company shall be incorporated by the Name of "*The Gorbals Gravitation Water Company*," and by that Name shall be a Body Corporate, with perpetual Succession and a Common Seal, and shall have Power to purchase and hold Lands and Tenements for the Purposes of the Undertaking, within the Restrictions herein and in the recited Acts contained.

Name of
Company.

Capital.

IV. And be it enacted, That the Capital of the Company shall be One hundred and twenty thousand Pounds.

Number and
Amount of
Shares.

V. And be it enacted, That the Number of Shares into which the Capital shall be divided shall be Twelve thousand Shares, and the Amount of each Share shall be Ten Pounds.

Calls.

VI. And be it enacted, That Two Pounds Ten Shillings *per* Share shall be the greatest Amount of any One Call which the Company may make on the Shareholders at One Time, and Two Months at the least shall be the Interval between successive Calls.

VII. And

VII. And be it enacted, That it shall be lawful for the Directors, until the Undertaking shall be completed, to pay Interest, if they shall deem it advisable, at any Rate not exceeding Four Pounds *per Centum per Annum*, on all Sums called up in respect of the said Shares, from the respective Days on which the same shall be paid, such Interest to accrue and be paid at such Times and Places as the Directors shall appoint for that Purpose: Provided always, that no Interest shall accrue to the Proprietor of any Share upon which any Call shall be in arrear, in respect of such Share, or any other Share to be holden by the same Proprietor, during the Period while such Call shall remain unpaid.

Interest to be paid on Calls until Works completed.

VIII. And be it enacted, That it shall be lawful for the Company to borrow on Mortgage or Bond any Sums not exceeding in whole One Third Part of the said Capital.

Power to borrow Money on Mortgage.

IX. And be it enacted, That the first Ordinary Meeting of the Company shall be held within Two Months next after the passing of this Act, and the subsequent Ordinary Meetings of the Company shall be held once in each Year, in the Month of *June*, or within Twenty Days from the Expiration of the said Month; and all Meetings, whether ordinary or extraordinary, shall be held in *Gorbals*, or at such other Place as the Directors may from Time to Time appoint.

Ordinary Meetings to be held yearly.

X. And be it enacted, That the Quorum for every General Meeting of the Company shall be Fifteen Shareholders holding in the aggregate not less than Five thousand Pounds in the Capital of the Company.

Quorum for General Meeting.

XI. And be it enacted, That the Scale according to which the Shareholders may vote in respect of their Shares shall be as follows; (that is to say,) for One Share or more, but not exceeding Ten, One Vote in respect of such Shares, and for more than Ten Shares an additional Vote for every Ten or fewer Number of Shares.

Votes of Shareholders.

XII. And be it enacted, That the Number of Directors shall be Ten, and the Qualification of a Director shall be the Possession, in his own Right, of Twenty Shares in the Undertaking.

Number and Qualification of Directors.

XIII. And be it enacted, That it shall be lawful for the Company, at their first Ordinary or any subsequent Extraordinary Meeting, to increase or reduce the Number of Directors, provided that the increased Number do not exceed Twelve, and that the reduced Number be not less than Five.

Power to vary the Number of Directors.

XIV. And be it enacted, That *Robert Bunten, Thomas Brownlie, George Binnie, Alexander Harvey, John Mitchell, John Walker, David Wilkie, John Bain, James Craig, and John Willox*, shall be the first Directors of the Company, and the said *Andrew Gemmill* shall be the first Secretary to the Company.

Directors named in the Act.

XV. And be it enacted, That the Quorum of a Meeting of the Directors shall be Three.

Quorum.

XVI. And

Committees
of Directors.

XVI. And be it enacted, That the Number of Directors of which Committees appointed by the Directors shall consist shall be not less than Three nor more than Five; and the Quorum of such Committees shall be a Majority of the Numbers of which such Committees consist respectively.

Chairman to
have casting
Vote.

XVII. And be it enacted, That the Chairman at any General Meeting of the Shareholders or Directors, and the Convener or Chairman of any Committee, shall have a deliberative Vote, and also a casting Vote in Cases where the Votes of Parties present are equal.

Powers to be
exercised
by the Di-
rectors.

XVIII. And be it enacted, That, in addition to the Powers herein and in the said recited Acts conferred on the Directors, they may exercise the following Powers of the Company:

1. They may fix the Remuneration of all the Officers of the Company except themselves, and may appoint or displace the Secretary, Treasurer, Collector, or Manager, or under Servants of the Company:
2. They may fix the Water Rates to be taken by the Company, but always so as that such Rates shall not exceed the Rates authorized by this Act to be taken.

Newspapers for
Insertion of
Advertisements.

XIX. And be it enacted, That the Newspapers in which Advertisements relating to the Affairs of the Company are to be inserted shall be any Newspaper published in *Glasgow*.

Plans and
Book of
Reference.

XX. And whereas Plans and Sections of the said Undertaking, describing the Line and Levels of the intended Channels, Cuts, and Aqueducts, and the Lands through which the same are intended to be carried or made, and the Situation of the intended Reservoirs and Works, and a Book of Reference containing the Names of the Owners, Lessees, and Occupiers of such Lands, have been deposited with the principal Sheriff Clerks of the Counties of *Lanark* and *Renfrew*; be it enacted, That such Plans, Sections, and Book of Reference shall be kept by the Sheriff Clerks of the said Counties, and such Sheriff Clerks shall permit all Persons to inspect the same, on being paid the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words copied.

Errors and
Omissions
to be cor-
rected.

XXI. And be it enacted, That if any Omission, Mis-statement, or erroneous Description shall have been made of any Lands, or of the Owners, Lessees, or Occupiers of any Lands described on the said Plans or in the said Book of Reference, it shall be lawful for the Company to apply to the Sheriff of *Lanarkshire* for the Correction thereof; and if it shall appear to such Sheriff that such Omission, Mis-statement, or erroneous Description arose from Mistake, he shall certify the same accordingly, and shall in such Certificate state the Particulars of any such Omission, and in what respect any such Matter shall have been mis-stated or erroneously described; and such Certificate shall be deposited in the Office of the principal Sheriff Clerks of the said Counties of *Lanark* and *Renfrew*, and shall also be deposited with the Schoolmasters or Session Clerks of the several Parishes

Parishes in which the Lands affected thereby shall be situate; and such Certificate shall be kept by such Sheriff Clerks and Schoolmasters or Session Clerks along with the other Documents to which they relate, and thereupon such Plans or Book of Reference shall be deemed to be corrected according to such Certificate.

XXII. And be it enacted, That true Copies of the said Plans and Book of Reference, or of any Alteration or Correction thereof, or Extract therefrom, certified by any such Sheriff Clerk, which Certificate such Sheriff Clerk shall give to all Parties interested, when required, on receiving a Fee of Five Shillings, shall be received in all Courts of Justice or elsewhere as Evidence of the Contents thereof. Copies to be Evidence.

XXIII. And be it enacted, That it shall be lawful for the said Company to purchase and acquire, by Agreement, from Sir *Hew Crawford Pollok* Baronet, Sir *John Maxwell* Baronet, and all other Parties in possession of Lands and Heritages at the said Source of Supply (being the said Stream or River called the *Brock* or *Brockburn*), and along the Line of Pipe by which the Water is to be conducted to the said Inhabitants, and for such Proprietors to sell and convey or lease to the said Company, the Lands, Water, and other Privileges required for the Purposes of the said Company, and that either by way of absolute Disposition, or Contract of Ground Annual, or by Lease or otherwise, as the Parties in possession of the said Lands or Water or Privileges may severally agree upon. Power to acquire Lands, &c.

XXIV. And be it enacted, That it shall be lawful for the Company, in addition to the Lands to be compulsorily taken by them under the Powers of this Act, to contract with any Party willing to sell the same, for the Purchase of any Land adjoining or near to the Works of the Company, or upon or near to any of the Streams of Water herein authorized to be purchased, not exceeding in the whole Fifty Acres. Purchase of additional Lands.

XXV. And for the better effecting the Purposes aforesaid, be it enacted, That it shall be lawful for the Company to enter into any Lands, Waters, and other Places mentioned, specified, or laid down in the said Plans and Book of Reference, and to take Levels of the same, and to set out such Parts thereof as they shall think necessary for the Works hereby authorized to be made, and to dig and break up the Soil of such Lands, Waters, and Places, and to trench and sough the same, and to remove or use all Stones, Metals, Soil, Trees, or other Things dug or gotten out of the same, and to use such Materials in the Construction and upholding of the Works; the Company doing as little Damage as may be in the Execution of the Powers hereby or by the said recited Acts granted, and making Satisfaction as herein and in the recited Acts mentioned to all Persons interested in any Land used for the Purposes of this Act, or which may be injured by the Execution of the Powers hereby granted. Power to enter Lands, &c.

XXVI. And be it enacted, That it shall be lawful for the Company from Time to Time, and continuously, to divert or alter the Course of Power to take Water from Brockburn.
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of and to take the Water flowing from or into the said Stream or River called the *Brock* or *Brockburn*, including its various Tributaries and Affluents or other Sources of Water in the District delineated on the said Plans, and mentioned in the said Book of Reference.

Lateral De-
viations.

XXVII. And be it enacted, That it shall be lawful for the Company to deviate from the Line delineated on the Plans so deposited, provided that no such Deviation shall extend to a greater Distance than the Limits of Deviation delineated upon the said Plans, and that the Undertaking by means of such Deviation be not made to extend into the Lands or Property of any Person whose Name is not mentioned in the said Book of Reference, without the previous Consent in Writing of such Person, unless the Name of such Person shall have been omitted by mistake, and the Fact that such Omission proceeded from Mistake shall have been certified in manner herein-before provided: Provided always, that the Company shall not deviate so as that any Pipe shall be laid, or Work be executed, within or Westward of the Line of the *Glasgow, Barrhead, and Neilston Direct* Railway, at a Place where the said Railway enters the Policy of *Pollok House*, and crosses the Approach thereto, without the written Consent of the Proprietor of the Estate of *Nether Pollok* for the Time being.

Power to
construct
Works.

XXVIII. And be it enacted, That it shall be lawful for the Company from Time to Time to make, construct, lay down, maintain, alter, or discontinue such Waterworks, Cuts, Channels, Feeders, Catch Drains, Reservoirs, Tanks, Aqueducts, Pipes, Pipe-breaks, Conduits, Filters, Sluices, Trenches, Byewashes, Mounds, Embankments, Bridges, Engines, Machinery, and other Works, and also such Houses and Buildings, upon the Lands and Streams by this and the recited Acts authorized to be taken by the Company, as they shall think proper for supplying the said Inhabitants with Water for domestic, manufacturing, and other Purposes: Provided always, that nothing herein contained shall authorize the Company to erect any Steam Engine or other pumping or propelling Apparatus, or any Dwelling House or other Building of that Description, upon the Estate of *Nether Pollok*, without the written Consent of the Proprietor of the said Estate for the Time being first had and obtained thereto, without Prejudice, nevertheless, to the said Company erecting any Cover or Inclosure necessary for the filtering and distributing Ponds to be constructed in virtue of this Act, the Height of any such Cover or Inclosure not in any Case exceeding Ten Feet above the Surface of the Ground where the Filters and Works are formed.

Period for
Completion
of Works.

XXIX. And be it enacted, That the Works hereby authorized to be made shall be completed within Two Years from the passing of this Act, and on the Expiration of such Period the Powers by this or the said recited Acts granted to the said Company 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.

Compensa-
tion to be

XXX. And whereas it will be necessary for the said Company to intercept, for the Purposes of this Act, the whole or Part of the Streams, Springs,

Springs, and Drainage Water which at present naturally flow down the said *Brockburn*, and supply Water to the Proprietors and others below the Reservoirs of the said Company; be it enacted, That whenever all or any of the said Streams, Springs, or Drainage Water forming the said natural Supply shall be so intercepted, the said Company shall be bound to give out and supply from their Aqueducts or Reservoirs, as Compensation to and for the Use of the said Proprietors and others having Interest therein, a constant and uniform Stream of Water at all Hours, consisting of not less than Nine and a Half Cubic Feet of Water *per Minute* for every Ten millions of Cubic Feet of available Storeage Room, which the Reservoirs hereby authorized to be constructed, and such other Reservoirs as by the Company may at any Time hereafter be constructed on the said Stream, shall be found capable of containing; and provided also, that all Waste or Flood Water which the said Company may at any Time not store up in their said Reservoirs shall hereafter continue to flow down the natural Channel of the said *Brockburn* as at present.

given to
Parties.

XXXI. And be it enacted, That in the event of any Dispute arising betwixt the said Company and other Party having Interest in the Quantity of Water to be so given out by the said Company in Compensation as aforesaid, the same shall be determined by an Arbiter or Arbiters, to be appointed by the Sheriff of the County of *Lanark* on the Application of either Party, whose Award shall be final and binding on all Parties.

Disputes as
to Compensa-
tion to be
settled by
Arbitration.

XXXII. And in order that all Dispute may be prevented as to the Capacity of said Reservoirs, be it further enacted, That, previous to any of the said Reservoirs being filled with Water, the available Contents thereof shall be ascertained by a competent Engineer, to be nominated by the said Sheriff; and the available Contents or Storeage Room being so ascertained, the said Engineer shall subscribe a Report specifying the Extent thereof, which Report shall be registered in the Sheriff Court Books at *Glasgow*; and the Quantity of available Storeage Room for Water specified in the said Report shall be held to be the true and actual Contents of said Reservoir or Reservoirs in all Time thereafter.

Capacity of
Reservoir to
be ascer-
tained.

XXXIII. And be it enacted, That it shall be lawful for the Company to enter upon the Lands of any Person adjoining to or being within the Distance of One hundred Yards of the Works by this Act authorized, or any Part thereof, and not being a Printfield, Bleachfield, or a Garden, Orchard, Plantation, planted Walk, Avenue, or Ground planted and set apart as a Nursery for Trees, for the Purpose of depositing upon such Lands, or upon any Part thereof, any Stones, Soil, Gravel, Clay, Sand, Limestone, Bricks, or other Materials, or for other Purposes connected with the Formation of the said Works, without making any previous Payment, Tender, or Deposit, the said Company doing as little Damage as may be in the Exercise of the several Powers hereby granted to them, and making Compensation for such temporary Occupation or temporary Damage of the said Lands, to the Owners and Occupiers thereof, from Time to Time, and as often

Compensa-
tion to be
made for
temporary
Damages.

as

as such temporary Occupation shall be taken, or any such temporary Damage shall be done, by the Company; every such Compensation, in case the Parties differ about the same, to be settled and recovered in manner by this Act and the said recited Acts provided in Cases of other Disputes as to the Compensation for any Damage sustained by reason of the Execution of any of the Works by this Act authorized.

Company
before
entering on
such Lands
to agree
with Owner
for the Pay-
ment of a
Rent for
same.

XXXIV. Provided always, and be it enacted, That the Company shall, before entering upon any such adjoining Lands for the Purposes aforesaid, if required by the Owner or Occupier of such Lands, agree with the Owner and Occupier of such Lands for the Payment of a certain and fixed Rent in respect thereof during the Continuance of such temporary Occupation; but in case the Parties differ in Opinion as to the Amount of such Rent, they shall agree that the same shall be fixed by Arbitration of Two neutral competent Persons, One to be named by each Party, or by their Umpire appointed in Writing by such Arbitrators before they enter on the Business of the said Arbitration: Provided always, that if the Party claiming Rent shall not agree to submit the Amount thereof to Arbitration within Six Days after a Requisition to that Effect addressed to him, and put into the Post Office at *Glasgow*, the Company shall be entitled to proceed with the Operations thereof in the same Manner as if the Party claiming Rent or seeking Arbitration had not required such Agreement to be entered into.

Company to
give Notice
previous to
such tempo-
rary Posses-
sions.

XXXV. Provided also, and be it enacted, That before it shall be lawful for the Company to make such temporary Use as aforesaid of the Lands adjoining or lying near the said Works, the Company shall and they are hereby required to give Fourteen Days Notice of such their Intention to the Owners or Occupiers of such Lands, and to separate and set apart by sufficient Fences, if found necessary, or if required by the Proprietors, so much of the Lands as shall be required.

Penalty for
obstructing
Construction
of Works.

XXXVI. And for preventing the Obstruction to the Construction of the Works hereby authorized, be it enacted, That if any Person wilfully obstruct any Person acting under the Authority of the Company in setting out the Line of the Works, or pull up or remove any Poles or Stakes driven into the Ground for the Purpose of setting out the Line of such Works, or deface or destroy any Marks made for the same Purpose, he shall forfeit to the Company any Sum not exceeding Five Pounds for every such Offence, besides being liable for the Damages done.

Company to
have Access.

XXXVII. And be it enacted, That the Company shall have Access to the Lands in, through, or upon which any of the Works or Machinery herein respectively before mentioned shall be constructed, by the Gates or other Mode of Entry thereto used as Access for other Purposes, at all Times during the Day, not earlier than Five of the Clock of the Morning or later than Sunset, by themselves, or their Engineer or Superintendent, or Servants or Workmen, especially named by the
Company

Money to be raised and received by them, in preference to any other Payment whatsoever.

Public Act.

CXVI. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Trustees, and others.

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