CHAPTER lxxxvii.

An Act to authorise the Commissioners of the Glasgow Corporation Waterworks to construct an additional service Reservoir and other Works; and for other purposes. [3rd July 1882.]

A.D. 1882.

WHEREAS by the Glasgow Corporation Waterworks Act, 1855, (herein-after called the Act of 1855) the magistrates and council of the city of Glasgow (herein-after called "the Commissioners") 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 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, the Glasgow Corporation Waterworks Amendment Act, 1865, (herein-after called the Act of 1865) the Glasgow Corporation Waterworks Amendment Act, 1866, the Glasgow Corporation Waterworks Amendment Act, 1873, the Glasgow Corporation Waterworks Amendment Act, 1877, (herein-after called the Act of 1877) and the Glasgow Corporation Waterworks Amendment Act, 1879, (in this Act called the recited Acts): 22 & 23 Vict. c. ix. 23 & 24 Vict. c. xxxiii. 28 & 29 Vict. c. lxix. 29 & 30 Vict. c. cccxxviii. 36 & 37 Vict. c. xxxvi. 40 & 41 Vict. c. clxv. 42 & 43 Vict. c. xl.

And whereas the waterworks authorised by the Act of 1855 were executed and completed by the Commissioners, and have

A.D. 1882.

for many years past been in successful operation, to the great benefit and advantage of the inhabitants of the said city and suburbs and districts and places adjacent:

And whereas for the purpose of more effectually securing an uninterrupted supply of water to the said city and suburbs and districts and places adjacent, it is expedient that the Commissioners should be authorised to construct and maintain the additional service reservoir, embankment, aqueduct and other works herein-after described, and for that purpose that they should be authorised to divert the turnpike road herein-after mentioned, and execute the works herein-after described:

And whereas for the purposes aforesaid, and for the general purposes of their undertaking, it is expedient that the Commissioners should be authorised to raise further money, and that their borrowing powers should be enlarged:

And whereas a plan and section, describing the lines and levels of the said reservoir, aqueduct, embankment, diversion of road and other works, and a book of reference to such plan, containing the names of the owners or reputed owners, lessees or reputed lessees, and of the occupiers of the lands to be taken or interfered with for the purposes thereof, have been deposited with the principal sheriff clerk of the county of Stirling, and are in this Act herein-after referred to as the deposited plan, section and book of reference:

And whereas the objects 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:—

Short title.

1. This Act may be cited for all purposes as the Glasgow Corporation Waterworks Amendment Act, 1882.

Incorporation of Acts.

2. The following enactments, as far as they are applicable for the purposes of and are not varied by or inconsistent with this Act, are hereby incorporated with and form part of this Act, namely:—

8 & 9 Vict. c. 19. 23 & 24 Vict. c. 106. The Lands Clauses Consolidation (Scotland) Act, 1845, and the Lands Clauses Consolidation Acts Amendment Act, 1860, in this Act referred to as the Lands Clauses Acts;

10 & 11 Vict. c. 17. 26 & 27 Vict. c. 93. 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;

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, but those provisions shall be read so as to apply only to the construction of the reservoir and embankment by this Act authorised, and the works immediately connected therewith, and as if such reservoir, embankment and works were therein referred to, instead of "the railway," and as if the boundaries of the said reservoir, embankment, 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 reservoir. 8 & 9 Vict. c. 33.

Interpretation.

3. 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; the expressions "the promoters of the undertaking," "the Commissioners," and the "Company" shall mean the Commissioners: and the expressions "the railway" and "the undertaking" shall mean respectively the undertakings by this Act authorised; the expression "the sheriff" when used in this Act shall mean the sheriff of the county of Stirling or any one of his substitutes.

Power to construct works.

4. Subject to the provisions of this Act the Commissioners may make and maintain, in the lines and according to the levels shown on the deposited plan and sections, the reservoir, embankment, aqueduct, and other works and conveniences connected therewith, and the new road or the diversion of the turnpike road herein-after described (but subject always to any alterations in the levels of the said new road which may be agreed upon between the Commissioners and the county road trustees of the county of Stirling under the Roads and Bridges (Scotland) Act, 1878), and may enter upon, take and use such of the lands delineated on the deposited plan, and described in the deposited book of reference, as may be required for that purpose. The works authorised by this Act are:— 41 & 42 Vict. c. 51.

(1) An embankment (for the purpose of forming the reservoir herein-after mentioned), to be situated in the parishes of New Kilpatrick and Baldernock, both in the county of Stirling, commencing in the parish of New Kilpatrick, in the county of Stirling, at a point 80 yards, or thereabouts, measuring in a south-eastwardly direction from the south-east corner of the existing Mugdock Reservoir, belonging to the Commissioners, proceeding thence in a south-eastwardly direction for a distance

A.D. 1882.

of 80 yards, or thereabouts, thence in an eastwardly direction for a distance of 500 yards, or thereabouts, thence proceeding in a northwardly direction for a distance of 800 yards, or thereabouts, and terminating there, in the parish of Baldernock, in the county of Stirling, in a field belonging to, or reputed to belong to, Robert Ker, and in the occupation of James Johnstone, which field is numbered 59 on the published Ordnance map of the said parish of Baldernock (scale 25·344 inches to a mile), at a point in that field 80 yards, or thereabouts, east of the turnpike road leading from Glasgow to Strathblane, which last-mentioned point is also 375 yards, or thereabouts, north-east from Bentfoot Cottage;

(2) A new road, to be situated in the parishes of New Kilpatrick and Baldernock, both in the county of Stirling, in substitution of part of the existing turnpike road leading from Glasgow to Strathblane, and which turnpike road is now under the control and management of the county road trustees of the county of Stirling, under the Roads and Bridges (Scotland) Act, 1878, (herein-after referred to as the "county road trustees," and which road is herein-after referred to as "the said turnpike road") commencing in the said parish of New Kilpatrick, in the county of Stirling, at a point in that road 283 yards, or thereabouts, north-east from Barloch Farmhouse, and terminating in the parish of Baldernock, in the county of Stirling, by a junction with the said turnpike road at a point 533 yards, or thereabouts, north-east from Bentfoot Cottage;

(3) A reservoir, to be situate in the parishes of New Kilpatrick and Baldernock, or one of them, both in the county of Stirling, which reservoir will be 800 yards, or thereabouts, in length, measuring from north to south, and of a width varying from 800 yards, or thereabouts, to 300 yards, or thereabouts, measuring from east to west, and will commence in the parish of New Kilpatrick at or near the point herein-before described as the point of the commencement of the embankment herein-before described, and will terminate in the parish of Baldernock, at or near a point on the said turnpike road 533 yards, or thereabouts, north-east from Bentfoot Cottage aforesaid, and will be situate on lands bounded as follows:—On the south by the embankment herein-before described, on the east partly by the said embankment and partly (from near the termination of that embankment) by the new road herein-before described, on the north by an imaginary straight line drawn from the point herein-before described as the point of the termination of

the new road, in a west-south-westwardly direction for a distance of 600 yards, or thereabouts, and on the west partly by an imaginary straight line drawn from the termination of the last-mentioned imaginary straight line in a southwardly direction for a distance of 500 yards, or thereabouts, to the north-eastern corner of the Mugdock Reservoir herein-before mentioned, and partly by the eastern side of that reservoir;

(4) An aqueduct, commencing in the parish of Strathblane, in the county of Stirling, by a junction with the existing aqueduct of the Commissioners from Loch Katrine at or near the termination of that existing aqueduct at the north end of the said Mugdock Reservoir, and terminating in the parish of New Kilpatrick, in the county of Stirling, in the proposed new reservoir, in a field belonging or reputed to belong to and occupied by James Weir, which field is numbered 1,317 on the published Ordnance map of the said parish of New Kilpatrick (scale 25·344 inches to a mile) at a point in that field 400 yards, or thereabouts, north-east from Barrachan Farmhouse, and which aqueduct will be situated in the said parishes of Strathblane and New Kilpatrick, or one of them, in the said county of Stirling;

(5) An outlet pipe, wholly situate in the parish of New Kilpatrick, in the said county of Stirling, commencing in the proposed reservoir before described, in a field belonging to or reputed to belong to the trustees of the late Mrs. Grace Holmes or McIntosh and others, and in the occupation of the representatives of the late William Hunter, which field is numbered 1,386 on the said published Ordnance map of the said parish of New Kilpatrick, at a point in that field 190 yards, or thereabouts, north-eastward from the Commissioners Cottage at or near the south-eastern end of the said Mugdock Reservoir, and terminating by a junction with the existing mains of the Commissioners from that reservoir to Glasgow, at a point 460 yards, or thereabouts, south from that cottage;

(6) A waste watercourse, wholly situate in the said parish of New Kilpatrick, and county of Stirling, commencing in the proposed reservoir in the said field belonging to or reputed to belong to the trustees of the late Mrs. Grace Holmes or McIntosh and others, and in the occupation of the representatives of the late William Hunter, at a point in that field 100 yards, or thereabouts, eastward from the Commissioners Cottage at Mugdock Reservoir aforesaid, and terminating in the Tunnoch Burn at a point 300 yards, or thereabouts, westward from that cottage;

A.D. 1882.

(7) A discharge culvert, wholly situate in the said parish of New Kilpatrick, and county of Stirling, commencing in a field belonging to, or reputed to belong to, and occupied by Robert Ker, on the eastern side of the said turnpike road, which field is numbered 1,560 on the published Ordnance map of the said parish of New Kilpatrick, at a point in that field 130 yards or thereabouts south-eastward from Deerpark Cottage, and terminating in a stream or watercourse at a point 320 yards, or thereabouts, southward from that cottage:

For the protection of the estate of Dougalston.

5. For the protection of the estate of Dougalston, in the county of Stirling, the following provisions shall have effect and be observed by the Commissioners and the owner for the time being of the said estate, herein-after called the owner:—

(A) The Commissioners shall lay down and maintain a cast-iron pipe from a point at or near the termination of the discharge culvert lastly herein-before described to the north side of the Allander Water at or near the point where that water is crossed by the turnpike road leading from Glasgow to Strathblane, such pipe to be of such a size as to be capable of conveying the whole of the water that may be required to be discharged by that culvert during the construction of the works by this Act authorised and at any time after the completion of the reservoir by this Act authorised;

(B) The said cast-iron pipe shall be laid down before any of the works by this Act authorised are commenced;

(C) The whole of the waters before mentioned, except the compensation water herein-after mentioned, shall be discharged through the said cast-iron pipe and shall not be allowed to flow into the streams running through the Dougalston estate;

(D) The owner shall give to the Commissioners, free of charge, an easement or wayleave for the purpose of laying down, maintaining, and repairing the said cast-iron pipe through the said estate;

(E) The Commissioners shall do as little damage as may be to the said estate in laying down, maintaining, or repairing the said cast-iron pipe, and shall make good any damage done to the said estate by reason thereof, and shall restore and make good the surface of the ground whenever the same is interfered with for the purposes aforesaid;

(F) During the construction of the works by this Act authorised the Commissioners shall from the termination of the said discharge culvert send daily into the stream in which that discharge culvert terminates fifty thousand gallons of water, but

not more in a continuous stream, as compensation water during such period as that quantity or more than that quantity of water is passing through that discharge culvert: Provided always that the owner shall not be entitled to any compensation on account of the fouling or impurity of the water or of any damage occasioned thereby;

(G) After the completion of the said works the Commissioners shall cause to be discharged from the said culvert into the said stream fifty thousand gallons of water daily from the said reservoir in a continuous stream;

(H) The supply of water into the said stream herein-before provided for shall be in full of all claim by the owner for water abstracted or fouled by reason of the said works, both during their construction and after their completion;

(I) Provided further, that previous to the completion of the reservoir, the surface water naturally draining from the ground above the level of the reservoir shall, so far as practicable, be diverted into the east stream on the said estate.

Limits of lateral deviation.

Limits of vertical deviation.

6. In the construction of the works by this Act authorised, the Commissioners may deviate laterally from the lines thereof, as shown on the deposited plan, 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 Corporation shall not in the exercise of the powers of lateral deviation hereby given construct any embankment or wall of the said reservoirs of a greater height above the general surface of the ground than the height of the corresponding embankment or wall as shown on the deposited sections, and two feet in addition.

Power to take easements, &c., by agreement.

7. The Commissioners may take by agreement, and all 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 or servitude, 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, or feu duties, so far as the same are applicable in this behalf, shall extend and apply to such grants, and to such easements or servitudes, rights and privileges as aforesaid respectively.

A.D. 1882.

Purchase of additional land.

8. The Commissioners may, in addition to the lands authorised to be taken or acquired as aforesaid, purchase by agreement any land, not exceeding five acres, for the purposes of this Act, but the Commissioners shall not erect any buildings upon such lands, other than offices, residences for persons in their employ, or such buildings and works as may be incident to or connected with the works by this Act authorised.

New works to form part of Commissioners undertaking.

9. Subject to the provisions of this Act, the works to be constructed under the authority of this Act shall for all purposes whatsoever be deemed part of the undertaking of the Commissioners as if they had been authorised by the Act of 1855.

On completion of new road site of existing road, so far as superseded, to vest in Commissioners.

10. So soon as the new road by this Act authorised is formed and ready for traffic, the Commissioners may stop up and extinguish all rights of way over the portion of the turnpike road from Glasgow to Strathblane, between the points of the commencement and termination of the said new road, and they may appropriate for the purposes of this Act, the site of so much of the said turnpike road as may be so stopped up, and as may be bounded on both sides by lands of the Commissioners: Provided always that the fact of the said new road being ready for traffic shall be left to the determination of the local surveyor of the county road trustees and the engineer of the Commissioners, and in the event of their differing in opinion to the determination of the sheriff: Provided also, that during the construction of the other works by this Act authorised, and until the certificate of the completion of the said new road is granted by the sheriff as herein-after mentioned, the same shall be always upheld and maintained in good order and thoroughly sufficient condition, by and at the expense of the Commissioners.

Maintenance of new road.

11. Immediately upon the construction of the other works authorised by this Act being completed but not sooner, the Commissioners shall make an application to the sheriff to certify as to the completion of the said new road, and the county road trustees shall be made parties to such application. The said new road, when its completion is so certified (of which completion such certificate shall be conclusive evidence) shall become, and the same shall thenceforth be part of the said turnpike road, and shall, subject to the proviso herein-after contained, be upheld and maintained by the county road trustees: Provided always, that the Commissioners shall pay to the county road trustees the cost of upholding and maintaining the said new road for a period of twelve months after the date of the said certificate of completion.

Errors and omissions in plan and book of reference may be corrected by sheriff, who shall certify the same.

12. 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 plan 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 appear 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 of the county of Stirling, 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 plan 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.

Certificate to be deposited.

Period for compulsory purchase.

13. The powers of the Commissioners for compulsory purchase of lands under this Act shall not be exercised after the expiration of five years from the commencement of this Act.

Period for completing works.

14. After the expiration of ten years from the passing of this Act, all the powers for completing the new works by this Act authorised shall cease to be exercised, except as to so much thereof as are then completed.

For protection against accidents from reservoirs, &c.

15. Section 81 of the Act of 1855, for the protection against accidents from reservoirs or embankments, shall extend and be applied to the reservoir and embankment by this Act authorised.

Power to borrow on mortgage.

16. It shall be lawful for the Commissioners to borrow on mortgage any sums not exceeding one hundred and fifty thousand pounds, in addition to the sum of one million eight hundred and fifty thousand pounds authorised to be borrowed by the recited Acts, and to make and grant mortgages and assignations of the several rates to be levied by the Commissioners under the provisions of the recited Acts, or any of them, in security of the payment of the money so borrowed and interest thereon; and, if after having borrowed the said sums or any part thereof the Commissioners pay off the same, otherwise than by means of the sinking fund herein-after mentioned, it shall be lawful for them again to borrow the amount so paid off, and so from time to time.

Power to borrow on cash account.

17. It shall be lawful for the Commissioners to accept and take from any bank or banking company credit on a cash account to be

A.D. 1882.

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 by them under the provisions of the recited Acts, or any of them, in security of the payment 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 of the said property and works and rates or any part thereof, shall not, when taken together, exceed the sum of two million pounds by the recited Act and this Act authorised to be borrowed.

Application of money borrowed.

18. The several sums borrowed by the Commissioners, under the authority of the recited Acts and this Act shall be applied in defraying the expense of purchasing and acquiring lands and other property and of executing the works authorised by the recited Acts and this Act, and in defraying the expenses of obtaining and passing this Act, and in carrying into effect the several purposes thereof to which capital is properly applicable.

Debt may be funded.

19. The Commissioners may fund the whole or any part of the sums to be raised under the authority of this Act, 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 section 10 of the Act of 1877.

As to form and execution of mortgage, &c.

20. Sections 10 to 13, both inclusive, of the Act of 1859, sections 14 to 19, both inclusive, of the Act of 1865; and section 7 of the Act of 1877 with respect to the form, execution, transfer, and transmission of mortgages and annuities and interest warrants thereon to be 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 assignations in security and annuities to be granted under the authority of this Act, in the same manner as if the money to be borrowed, and the mortgages and assignations in security and annuities 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 judicial factor and

21. 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.

sinking fund to be applicable to this Act.

22. Nothing in this Act contained shall prejudice any bonds, annuity debentures, mortgages or assignations in security granted 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, annuity debentures, mortgages and assignations shall be and remain in full force and as valid and effectual in all respects as if this Act had not been passed.

Saving existing annuities and securities.

23. The expenses of applying for, obtaining, and passing this Act, and incidental thereto, shall be paid by the Commissioners out of the rates to be levied under the authority of the first-recited Act, or out of the money to be borrowed under the authority of the recited Acts or this Act.

Expenses of Act.

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