ANNO DECIMO TERTIO & DECIMO QUARTO

VICTORIÆ REGINÆ.

****

Cap. xcii.

An Act to amend "The *Gorbals* Gravitation Water Company Act, 1846," to authorize the Extension of the Works, and the Construction of new Works to supply the Town or Royal Burgh of *Rutherglen* and other Places with Water.

[5th *August* 1850.]

WHEREAS an Act was passed in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled "The *Gorbals* Gravitation Water Company Act, 1846," whereby certain Persons were incorporated by the Name of "The *Gorbals* Gravitation Water Company," and were empowered to supply with Water the Barony or Regality of *Gorbals*, and other Places in the Neighbourhood of *Glasgow* included within the Limits of the said Act: And whereas in exercise of the Powers contained in the said Act the *Gorbals* Gravitation Water Company have constructed extensive Works, and have obtained and are now distributing a copious and continuous Supply of pure Water greatly to the Advantage and Comfort of the said District, and it would be expedient to enlarge the same: And whereas the Town or Royal Burgh of *Rutherglen*, and the Towns or Villages of *Barrhead*, *Nitshill*, and *Hurlet*, and Places intermediate and adjacent, and the Population, Trade, and Commerce thereof, have of late Years greatly increased and are increasing: And whereas the present Supply of Water to the said Burgh, Towns, and Places is inadequate, and it would promote the Health, Comfort, and Cleanliness of the Inhabitants thereof, and would also be advantageous to the Trade, Com-

9 & 10 Vict. c. 347.

merce, and Manufacture of the said Burgh, Towns, and Places, if a plentiful and continuous Supply of pure Water were provided for domestic, manufacturing, and other Purposes: And whereas the Works of the said Company are capable of Extension so as to afford such Supply of Water, and it would be attended with public Advantage and Convenience if the Company were empowered to make and maintain all the necessary Works for the Purposes aforesaid: And whereas it is expedient that some of the Provisions of the said recited Act should be altered, amended, and enlarged; but the Objects aforesaid cannot be effected without the Aid and 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

Provisions of recited Act incorporated with this Act.

by the Authority of the same, That the said recited Act, and the Acts incorporated therewith, together with so much of "The Waterworks Clauses Act, 1847," as is applicable to the Purposes of this Act, and is not inconsistent with "The *Gorbals* Gravitation Water Company Act, 1846," and so far as the said Acts are not inconsistent with, or altered, varied, or otherwise provided for by this Act, shall be incorporated with and form Part of this Act, and shall be extended and applied to all the Lands to be acquired or affected, and to the Works to be executed, under the Authority of this Act.

Short Title.

II. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments, Deeds, and Proceedings, it shall be sufficient to use the Expression "The *Gorbals* Gravitation Water Company Act, 1850."

Limits of Act.

III. And be it enacted, That the Limits of this Act shall comprise and include the District called *Gorbals* and Places adjacent thereto in the Parishes of *Gorbals* and *Govan*, and also the Royal Burgh of *Rutherglen* in the Parish of *Rutherglen*, and Places adjacent, the Town or Village of *Barrhead*, and Places intermediate and adjacent thereto, in the Parish of *Neilston* and *Abbey* Parish of *Paisley*, and the Towns or Villages of *Nitshill* and *Hurlet*, and Places intermediate and adjacent, also in the *Abbey* Parish of *Paisley*, all in the Counties of *Lanark* and *Renfrew* respectively.

Power to raise additional Capital.

IV. And whereas the estimated Expense of the Works by this Act authorized is Thirty thousand Pounds: Be it enacted, That it shall be lawful for the Company to raise for the Purposes of this Act, in addition to any Sums which they are by the said recited Act authorized to raise, any further Sums of Money not exceeding in the whole the Sum of Thirty thousand Pounds by the Creation of new Shares or Stock of the Company.

Provisions as to new Shares.

V. And be it enacted, That the Capital so to be raised by the Creation of new Shares or Stock shall be divided into Shares of such Amount

Amount as may conveniently be apportioned according to the Order of, and subject to the Conditions to be appointed by, any General Meeting or Extraordinary General Meeting of the Company, and shall be considered as Part of the general Capital of the Company, and be subject to the same Provisions, Rights, and Privileges in all respects, whether with reference to the Payment of Calls, or the Forfeiture of Shares, or the Nonpayment of Calls, or otherwise, as if such Capital had been Part of the original Capital of the Company, except as to the Times of making Calls for such additional Capital, and the Amount of such Calls, which the Directors of the said Company shall fix from Time to Time as they shall think fit.

Power to borrow Money on Mortgage, &c.

VI. And be it enacted, That after the whole of the Sums by this and the recited Act authorized to be raised by Shares shall have been subscribed for, and One Half thereof paid up, it shall be lawful for the Company to borrow on Mortgage or Bond, in addition to the Sums authorized to be borrowed by the said recited Act, and, if subsequently paid off, again to borrow, any Sums of Money not exceeding in the whole One Third of the Capital hereby authorized to be raised.

Former Mortgagees to have Priority.

VII. Provided always, and be it enacted, That all Mortgages or Bonds made or granted by the Company before the passing of this Act, and which shall be in force at the Time of the passing of this Act, shall, during the Continuance thereof, have Priority over any Mortgages or Bonds to be made or granted in virtue of this Act.

Power to construct Works according to deposited Plans.

VIII. And whereas Plans and Sections describing the Line and Levels of the intended Reservoir, Channels, Cuts, Conduits, Aqueducts, and Main Pipe Tracks, and describing also the Situation of the intended Works, and the Lands in or through which the same are to be made or maintained, together with the Brook or Stream called the *Brock* or *Brockburn* intended to be diverted for the Purposes thereof, and a Book of Reference containing the Names of the Owners, Lessees, and Occupiers of such Lands respectively, have been deposited at the Offices at *Glasgow* and *Paisley* of the principal Sheriff Clerks for the Counties of *Lanark* and *Renfrew* respectively: Be it enacted, That it shall be lawful for the Company, subject to the Provisions and Restrictions contained in this Act and the Acts incorporated herewith, to make and maintain the Works herein-after described, and such other Works in relation thereto as may be necessary for the Purpose of obtaining, collecting, storing, conveying, and distributing an additional Supply of Water to the District of *Gorbals* and Places adjacent, and also a Supply of Water to the said Burgh, Towns, and other Places within the Limits of this Act, according to and in the Line and Situation and upon the Lands delineated on the said Plans and described in the said Book of Reference

Reference as aforesaid, and to enter upon, take, and use such of the Lands described on the said Plans and in the said Book of Reference as shall be necessary for that Purpose, and to divert or alter the Course of the said Brook or Stream, including its various Springs, Tributaries, and Affluents, and to take therefrom such Water as the Company may require for the Purpose of supplying the said Burgh, Towns, and Places, and of supplying such Parties with Compensation Water as may be found to be deprived of their usual and proper Supply by reason of the Operations under this Act.

Power to construct Reservoir, Cut, Pipe Tracks, &c.

IX. And be it enacted, That for the Purposes aforesaid it shall be lawful to the Company to construct, maintain, and uphold a Reservoir on the said Brook or Stream called the *Brock* or *Brockburn*, commencing on the Farm of *Balgrayfield* in the Parishes of *Neilston* and *Mearns*, at or near the Parish Road from *Barrhead* to *Newton* of *Mearns*, and terminating at or near *Balgray House* in the said Parish of *Mearns*, together with a Cut or Byewash commencing on *Waterside* Farm at or near the *Waterside* Farm-steading in the Parish of *Mearns*, and terminating at the Byewash belonging to the said Company at or near to the Parish Road from *Barrhead* to *Newton* of *Mearns* in the Parish of *Neilston*, and also to lay, make, and maintain the following Pipe or Main Tracks; (that is to say,)

A Pipe or Main Track commencing at or near the Pipe Track of the said Company where it crosses the Turnpike Road from *Thornliebank* to *Nitshill* in the Parish of *Eastwood*, and terminating at or near *Cross Arthurlie* Inn in the Town or Village of *Barrhead* in the Parish of *Neilston*:

A Pipe or Main Track commencing at or near *Darnley* Toll Barr in the Parish of *Eastwood* or *Abbey* Parish of *Paisley*, or one or other of them, and terminating at the Point where the Turnpike Road from *Glasgow* to *Barrhead* intersects the Turnpike Road leading from *Nitshill* to *Paisley* in the *Abbey* Parish of *Paisley*:

A Pipe or Main Track commencing at or near the Pipe Track of the said Company in *Rutherglen Loan*, opposite the South End of *M'Neil Street* where it joins *Rutherglen Loan* in the Parish of *Govan*, and terminating at or near the East End of the Main Street of the Burgh of *Rutherglen* in the Parish of *Rutherglen*:

And also to construct, make, and maintain all such further and other Works, and to lay all such Main, Branch, and Service Pipes, as may be necessary for the Purposes aforesaid.

Period for compulsory Purchase of Lands limited.

X. And be it enacted, That the Powers of the Company for the compulsory Purchase of Lands and other Heritages for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing of this Act.

Period for Completion of Works.

XI. And be it enacted, That the Works by this Act authorized to be made shall be completed within Five Years from the passing of

of this Act, and on the Expiration of such Period the Powers granted by this Act and the Acts incorporated herewith for executing such Works, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the said Works as shall then be completed: Provided always, that nothing herein contained shall extend or be construed to extend so as to restrain the Company from extending their Mains and Pipes from Time to Time whenever it shall be necessary for the Purpose of supplying the Inhabitants within the Limits of this Act with Water.

Company may purchase or lease additional Lands.

XII. And be it enacted, That, in addition to the Lands authorized to be taken as aforesaid, it shall be lawful for the Company to contract with any Party willing to sell or lease the same, whether such Party shall be a Proprietor in Fee Simple or under Disability by reason of being a Proprietor under strict Entail, or under any of the other Disabilities specified in the Seventh Section of the "Lands Clauses Consolidation (*Scotland*) Act, 1845," for the Purchase or Lease of any Land, not exceeding in Quantity Twenty Acres, which shall be deemed proper or expedient for the Purposes of the Works authorized to be constructed by this Act, or by "The *Gorbals* Gravitation Water Company Act, 1846," and it shall be lawful for any Party, although under any of the Disabilities aforesaid, to make such Sale or Lease to the Company, and no such Sale or Lease shall be deemed a Contravention of or infer an Irritancy of any Entail: Provided always, that all Sales or Leases made by any Party under such Disability shall be made, and the Purchase or Compensation Money shall be applied, in the Manner prescribed by the "Lands Clauses Consolidation (*Scotland*) Act, 1845."

Restrictions as to Lands to be acquired from Proprietor of Upper Pollok.

XIII. And be it enacted, That the Company shall not erect any Dwelling House, Manufactory, or other House on the Lands to be acquired from the Proprietor of the Estate of *Upper Pollok*, excepting a House for a Manager or Lock-keeper, which, if necessary for the Purposes of the Company, they shall have Liberty to erect on the North Side of the said intended Reservoir; and in the event of the Lands to be acquired by the Company from the Proprietor of the said Estate of *Upper Pollok* ceasing to be required for the Purposes aforesaid, the Company shall not have Power to sell such Lands or any Part thereof without having Twelve Months previously offered to sell the same to the Proprietor of the said Estate of *Upper Pollok* for the Time being; and if the Proprietor of the said Estate shall agree within that Period to purchase such Lands, the Amount of the Price thereof, if the Parties themselves shall not agree as to the same, shall be ascertained in Terms of the "Lands Clauses Consolidation (*Scotland*) Act, 1845."

Certain Rights of Proprietor of Upper

XIV. And be it enacted, That the whole Rights, Privileges, Provisions, and Obligations contained in "The *Gorbals* Gravitation Water

Pollok reserved.

Water Company Act, 1846," in favour of the Proprietor of the Estate of *Upper Pollok* for the Time being, and the Family and Visitors and Friends of such Proprietor, and of the Occupiers for the Time being of the Mansion House of the said Estate, and also of the Tenants and Feuars of the said Estate of *Upper Pollok* for the Time being, shall be extended to the Reservoir and Works to be constructed on the said Estate authorized by this Act so far as applicable to the said Reservoir and Works.

Operations on Renfrewshire Turnpike Roads.

XV. And be it enacted, That the said Company in conducting their future Operations under this Act or the said recited Act over, under, or upon any of the Roads under the Management of the Trustees, commonly called the *Renfrewshire* Turnpike Road Trustees, shall be subject and liable to the Provisions specified and contained in the Hundredth Section of the Queen's Printers Copy of the Statute First and Second *William* the Fourth, Chapter Forty-three, intituled *An Act for amending and making more effectual the Laws concerning Turnpike Roads in* Scotland: Provided always, that in the event of any Difference between the Company and the said Road Trustees as to the Amount of Expense incurred by the Trustees under the said last-mentioned Act, the same shall be determined summarily by the Sheriff of the County in which such Operations take place, whose Decision shall be final; and in the event of the Decision of the Sheriff being against the Company they shall be found liable in the Costs of the Proceedings.

If the Level or Course of certain Roads be altered, the Pipes thereunder to be accordingly raised or relaid by the Party making such Alteration.

XVI. And whereas under the Provisions of the said recited Act and of this Act Pipes belonging to the Company have been or will be laid along, across, or under certain Portions of the Roads under the Management of the *Renfrewshire* Turnpike Road Trustees or the *Renfrewshire* Statute Labour Road Trustees: Be it enacted, That in case the said Trustees shall at any Time hereafter alter the Lines or Levels of any Portions of the Roads along, across, or under which such Pipes are laid, the Company shall from Time to Time be bound, on receiving Two Months Notice of such Alteration, and at their own Expense, to lift and relay such Pipes to the Satisfaction of the said Trustees and their Surveyor, or, in case of Difference, to the Satisfaction of the Sheriff of the County in which such Operations shall take place, and in the event of the Decision of the Sheriff being against the Company they shall be found liable in the Costs of the Proceedings.

Same Rates to be taken as in recited Act.

XVII. And be it enacted, That it shall be lawful for the Company to demand and receive for and in respect of any Water supplied under the Provisions of this Act the same Rates as the Company are by the said recited Act authorized to demand and receive for and in respect of Water supplied under the Provisions of such Act, and the Company shall have the same Remedies in respect to the Recovery thereof as are provided by that Act.

XVIII. And

Power to erect Fountains.

XVIII. And be it enacted, That it shall be lawful to the said Company to erect Wells or Fountains on the Streets or other convenient Places where the Company may find it convenient to do so for supplying the Inhabitants with Water, and afterwards to remove the same when and as often as they see Cause; and all Persons, other than Persons receiving Parochial Relief, who shall draw Water from such Wells or Fountains for domestic or manufacturing Purposes, or for the Use of Cattle, or for any other Purpose requiring a regular Supply of Water, shall be liable to pay the Water Rates according to the actual Amount of the annual Rent or Value of their Possessions in the same Way as is provided in the Case of Persons who draw Water from Pipes within their Premises; and any Person who shall improperly interfere with, break, or injure in any Way such Wells or Fountains, or the Apparatus therewith connected, or any other Part of the Works or Property of the said Company, or who shall flush or draw off the Water of the Company so that it shall be unnecessarily wasted, shall be liable to pay the Company a Penalty of Five Pounds for each Offence, besides being liable for all the Loss, Damage, and Expense which may be occasioned thereby, to be recovered, with Costs of Suit, in a summary Manner before any competent Court.

In Absence of written Agreements to the contrary, Occupiers, &c. liable to Water Rates.

XIX. And be it enacted, That in the Absence of a written Agreement to the contrary, the Occupier of any Buildings or Premises to or for the Use of which a Supply of Water by the Company has been furnished or taken, and all Persons who shall by themselves, their Servants, or Members of their Families, or otherwise, draw Water from the Wells or Fountains of the Company, shall (except in Cases where the Company may charge the Owners of Property in Terms of the said "*Gorbals* Gravitation Water Company Act, 1846,") be deemed to be the Persons with whom the said Company have contracted, and who are liable in the Payment of the Charge for the same; and in the event of any Dispute arising as to the Liability of any Person charged with Rates, it shall be sufficient to prove by the Oath of One credible Witness that such Person has been furnished with or has drawn Water as aforesaid from the Pipes or Fountains of the Company, or the Service or other Pipes therewith connected.

Penalties for injuring Pipes and Works.

XX. And be it enacted, That it shall not be lawful to any Person to disconnect or otherwise separate from the Pipes of the said Company any Service or other Pipe which may be connected therewith, unless with the previous written Permission of all the Occupiers and Inhabitants receiving a Supply of Water by means of such Service or other Pipe, and until the Lapse of Seven Days after a written Notice, signed by him, of his Intention to disconnect such Pipe (which shall specify the Time and Place of the intended Operations) shall have been left at the Office of the said Company; and in the event of any Person disconnecting such Service or other Pipe, without such Permission, or previously to the Lapse of Seven Days after such Notice, he

he shall be liable in and pay to the said Company a Penalty of Five Pounds Sterling, besides all Loss, Damages, and Expenses that may be thereby occasioned, to be recovered, with the Costs of Suit, in a summary Manner before any competent Court.

If the Company carry their Pipes under the Roadway of the Glasgow or Jamaica Street Bridge they shall remove the same when required for Improvement of the Upper Navigation of the Clyde.

XXI. And be it enacted, That in the event of the Company carrying their Pipes to the North Side of the River *Clyde*, along or under the Roadway of the *Glasgow* or *Jamaica Street* Bridge, they shall be bound at any Time when required by the Lord High Admiral of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral, to remove such Pipes, if necessary for the Improvement of the Upper Navigation of the said River, without being entitled to any Expenses or Damage which may be occasioned by such Removal; and in the event of the Company not proceeding to remove the said Pipes within a reasonable Time after being thereunto required, it shall be lawful for the said Lord High Admiral or Commissioners to cause the same to be removed, at the Cost and Charge of the Company, and the Amount of such Costs shall be a Debt due from the Company to the Crown, and be recoverable accordingly, with Costs of Suit; and in the event of the Company wishing to carry their Pipes to the North Side of the said River, in or under the Bed of the said River, they shall be bound to submit the Plan of such Operations for the Approval of the said Lord High Admiral or Lords Commissioners.

Undertaking not exempt from Provisions of Public Health Act (Scotland).

XXII. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the Company from the Provisions of any general Act relating to the public Health in *Scotland* which may pass during the present or any future Session of Parliament.

Expenses of Act.

XXIII. And be it enacted, That all Costs, Charges, and Expenses incurred preparatory to and in applying for, obtaining, and passing this Act shall be paid by the Company out of the first Monies which shall come to their Hands, and in preference to any other Payment whatsoever.

Public Act.

XXIV. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

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