CHAPTER clxxviii.

An Act for extending the municipal and police boundaries of the burgh of Oban in the county of Argyll for increasing the number of magistrates and councillors of the burgh for regulating the management and maintenance of roads for providing an improved supply of water and for other purposes. [11th August 1881.] A.D. 1881.

WHEREAS the burgh of Oban in the county of Argyll is a burgh which contributes to send a member to Parliament and the General Police and Improvement (Scotland) Act 1862 was in whole adopted in the burgh in the year one thousand eight hundred and sixty-two and is now in force therein: 25 & 26 Vict. c. 101.

And whereas it is expedient that the boundaries of the burgh should for municipal police and sanitary purposes be extended and that the number of the magistrates and town councillors of the burgh should be increased and that provision should be made with respect to their qualification and election and with respect to the qualification of electors for municipal purposes within the burgh:

And whereas it is expedient that the whole of the roads and streets within the extended limits of the burgh should be vested in and maintained and managed by the police commissioners of the burgh:

And whereas it is expedient that the police commissioners of the burgh should be authorised to give an improved supply of water to the inhabitants of the burgh and of the vicinity thereof for domestic manufacturing and sanitary purposes and to construct the waterworks herein-after referred to:

And whereas plans and sections showing the lines and levels of the works authorised by this Act and also a book of reference 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 in the office at Inveraray of the principal sheriff clerk of

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the county of Argyll and are herein-after respectively referred to as the deposited plans sections and book of reference:

And whereas the purposes aforesaid 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:—

Part I.—Preliminary.

Short title.

1. This Act may be cited as the Oban Burgh Act 1881.

Commencement of Act.

2. This Act shall commence and come into operation immediately upon the passing of the same.

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 and

The expression "the existing burgh" means the burgh of Oban as existing previously to the commencement of this Act;

The expression "the burgh" means the burgh of Oban as extended by this Act;

The expression "the district annexed" means and comprehends so much of the territory of the burgh as is outside the limits of the existing burgh;

The expression "the parliamentary burgh of Oban" means the burgh of Oban within the boundaries thereof as fixed by the Public Act second and third William the Fourth chapter sixty-five;

The expression "the Corporation" when used with reference to any period prior to the commencement of this Act means the magistrates and councillors of the existing burgh and when used with reference to any period after the commencement of this Act means the provost magistrates and councillors of the burgh;

The expression "the council" means the town council of the burgh;

The expression "the Police Act" means the General Police and Improvement (Scotland) Act 1862 and any Act amending that Act;

The expression "the police commissioners" means the Corporation in their capacity of commissioners of police under the Police Act and this Act;

The expression "the town clerk" means the town clerk of the burgh and the expression "the clerk" means the town clerk or the clerk of the police commissioners as the case may be reference being had to the context;

The expression "the sheriff" means the sheriff of the county of Argyll and includes his substitutes and the expression "the sheriff clerk" means the sheriff clerk of the county of Argyll and his deputes;

The expression "person" includes Corporation company trustees and commissioners;

The expression "the Valuation Acts" means the Public Act of the seventeenth and eighteenth years of the reign of Her present Majesty chapter ninety-one intituled "An Act for the valuation of lands and heritages in Scotland" and any Acts amending that Act;

The expression "the valuation roll" means the valuation roll made up under the Valuation Acts;

The expression "lands and heritages" has the same meaning as in the Valuation Acts.

In the Acts wholly or partially incorporated with this Act as applicable to the special provisions of this Act the expression "the special Act" means this Act the respective expressions "the works" and "the undertaking" comprehend the waterworks already belonging to the commissioners of police of the existing burgh as well as the waterworks by this Act authorised to be executed and the expressions "the promoters of the undertaking" and "the commissioners" respectively mean the police commissioners.

Part II.—Incorporation of Public Acts.

General Police (Scotland) Act.

4. The provisions of the Police Act (except in so far as inconsistent with or varied by the provisions of this Act) shall on and from the commencement of this Act be held to have been adopted in and to apply to the burgh and the expression in this Act "commencement of this Act" shall include the meaning attached in the said Act to the adoption of that Act.

Lands and Waterworks Clauses Acts.

5. The following Acts and parts of Acts (so far as the same respectively are applicable for the purposes and not inconsistent with the provisions of this Act) are incorporated with this Act (that is to say): the Lands Clauses Consolidation (Scotland) Act 1845 the Lands Clauses Consolidation Acts Amendment Act 1860 the Waterworks Clauses Act 1847 except the provisions with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit and the Waterworks Clauses Act 1863.

8 & 9 Vict. c. 19.
23 & 24 Vict. c. 106.
10 & 11 Vict. c. 17.
26 & 27 Vict. c. 93.

Definition of existing burgh.

6. The point which now forms the centre of the fountain situate in Argyll Square in the burgh of Oban shall for the purposes of this Act be held to be the centre of the circle forming the boundary of the existing burgh.

Burgh extended.

7. The burgh shall comprise the space on the mainland included within a circle described with a radius of three-quarters of a mile from the point which now forms the centre of the fountain situate in Argyll Square in the burgh of Oban and the provisions of this Act and of all Acts for the time being in force relating to burghs in Scotland which contribute to return members to Parliament and are not royal burghs or to the municipal corporations magistrates or police commissioners thereof shall subject to the provisions of this Act apply to and have effect in the burgh as defined by this section in the same way and to the same effect as if the burgh as so defined were a burgh which contributed to return a member of Parliament.

Act not to affect election of members to serve in Parliament.

8. Nothing in this Act contained shall affect the county of Argyll or the parliamentary burgh of Oban or the limits thereof so far as regards the election of members to serve in Parliament for the said county and burgh or the preparation of the county valuation roll and register of county voters for the purposes of such election.

Number of councillors.

9. The council shall consist of nine councillors.

Qualification of electors.

31 & 32 Vict. c. 108.

10. The right of electing the council shall be in and belong to all such persons as have or shall have the qualifications specified and described in the fifth section of the Municipal Elections Amendment (Scotland) Act 1868 as amended or varied by any subsequent Act and for the purposes of that section the burgh shall be held to be a parliamentary burgh which contributes to return a member to serve in Parliament the municipal boundaries of which have been extended under a Local Act of Parliament beyond the limits of the parliamentary boundaries thereof.

Valuation roll.

11. The assessor for the parliamentary burgh of Oban under the Valuation Acts shall at the same time as he makes up the valuation roll for the same for the year from Whit Sunday one thousand eight hundred and eighty-one to Whit Sunday one thousand eight hundred and eighty-two also make up a valuation roll for the district annexed and the assessor for the burgh shall annually thereafter make up a valuation roll for the burgh distinguishing the lands and heritages within the district annexed from the lands and heritages within the existing burgh and the procedure and right of

appeal and forms shall be such and the same as are provided by the said Acts in relation to the existing burgh and for all municipal and police purposes and for all assessments imposed or which may be imposed within the burgh by any legally appointed assessing body under this Act or any other Act the said roll shall be deemed to be the valuation roll under the Valuation Acts and the expense of making up such roll shall be paid out of the assessments authorised to be levied under the powers of the Police Act the Valuation Acts and this Act Provided always that the said valuation roll shall not affect the valuation roll made up for the county of Argyll and that no lands and heritages shall be assessed for the same purposes both in the burgh and in the county of Argyll although such lands and heritages may be included in the valuation roll made up for the said county but the district annexed shall be liable to be assessed for the purposes of the Police Act and this Act by the Corporation and the police commissioners respectively only.

Register of municipal electors to be formed.

12. Immediately upon the completion of the first registration of parliamentary electors for the parliamentary burgh of Oban which shall take place subsequently to the commencement of this Act a register of the electors for the burgh to be called "the Oban Municipal Register" (herein-after referred to as "the municipal register") shall be formed for the purposes of this Act containing—

First. The names of all persons then standing in the parliamentary register for the parliamentary burgh of Oban and

Secondly. The names of all persons other than the above whose names would be entitled to appear on the said parliamentary register if the limits of the burgh were wholly within the parliamentary boundaries of the burgh of Oban.

And the municipal register to be so prepared may consist of two divisions namely the parliamentary register comprising the names of the voters included in the class first above mentioned and a supplementary register comprising the names of the voters included in the class secondly above mentioned and shall be continued added to and amended from year to year under the authority of the sheriff and in manner directed by this Act and on the said municipal register being completed for each year the town clerk shall sign the same and the said register shall form the register of persons entitled to vote in the election of councillors for the burgh until the same shall be revised and a new register be completed.

Register how to be made up.

13. For the purpose of enabling the municipal register to be made up the assessor of the parliamentary burgh of Oban acting under the provisions of the Act passed in the nineteenth and twentieth years of the reign of Her present Majesty chapter fifty-eight as amended by any subsequent Act shall in the year one

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thousand eight hundred and eighty-one and the assessor of the burgh shall annually thereafter along with the lists of voters required by the said last-mentioned Act to be delivered to the town clerk also make up and deliver to him a list of all persons primâ facie possessed of the qualifications described in the Acts regulating for the time the qualification of persons entitled to vote in the election of members of Parliament for burghs in Scotland in respect of subjects situated within the limits of the burgh but beyond the boundaries of the parliamentary burgh of Oban and such additional lists shall be dealt with and disposed of in all respects and claims and objections may be lodged and shall be dealt with and disposed of in the same way and manner and so far as regards municipal and police purposes to the same effect as the lists required to be made up and delivered and the claims and objections allowed by the said Act of the nineteenth and twentieth years of the reign of Her present Majesty as amended as aforesaid.

Registers to be printed annually.

14. The town clerk shall cause the registers framed in accordance with the provisions of this Act to be printed annually and shall deliver copies of the registers to every registered elector of the burgh who may apply for the same on payment of the fees contained in Table 2 of the Schedule B annexed to the said Act of the nineteenth and twentieth years of the reign of Her present Majesty and the expense of forming the municipal register and of printing the same annually after deducting any sums received for copies sold shall be defrayed in the way and manner provided by the said last-mentioned Act for defraying the expenses of making up and printing the register of parliamentary voters.

Saving appointment of poll clerks &c.

15. The appointment by the chief or senior magistrate immediately before any annual election of legal substitutes to preside at the polling places and of persons to officiate as poll clerks shall be valid notwithstanding the going out of office of the chief or senior magistrate after making such appointment.

Existing magistrates councillors and police commissioners to continue till new council elected.

16. The magistrates councillors police commissioners and office bearers of the existing burgh in office at the time of the commencement of this Act shall continue in office and be respectively the magistrates councillors police commissioners and office bearers of the burgh until the number of the council for the burgh shall have been completed in manner herein-after provided at the first election of councillors then next ensuing and until their successors shall have entered upon office.

Election of councillors.

17. On the first Tuesday of November in the year one thousand eight hundred and eighty-one the persons whose names are entered in the municipal register shall elect five councillors for the burgh

and the five councillors so elected shall along with the four councillors for the existing burgh who if this Act had not been passed would have continued in office as councillors for the existing burgh be the councillors for the burgh for the year ensuing and on the first Tuesday of November in the succeeding year three out of the four councillors who remained in office at the election in the year one thousand eight hundred and eighty-one shall go out of office and it shall be determined by ballot among such four councillors which three of them shall so go out of office and in the next succeeding year the remaining councillor who remained in office at the election in the year one thousand eight hundred and eighty-one and those two of the five councillors who were elected at that election by the smallest number of votes shall go out of office and thereafter the one third of the councillors annually going out of office shall consist of the councillors who shall have been longest in office and all elections of the provost magistrates and councillors shall except as otherwise herein provided be conducted and regulated in all respects in the manner directed by the Acts of Parliament regulating the election of magistrates and town councils in burghs in Scotland which contribute to return members to Parliament and are not royal burghs and the several provisions and enactments of the said Acts so far as not altered by or inconsistent with the provisions of this Act shall be as valid and effectual for carrying this Act into execution as if they were herein specially enacted and made applicable to the burgh.

Certain magistrates of the existing burgh to hold similar offices in the burgh.

18. Each magistrate of the existing burgh shall for the period during which his term of office would have continued if this Act had not been passed hold the office of magistrate of the burgh and from and after the commencement of this Act the number of magistrates of the burgh to be elected by the councillors shall be three consisting of a provost and two bailies. The chief or senior magistrate in office at the commencement of this Act shall be the first provost and shall so continue to be until the expiry of his said office of chief or senior magistrate and thereafter the councillors shall elect from among themselves the provost who shall also be the chief or senior magistrate of the burgh.

Jurisdiction of Corporation and police commissioners.

19. The provost magistrates council and police commissioners respectively shall from and after the day on which they shall severally come into office have possess and exercise over the burgh and the inhabitants thereof all the jurisdictions powers rights and authorities which the magistrates council and police commissioners respectively of the existing burgh now have possess and exercise over the existing burgh and the inhabitants thereof whether at common law or by statute or by royal charter or otherwise including

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all powers of imposing levying and recovering rates dues taxes and assessments and otherwise and for all municipal purposes and for all rates and assessments the valuation roll to be made up in each year for the burgh under the Acts in force for the time being for the valuation of lands and heritages in Scotland and this Act shall be deemed to be the valuation roll under those Acts.

Other jurisdictions to cease.

20. Subject to the provisions of this Act all jurisdictions rights powers and authorities which previously to the commencement of this Act were exercised or exerciseable by any local or other authority other than the Argyll County Road Trustees and the Argyll District Road Trustees within or over the district annexed or part or parts thereof shall cease and determine from and after the commencement of this Act.

Vesting the property of the burgh.

21. The property heritable and movable and all revenues and income of every description arising therefrom and belonging to the existing burgh or to which the existing burgh is entitled or which are held or administered by any person for or on behalf of the community of the existing burgh for the public ends and purposes thereof shall be and the same are hereby vested in the Corporation for and on behalf of and for the public ends and purposes of the burgh.

District annexed disjoined from county of Argyll.
27 & 28 Vict. c. ccvi.

22. The district annexed shall be and the same is from and after the commencement of this Act disjoined from the county of Argyll for all the purposes of the Police Act and this Act other than the purposes of the Argyllshire Roads Act 1864 and the whole provisions powers and authorities of the Police Act and this Act whether with regard to the assessment and recovery of rates or otherwise shall apply to and may be exercised by the Corporation and police commissioners respectively in the same manner and as fully in all respects with regard to the district annexed and every part thereof as to all or any portions of the existing burgh.

Jurisdiction of sheriff not to be affected.

23. Nothing in this Act shall alter diminish or affect the existing authority and jurisdiction of the sheriff or sheriffs substitute or justices of the peace of the county of Argyll.

Actions by or against Corporation or police commissioners to be brought in name of clerk and not to abate.

24. Except as herein-after specially provided all actions suits or proceedings in respect of any matter or thing relating to the execution of this Act or the Police Act which may be brought by or against the Corporation or the police commissioners as the case may be shall be in the name of the clerk for the time being as the party pursuer or defender representing the Corporation or the police commissioners as the case may be and no action suit or proceeding wherein the Corporation or the police commissioners as the case may

be shall be concerned as pursuers or defenders in the name of the clerk shall cease or abate by death resignation or removal of the clerk or by any change in the persons holding office in the Corporation or as police commissioners but the clerk for the time being shall be deemed to be the pursuer or defender as the case may be in every such action suit or proceeding.

Deeds granted and debts contracted confirmed and secured.

25. All bonds bills promissory notes assignations leases grants conveyances or other deeds obligations or securities made or granted to or by or on behalf of the magistrates and council and the commissioners of police of the existing burgh respectively shall respectively be as good valid and effectual to all intents and purposes as against or for the benefit of the burgh and shall be enforceable in the same manner and to the same extent as if the same had been made under the authority of this Act.

Arrears of former rates may be collected and debts and penalties recovered.

26. Every rate and assessment which shall have been authorised to be collected and levied by any local authority who had jurisdiction within the district annexed or any part thereof previously to the commencement of this Act together with all arrears of the same shall continue to be due and payable and may be collected and levied by the parties who respectively imposed the same and by the same ways and means and under the same restrictions and regulations as if this Act had not been passed and shall be received and applied by the same parties respectively to and for the purposes for which the same were authorised to be levied and all debts due to the magistrates and council and the commissioners of police of the existing burgh respectively by any person prior to the commencement of this Act may be demanded and recovered from such person and received and applied by the Corporation and the police commissioners respectively for behoof of the burgh.

Corporation and police commissioners may appoint committees for execution of Act.

27. For the purpose of carrying this Act into execution the Corporation and the police commissioners respectively from time to time may appoint out of their own body such and so many committees consisting of such number of persons as they think fit for any of the purposes of this Act which in the discretion of the Corporation and the police commissioners respectively would be better regulated and managed by means of such committees and may delegate to such committees the exercise of any of the powers of the Corporation and the police commissioners respectively under this Act Provided that the acts of every such committee shall in case the Corporation or the police commissioners respectively so order but not otherwise be submitted to the Corporation or the police commissioners as the case may be for their approval and also that no expenditure or

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payment made by any such committee shall be lawful or valid when the sum shall exceed twenty-five pounds unless the committee shall have been authorised by the Corporation or the police commissioners as the case may be to make such expenditure or payment Provided also that the committee shall not enter into any contract or make any rate.

Number quorum and constitution of committees.

28. With regard to the appointment of all or any of such committees as aforesaid the Corporation and the police commissioners respectively shall have power to name the convener and to fix the number of each committee who shall form a quorum and the convener who shall preside at any meeting of any such committee or in his absence the preses to be elected by the committee for the time shall be entitled to a casting vote in case of equality and the committees so to be formed shall if so directed as aforesaid report their proceedings at each ordinary meeting of the Corporation or of the police commissioners as the case may be.

Regulation of committees.

29. The Corporation and the police commissioners may respectively from time to time make such regulations as they think fit for the guidance of any committee appointed by them.

Officers to continue in office until displaced.

30. The town clerk of the existing burgh and the several other persons holding office under or who may at the commencement of this Act be employed by the magistrates and council or by the commissioners of police of the existing burgh shall respectively hold and exercise as respects the burgh their offices under the Corporation and the police commissioners respectively by the same tenure as they respectively held and exercised the same under the magistrates and council and commissioners of police of the existing burgh respectively until they shall respectively be lawfully displaced by the Corporation or police commissioners as the case may be.

Magistrates to grant licensing certificates.

31. All applications for certificates under the Public General Acts passed in the ninth year of the reign of King George the Fourth chapter fifty-eight and in the sixteenth and seventeenth years of the reign of Her present Majesty chapter sixty-seven The Public Houses Acts Amendment (Scotland) Act 1862 the Publicans Certificates (Scotland) Act 1876 and the Publicans Certificates (Scotland) Act 1876 Amendment Act 1877 in reference to premises within the burgh shall be made to and be disposed of by the magistrates remaining in office or elected under this Act who shall exercise within the burgh all the powers conferred upon magistrates of burghs by those Acts or any of them and all appeals from their judgments shall be made to and disposed of according to the provisions of the said Acts.

25 & 26 Vict. c. 35.
39 & 40 Vict. c. 26.
40 & 41 Vict. c. 3.

Weights and measures.

32. The provisions of the several Public General Acts relative to weights and measures shall within the burgh be enforced exclusively by the magistrates of the burgh and by the inspector or inspectors appointed or to be appointed by them in terms of those Acts and this Act.

Part IV.—Waterworks.

Power to police commissioners to make waterworks.

33. Subject to the provisions of this Act the police commissioners may make and maintain in the lines and according to the levels shown on the deposited plans and sections the works herein-after described and may enter upon take and use such of the lands delineated on the said plans and described in the deposited book of reference as may be required for that purpose.

The waterworks and works and conveniences connected therewith herein-before referred to and authorised by this Act are :

(1) A reservoir being an enlargement of the loch called Loch-na-Gleann-na-Bheathrach otherwise called Loch Colagin situated in the united parishes of Kilmore and Kilbride in the county of Argyll to be formed by an embankment or retaining wall which embankment or retaining wall will commence at or near a point on the south-eastern bank of the said loch distant about thirty yards southward from the centre of the top of the existing embankment across the north-eastern end of the said loch and will terminate at or near a point on the north-western bank of the said loch distant about thirty yards westward from the centre of the top of the said existing embankment The said reservoir will commence at or near a point on the stream which flows into the said loch at the south-western end thereof distant about two hundred and ninety-five yards in a westerly direction from the point where the road which passes round the south-western end of the said loch crosses the said stream and will extend in a north-easterly direction and will terminate at the proposed embankment or retaining wall above described ;

(2.) An overflow channel commencing at or near the point herein-before described as the point of termination of the said proposed embankment or retaining wall and terminating at or near a point on the stream called the Burn of Soroba distant about ten yards northward from the centre of the top of the said existing embankment ;

(3.) A conduit or line of pipes commencing in the said loch at or near a point distant about seventy yards south-westward from the centre of the top of the said existing embankment and terminating at or near the bridge carrying Combie Street in the town of Oban across the Black Lynn or Oban River by a junction with the existing distributing water pipes ;

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(4.) A diversion of the existing road which passes round the south-western end of the said loch commencing by a junction with the said existing road at a point on the south-eastern side of the said loch distant about two hundred and sixty-five yards eastward from the point where the said existing road crosses the stream flowing into the said loch at the south-western end of that loch and passing round the said south-western end of the said loch and terminating by a junction with the said existing road at a point on the north-western side of the said loch distant about three hundred and twenty yards northward from the said point where the said existing road crosses the said stream:

With all proper embankments bridges roads approaches ways wells tanks basins gauges filter-beds stand-pipes dams sluices waste weirs outlets outfalls discharge pipes adits shafts tunnels aqueducts culverts cuts channels conduits drains mains pipes junctions valves engines apparatus and conveniences connected with the said works or any of them or necessary for conducting inspecting maintaining repairing cleansing managing and using the same:

Which reservoir embankment or retaining wall overflow channel conduit or line of pipes and diversion of road and works connected therewith and the lands houses and other property to be taken for the purposes thereof will be and are situate in the united parishes of Kilmore and Kilbride and in the burgh of Oban all in the county of Argyll.

Watering-places for cattle.

34. The police commissioners shall not at any time inclose the said stream called the Burn of Soroba or the said loch without making such and so many watering-places for cattle sheep and other stock as may be agreed upon between the police commissioners and the respective owners of the lands adjoining the said loch and with reference to their respective lands or failing agreement as shall upon the application of any such owner be determined by the sheriff.

Rights of sporting, &c. reserved.

35. Nothing in this Act contained shall take away or alter the rights (if any) of the owners for the time being in possession of the lands of Oban and Glenshellach and Gallanach and the lands of Dunollie so far as these lands are now in the possession of Thomas William Murray Allan of keeping boats on and fishing shooting and sporting and of skating and curling in and over the loch and reservoir by this Act authorised.

Omission or mis-statement in plans

36. If there be any omission mis-statement or erroneous description of any lands or of the owners lessees or occupiers of any lands

shown on the deposited plans or specified in the deposited book of reference the police commissioners after giving ten days notice to the owners lessees and occupiers affected by such proposed correction may apply to the sheriff for the correction thereof and if it appear to the sheriff that such omission mis-statement or erroneous description arose from accident or mistake he shall certify the same accordingly and shall in such certificate state the particulars of the omission and in what respect any such matter is mis-stated or erroneously described and the decision of the sheriff in such matter shall be final.

or book of reference may be corrected.

37. The certificate of the sheriff shall be deposited in the office at Inveraray of the sheriff clerk of the county of Argyll and a duplicate thereof shall be deposited with the session clerk of the united parishes of Kilmore and Kilbride and such certificate and duplicate shall be kept by such sheriff clerk and session clerk respectively along with the other documents to which they relate and thereupon the deposited plans and book of reference shall be deemed to be corrected in accordance with the certificate and the police commissioners may purchase take and use for the purposes of this Act any lands in accordance with such certificate as if such omission mis-statement or erroneous description had not been made.

Certificates to be deposited.

38. The police commissioners may within the limits of deviation shown on the deposited plans divert and may impound and store up in their reservoirs and other works and may appropriate use and distribute for the purposes of the Police Act and this Act the waters of the said Loch-na-Gleann-na-Bheathrach and the affluents of that loch.

Power to divert water.

39. In addition to the lands authorised to be taken by this Act the police commissioners may purchase by agreement lands not exceeding in the whole two acres for the purposes of depôts pipe yards and other buildings and conveniences in connexion with their water undertaking.

Lands may be taken by police commissioners by agreement.

40. The powers of this Act for the compulsory purchase or taking of lands shall not be exercised after the expiration of two years from the commencement of this Act.

Period for compulsory purchase of lands.

41. If the works by this Act authorised to be made are not completed within three years from the passing of this Act then on the expiration of that period the powers by this Act granted to the police commissioners for making and completing the said works or otherwise in relation thereto shall cease to be exercised except as to so much thereof as is then completed.

Period for completion of works.

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Power to take easements &c by agreement.

42. 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 police commissioners any easement right or privilege (not being an easement of water) required by them for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Powers of lateral and vertical deviation.

43. In the construction of the works by this Act authorised to be made the police commissioners may deviate from the lines thereof as delineated on the deposited plans to any extent within the limits of deviation shown on those plans and may deviate from the levels of the said works as delineated on the deposited sections to any extent not exceeding five feet Provided always that the police commissioners shall not under the powers of lateral deviation hereby conferred construct the said embankment so that the extreme height thereof above the ground where constructed shall be more than two feet greater than the extreme height of the embankment above the ground as shown on the deposited sections.

Power to alter roads &c. temporarily.

44. For the purposes and during the execution of the several works which the police commissioners are by this Act authorised to make and subject to the provisions of this Act the police commissioners may from time to time alter or stop up temporarily any streets roads lanes paths passages sewers drains watercourses gas pipes and water pipes in any of the lands shown on the deposited plans and specified in the deposited book of reference and which they may from time to time find it expedient for any of those purposes so to interfere with.

Power to stop up road for which deviation is substituted.

45. When the diversion of road by this Act authorised is completed and opened to the public the police commissioners may permanently stop up the portion of the existing road for which such diversion is substituted and which lies between the points of commencement and termination of such diversion and the site of the said portion of existing road so far as the same shall be bounded on both sides by property acquired by and belonging to the police commissioners shall belong to and be vested in them and may be used by them as they think fit Provided that where the new portion of road is formed through or along lands belonging wholly or partly to any person through or along whose lands the superseded portion of existing road for which such new portion of road is substituted

passes the value of the site of so much of the said superseded portion of road as passes through or along the lands of such owner and is given up to him shall be taken into account in estimating the compensation payable to him for the land taken from him for such new portion of road Provided further that the said diversion of road shall as respects management and maintenance and in all other respects be held as part of and be subject to the same provisions as the existing road for part of which the same is substituted as aforesaid.

Compensation water to be supplied.

46. As compensation to parties interested in the waters of the Burn of Soroba for any water which may be diverted from that burn and stored up in the said reservoir or otherwise used for the purposes of this Act the police commissioners shall and are hereby required so soon as the said embankment shall have been completed to give out from the said reservoir in a constant and uniform stream at all hours six thousand gallons per hour at a point immediately to the north-east of the said embankment.

Gauge to be constructed.

47. For the purpose of ascertaining and measuring the quantity of compensation water discharged by the police commissioners into the Burn of Soroba the police commissioners shall cause to be erected at or near the entrance of the overflow channel (Work No. 2) into the said burn a sufficient gauge to be made to the satisfaction of the said Alexander William Macdougall his heirs or assigns or his or their engineer and the said gauge shall for ever after be maintained in a proper state of repair by and at the expense of the police commissioners and to the satisfaction of the said Alexander William Macdougall his heirs or assigns and the said Alexander William Macdougall his heirs or assigns shall at all times have the right of free access to the said gauge for the purpose of ascertaining the state of repair and efficiency thereof and of gauging and ascertaining the quantity of water from time to time passing through the same In the event of any difference arising between the parties as to the nature of or mode of constructing the said gauge or the maintenance thereof such difference shall be settled by some competent person to be appointed by the sheriff whose decision shall be final and binding on the parties.

Owner of Soroba Estate may cause gauge to be repaired.

48. If at any time the said gauge be in an unfit state of repair or condition for the purpose for which it is intended the same shall be forthwith put into a proper state of repair and condition by and at the expense of the police commissioners and if they fail so to do within seven days after notice in writing given to them by or on behalf of the said Alexander William Macdougall his heirs or assigns requiring the police commissioners to repair or renew the

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same it shall be lawful for the said Alexander William Macdougall his heirs or assigns to cause such work to be done and performed in connexion with such gauge as shall be necessary for renewing or placing the same in a proper state and condition and to recover the expense of such work with full costs of suit against the police commissioners in any court of competent jurisdiction.

Provisions of Police Act applied to water supply authorised by this Act.

49. The works by this Act authorised shall be held to be works constructed by the police commissioners in order to provide such a supply of water as may be proper and sufficient for the purposes of the Police Act under the provisions of that Act and all the provisions of that Act with respect to the supply of water and with respect to the borrowing of money for the police purposes of that Act and with respect to assessments for police purposes shall be held to apply to the said works and to the supply of water by the police commissioners from such works as if those provisions of the Police Act had been re-enacted in this Act with reference and as applicable to the purposes of this Act. Provided always that the occupiers of premises built or erected prior to the commencement of this Act and situate wholly or partially within the district annexed, and the owners of such premises when the same are let at a rent under four pounds shall be relieved from the payment of such part of the police assessment as is for the time being payable in respect of a supply of water in respect of such premises while and so long as the occupiers of such premises shall not have a supply of water from the waterworks of the commissioners, and shall have from some other source a proper supply of water for domestic purposes within such premises.

Additional water rate for sanitary purposes.

50. In addition to the police assessment which the police commissioners are by the Police Act authorised to levy the police commissioners may assess in each year all owners of lands or premises within the burgh according to the valuation roll (but subject always to the provisions for the valuation of certain lands and premises contained in section ninety of the Police Act) at a rate equal to but not exceeding one penny in the pound of the gross yearly value of such lands or premises and such assessment shall be called the "public water rate" and shall be recoverable in such and the like manner as the police assessment is by the Police Act authorised to be recovered.

Assessment of Callander and Oban Railway for public and domestic water rates.

51. Provided always that the annual value of the railway and sidings (wherever situate) stations depôts and buildings (but not including any railway pier or quay) belonging to the Callander and Oban Railway Company within the burgh shall as regards the public water rate and the police assessment so far as it is applicable

to water be held to be the nearest aggregate sum of pounds sterling to one fourth of the annual value thereof entered in the valuation roll. A.D. 1881.

Limits of Act.

52. The limits of this Act for the supply of water (herein-after called "the limits of water supply") are the limits of the burgh.

Supply of water for domestic use within limits of compulsory supply.

53. The police commissioners shall cause pipes to be laid and water to be brought throughout all the streets within the limits of water supply and shall at the request of any person being the owner or occupier of any house or part of a house occupied as a separate dwelling situate within the said limits furnish within such dwelling-house by means of communication pipes and other necessary and proper apparatus to be provided laid down and maintained at the cost of such person a sufficient supply of water for domestic and ordinary purposes in such dwelling-house Provided always that the water to be supplied by the commissioners need not be laid on constantly or under pressure and that the commissioners shall not be bound to supply water at a greater height than can be done by gravitation from their reservoirs.

Regulations for preventing waste of water supplied by the commissioners.

54. For the purpose of preventing the waste misuse or undue consumption or the contamination of the water supplied by the police commissioners the police commissioners may from time to time prescribe the size nature strength materials mode of arrangement and repair of the pipes valves cocks cisterns waterclosets and other apparatus to be used and may interdict any arrangement and the use of any pipes valves cocks cisterns waterclosets and other apparatus which in their judgment may tend to any such waste misuse undue consumption or contamination.

Conditions of supply.

55. The police commissioners shall not be bound to supply any water unless the pipes valves cocks cisterns waterclosets or other apparatus to be used be made of such size nature strength and materials and be so arranged and repaired as the police commissioners from time to time prescribe or approve Provided always that any rules made by the police commissioners in the exercise of the powers conferred on them by this section and the immediately preceding section shall not be operative unless the same shall have been approved of and confirmed by the sheriff.

Supply of water may be cut off if apparatus defective.

56. If the apparatus in any house or premises be out of repair or be so used or contrived as that the water supplied by the police commissioners is or is likely to be wasted misused unduly consumed or contaminated it shall be lawful for the police commissioners (without prejudice to any other remedy in respect thereof) to cut off shut off or lock up such apparatus or the communication or service pipe leading thereto and to cease to give a supply of water

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to such house or premises so long as the defect or cause of damage remains or is not remedied.

Pipes not to be affixed to mains without consent of commissioners.

57. It shall not be lawful for the owner or occupier of any house or premises supplied with water by the police commissioners to affix or permit or suffer to be affixed without their written consent any tube or hose to any of the mains or pipes of the police commissioners or to any service pipe or apparatus of such owner or occupier for the purpose of washing horses carriages or other vehicles windows houses or buildings or for watering gardens or washing pavements or roads or for any other purpose and any person who contravenes this enactment shall be guilty of an offence and shall for every such offence forfeit and pay to the police commissioners a penalty not exceeding five pounds.

Commissioners may repair apparatus on failure by owner or occupier.

58. If any apparatus shall be out of order the owner or occupier of the house or premises in or to which such apparatus is placed or attached shall be bound to repair and make good the same and if such owner or occupier fail to make the requisite repairs within twenty-four hours after notice in writing so to do the police commissioners may repair renew and make water-tight all such apparatus and shall be entitled to recover from the owner or occupier so failing the cost of such repair or renewal together with any penalty which may have been incurred for wilful waste of water or for suffering such apparatus to be out of repair in the manner hereinafter provided for the recovery of penalties or by action in any court of competent jurisdiction.

Supply to lands of Oban, Glenshellach, Gallanach, Dunollie, and Soroba.

59. The commissioners shall and they are hereby required at such times as they shall have a surplus of water after giving a supply to the inhabitants of the burgh for domestic trading and sanitary purposes to give out of such surplus a supply of water for the like purposes to the owners and occupiers of lands forming part of the lands of Oban and Glenshellach the lands of Gallanach and the lands of Dunollie and Soroba in such quantity as having regard to the requirements of the whole of the owners and occupiers of such lands respectively they shall then be able to give upon payment in each case of such rates or charges for such supply as shall be fixed by the commissioners or as herein-after provided: Provided always that the parties requiring such supply shall before being entitled to receive any such supply provide and lay the mains and service pipes necessary to connect their premises with the mains of the police commissioners within the burgh and shall thereafter maintain the same in good repair and so as not to leak or cause any waste of the water of the police commissioners; and in the event of there being in the police commissioners opinion at any time or

times a deficiency of water or a danger of deficiency of water for the supply of domestic and trading and sanitary purposes within the limits of the burgh or in the event of the mains or service pipes to be provided as aforesaid not being kept in good repair and so as not to leak or cause waste or in the event of the rates for water supplied remaining unpaid for fourteen days after the same have become due and have been demanded it shall be lawful for the police commissioners on giving at least forty-eight hours notice of their intention so to do to the persons whose supply of water will be thereby affected to cut off the mains or service pipes by means of which such water is supplied and to cease to give such supply so long as such deficiency or danger of deficiency continues or the said mains or service pipes are not put in proper repair or such rates and the expenses of cutting off such water and the cost of recovering such rates and expenses remain unpaid; and such rates and costs may be recovered by the police commissioners as merchants accounts under the provisions of the Debts Recovery (Scotland) Act 1867 or by action in any court of competent jurisdiction: Provided further that any question which may arise between any of the said owners or occupiers and the commissioners as to the ability of the commissioners to give the said supply to them or any of them or as to the quantity of water which they are able to give or as to the rate or charge which shall be made by the commissioners for the said supply shall on the application of either of the said parties to the sheriff depute of the county of Argyll be determined summarily by him and his decision on any such question so submitted to him shall be final and not subject to review.

30 & 31 Vict. c. 96.

Supply of water by measure.

60. The commissioners if they think fit may enter into agreements to supply and may supply water within any part of the limits of water supply for other than domestic and ordinary purposes by measure or in bulk or otherwise and may also if they think fit enter into agreements to supply and may supply water to any person beyond the limits of water supply either for domestic or other purposes by measure or in bulk or otherwise and in the event of there being in the police commissioners opinion at any time or from time to time a deficiency of water or a danger of deficiency of water for the supply of domestic and ordinary purposes within the limits of water supply or in the event of the rent or consideration money for any water supplied remaining unpaid for fourteen days after the same has become due and has been demanded it shall be lawful for the police commissioners on giving at least forty-eight hours notice of their intention so to do to the person by whom such rent or consideration money is due to cut off the connexion or service pipe by means of which such water is supplied and to

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cease to give such supply so long as such deficiency or danger of deficiency continues or as such rent or consideration money and the expense of cutting off such water and the costs of recovering such rent or consideration money and expense remain unpaid and such rent or consideration money and expense and costs may be recovered by the police commissioners as merchants accounts under the provisions of the Debts Recovery (Scotland) Act 1867 or by action in any court of competent jurisdiction Provided always that nothing shall be done under this section which shall interfere with a proper supply of water for domestic purposes within the limits of water supply.

Part V.—Roads.

Transfer of roads within burgh from Argyllshire Road Trustees to police commissioners.
41 & 42 Vict. c. 51.

61. From and after the first day of September one thousand eight hundred and eighty-one the powers conferred upon the Argyll County Road Trustees (herein-after called "the county road trustees") and the Argyll District Road Trustees for the district of Lorn (herein-after called "the district road trustees") by the Argyllshire Roads Act 1864 and the Roads and Bridges (Scotland) Act 1878 shall cease to be exerciseable by them respectively within the burgh and it shall not be lawful for the county road trustees or the district road trustees to assess any lands or heritages within the burgh for any of the purposes whatsoever of those Acts and the roads bridges lands property and effects powers and privileges whatsoever vested in or belonging to or under the management of the county road trustees and the district road trustees or either of them within the burgh under or by virtue of the said Acts (herein-after described as "the transferred roads and bridges") shall respectively become and be by virtue of this Act transferred to and vested in the police commissioners who may use possess sue for and recover the same and act in respect thereof within the burgh as effectually as if the same had been vested in them by the Argyllshire Roads Act 1864 and the Acts therein recited and the police commissioners shall maintain and manage the transferred roads and bridges and may for the purposes of such maintenance and management assess and levy yearly on the property within the burgh according to the valuation roll a rate or rates by way of assessment calculated to yield in the whole in the year any amount not exceeding the amount required for such purposes and other the purposes by this section provided and such rate may be levied either as a separate rate or as part of or in addition to but always subject to the same restrictions and exemptions and recoverable in the same manner as the police assessment assessed or assessable within the burgh and such rate shall be payable one

half by the proprietor and the other half by the tenant or occupier of the lands and heritages on which the same is imposed except in the case of lands and heritages entered in the valuation roll as of the annual value of four pounds or under in which case the whole of the assessment imposed on such lands and heritages may in the option of the police commissioners be levied and paid by the proprietor who shall be entitled to recover one half thereof from the tenant or occupier and the police commissioners shall have and possess the same rights powers and privileges and be subject to the same liabilities in reference to the transferred roads and bridges (including the construction of new roads and bridges) and to the construction maintenance and repair thereof as they possess and are subject to with reference to any streets within the existing burgh and the provisions of the forty-eighth section of the Argyllshire Roads Act 1864 so far as relating to the parliamentary burgh of Oban and to the payment thereby required to be made by the district road trustees to the magistrates of that burgh are from and after the said first day of September one thousand eight hundred and eighty-one repealed Provided always that before the said transfer shall take effect the police commissioners shall agree with the district road trustees as to what sum shall be yearly paid to them by the said commissioners and failing agreement the amount shall at the instance of either party be settled on summary application by the sheriff who shall take into consideration all the circumstances of the case and whose decision shall be final and the said terms shall be liable to revision at the instance of either party at intervals of not less than five years by the sheriff whose decision shall be final Provided further that from and after the commencement of this Act the chief magistrate of the burgh of Oban shall no longer be entitled as such chief magistrate to be one of the county road trustees or of the district road trustees and no person shall be entitled to be one of the county road trustees or of the district road trustees in respect of any qualification arising out of property situate within the burgh. A.D. 1881.

Part VI.—Miscellaneous.

62. Subject to the provisions of this Act any person who is a member of the Corporation or is one of the police commissioners shall not accept or hold any office or place of profit under this Act or be concerned or participate in any manner in any contract for any work to be done under the authority of this Act or in the profit thereof but nothing herein contained shall prevent any joint stock company established by Act of Parliament of which any such person shall be a member or shareholder from entering into any contract with or doing any work for the Corporation or police commissioners

Members of the Corporation and police commissioners not to hold office under or enter into contracts with Corporation or police commissioners.

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Provided always that no such person shall vote upon any question relating to any such contract or work.

Members of the Corporation and police commissioners not incapable of acting as justices.

63. A person shall not be incapable of acting as a justice of the peace in the execution of this Act with reference to the levying of any penalty thereunder by reason of his being a member of the Corporation or being a police commissioner.

Proceedings not invalidated by reason of vacancy or of defect or informality in appointment.

64. No proceeding of the Corporation or police commissioners or of any committee of such respective bodies shall be invalidated or be illegal in consequence of there being any vacancy in the number of the members of the Corporation or of the police commissioners or committee at the time of such proceeding or of there having been any defect or informality in the appointment of the members of the Corporation or police commissioners or of such committee.

Power to enter into contracts.

65. The Corporation and the police commissioners respectively or any committee of such respective bodies empowered by them to that effect may contract with any person for carrying into execution any of the works by this Act authorised or for the supply of materials or with respect to any other matters necessary for the purposes of this Act and every such contract shall be signed by the chairman of the meeting at which it is made and by the clerk to such respective bodies.

Power to compound.

66. The Corporation and the police commissioners respectively may compound with any person who has entered into any such contract or granted any bond or other security for the performance thereof with respect to any damages penalty or other claim arising in consequence of any breach or non-performance of such contract upon payment of such sum of money or other consideration as such respective bodies may think proper.

General saving of rights.

67. Subject to the provisions in this Act contained—

(1) The Corporation shall be seized and possessed of and entitled to all rights interests and property of or to which at the commencement of this Act the magistrates and councillors of the existing burgh were seized possessed or entitled and the police commissioners shall be seized and possessed of and entitled to all rights interests and property of or to which at the commencement of this Act the commissioners of police of the existing burgh were seized possessed or entitled;

(2) All acts matters and things before the commencement of this Act done under the powers and authorities of any Acts and which are at the commencement of this Act good valid and available and all conveyances leases mortgages bonds covenants deeds instruments contracts agreements obligations rights and

remedies existing at the commencement of this Act shall be and continue as good valid and available for all purposes and for and against all parties as if this Act had not been passed;

(3) All actions suits prosecutions or other proceedings by or against the magistrates and councillors or the commissioners of police of the existing burgh by reason of any matter or thing done before the commencement of this Act may be continued commenced or prosecuted by or against the Corporation or police commissioners;

(4) All rates and rents at the commencement of this Act imposed or due or accruing due to the magistrates and councillors or the commissioners of police of the existing burgh may from and after the commencement of this Act be collected and recovered by the Corporation or the police commissioners;

(5) All books and documents relating to the existing burgh or to the magistrates and councillors or the commissioners of police of the existing burgh shall be receivable in evidence as if this Act had not been passed.

Nothing to abridge rights and remedies of Corporation or police commissioners.

68. Nothing in this Act shall take away or abridge any right power or authority which the magistrates and councillors or commissioners of police of the existing burgh had or might have enjoyed independently of this Act but every such right power and authority shall subject to the provisions of this Act belong to and be enjoyed by the Corporation and the police commissioners respectively.

Recovery of penalties.

27 & 28 Vict. c. 53.

69. All penalties imposed by this Act or by the Acts incorporated with this Act may be recovered by the police commissioners according to the summary mode provided by the Public General Acts 7 William IV. and 1 Victoria chapter forty-one and 16 and 17 Victoria chapter eighty or by the Summary Procedure Act 1864.

Costs of Act.

70. The costs charges and expenses of and incident to the preparing for obtaining and passing this Act or otherwise in relation thereto shall be paid by the police commissioners out of the rates levied by them and the moneys raised by them under the powers of the Police Act and this Act or either of them.

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