

**CHAPTER cxliv.**

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Dunbartonshire (Vale of Leven) Water. A.D. 1904.

[1st August 1904.]

WHEREAS His Majesty's Secretary for Scotland has made the Provisional Order set forth in the schedule hereunto annexed under the provisions of the Private Legislation Procedure (Scotland) Act 1899 and it is requisite that the said Order should be confirmed by Parliament: 62 & 63 Vict.
c. 47.

Be it therefore enacted by the King'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:—

1. The Provisional Order contained in the schedule hereunto annexed shall be and the same is hereby confirmed. Confirmation
of Order in
schedule.

2. This Act may be cited as the Dunbartonshire (Vale of Leven) Water Order Confirmation Act 1904. Short title.

A.D. 1904.

SCHEDULE.

DUNBARTONSHIRE (VALE OF LEVEN) WATER.

Provisional Order to authorise the construction and maintenance of additional Waterworks for the supply of the Vale of Leven Special Water Supply District in the County of Dunbarton and for other purposes.

WHEREAS the county council of the county of Dunbarton (herein-after called "the county council") are the local authority for the county in the execution of the Public Health (Scotland) Act 1897 and Acts amending the same (herein-after called "the Public Health Acts") with reference to rating borrowing or acquiring or holding land :

And whereas under the provisions of the Local Government (Scotland) Act 1889 (herein-after called "the Act of 1889") the County of Dunbarton has for the purposes (inter alia) of the administration therein of the Public Health Acts been divided into districts one of which comprises the parishes (so far as extra-burghal) of Arrochar Luss Rosneath Row Cardross Bonhill Kilmaronock and Dunbarton and is called "the Western District" :

And whereas the district committee of the county council constituted under the provisions of the Act of 1889 for the western district of the county (herein-after called "the district committee") are the local authority for the execution within the western district of the Public Health Acts except with reference to rating borrowing or acquiring or holding land :

And whereas under the provisions of the Public Health (Scotland) Act 1867 which were at the time in force several special water supply districts were formed in the parish of Bonhill in the said western district and the same were from time to time altered and extended and subsequently combined and the combined district afterwards extended :

And whereas such district has under the provisions of the Public Health Acts and in accordance with a decree of the sheriff of Dunbartonshire dated the twenty-ninth day of March one thousand eight hundred and ninety-nine made in pursuance of

such Acts been further extended and is now known as the Vale of Leven Special Water Supply District and by such decree the limits of the district as it now exists are defined :

And whereas the Vale of Leven Special Water Supply District as now constituted is supplied by the district committee with water from the lands of Overton and others in the parish of Bonhill and from Loch Lomond by means of certain reservoirs and waterworks constructed by the parochial board of the parish of Bonhill as the local authority under the said Public Health (Scotland) Act 1867 (whose duties are now vested in the district committee as the local authority under the Public Health Acts) and by the district committee respectively :

And whereas the present water supply so far as drawn from Loch Lomond is taken from the Loch near Balloch Railway Pier in the Parish of Bonhill by means of pumping at considerable annual expense and the water is liable to pollution and the water supply of the district is in consequence thereof and in other respects unsatisfactory :

And whereas it is expedient in the interests of the inhabitants of the special water supply district that the district committee should be authorised to construct additional waterworks and to obtain a new supply of water for the said district from other sources and that the district committee should be authorised to discontinue the present supply from Loch Lomond :

And whereas it is expedient that the district committee should be empowered to supply any surplus water to other parts of their district outside the special water supply district :

And whereas it is expedient that the provisions contained in this Order with reference to the supply of water by the district committee the levying of assessments and the borrowing of money and other matters should be made in reference to the water undertaking of the district committee :

And whereas plans and sections showing the lines and levels of the works authorised by this Order 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 and other property required or which may be taken for the purposes or under the powers of this Order were duly deposited at the office at Dunbarton of the principal sheriff clerk of the county of Dunbarton and are herein-after respectively referred to as the deposited plans sections and book of reference :

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And whereas the purposes aforesaid cannot be effected without an Order of the Secretary for Scotland confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1899:

Now therefore in pursuance of the powers contained in the last-mentioned Act the Secretary for Scotland orders as follows:—

Short title.

1. This Order may be cited as the Dunbartonshire (Vale of Leven) Water Order 1904.

Incorporation of Acts.

2. The following Acts and parts of Acts (so far as the same respectively are applicable for the purposes and are not inconsistent with the provisions of this Order) are hereby incorporated with and form part of this Order (that is to say):—

The Lands Clauses Acts:

The Waterworks Clauses Acts 1847 and 1863 except—

(1) The words “with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner” in clause 44 of the Waterworks Clauses Act 1847;

(2) Sections 75 to 82 of the Waterworks Clauses Act 1847 with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit and section 83 relating to accounts:

Provided that—

(A) The district committee shall not be obliged to furnish a supply of water to any person for any less sum than five shillings in any one year;

(B) No person shall be entitled to demand such supply of water or to require the district committee to lay down communication pipes unless some pipe of the district committee shall have been laid within one hundred feet of the house or other premises in respect of which such supply or communication pipes are demanded or unless the district committee shall become bound by virtue of a requisition and agreement made and executed in the manner and to the extent required by the Waterworks Clauses Act 1847 to cause pipes to be laid down within the said distance of one hundred feet of such house or other premises;

(C) The water to be supplied by the district committee need not be constantly laid on under pressure

during the execution of necessary repairs renewals or alterations and the district committee shall not be required to supply water in any case at a pressure greater than that to be afforded by gravitation from their existing service tanks : A.D. 1904.

The provisions of the Railways Clauses Consolidation (Scotland) Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof.

This Order shall be deemed to be a special Act within the meaning of the Acts wholly or partially incorporated with this Order.

3. In this Order unless there be something in the subject or context repugnant to such construction the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings and the following expressions have the several meanings hereby assigned to them (that is to say) :— Interpretation.

The expression "the county council" means the county council of the county of Dunbarton ;

The expression "the district committee" means the district committee for the western district of that county ;

The expression "the local authorities" means the county council and the district committee ;

The expression "the special water supply district" means the Vale of Leven special water supply district in the parish of Bonhill in the county of Dunbarton as such district now exists or may from time to time be enlarged or altered ; and

The expression "the Public Health Acts" means the Public Health (Scotland) Act 1897 and any Act amending the same :

In the Acts wholly or partially incorporated with this Order—

The expression "schoolmaster" means as regards any parish outside a burgh the clerk of the parish council of such parish.

4. Subject to the provisions of this Order the district committee may on lands to be acquired by the county council or in which the county council shall have obtained the necessary servitudes as herein-after provided make and maintain in the lines and according to the levels shown on the deposited plans and Power to construct works.

A.D. 1904. sections the works herein-after in this section described in the county of Dunbarton (that is to say):—

- (1) A reservoir (Work No. 1) in the parish of Luss on the stream known as the Finlas Water and lands and streams adjacent thereto such reservoir commencing at the embankment herein-after described at a point on the Finlas Water about two thousand and five yards measured in a north-west by westerly direction from the north-west corner of Shemore farm buildings numbered 311 on the 25-inch ordnance survey map of the parish of Luss second edition 1898 and terminating on the Finlas Water at a point about eight hundred and eighty yards measured in a north-westerly direction from the point of commencement:
- (2) An embankment (Work No. 2) in the parish of Luss across the Finlas Water at the point above described as the commencement of the reservoir such embankment commencing on the south-west side of the Finlas Water at a point about ninety-five yards measured south-westwards and terminating on the north-east side of the Finlas Water at a point about one hundred and thirty yards measured north-eastwards from the centre of the Finlas Water at the said point where the embankment crosses that water:
- (3) A flood water course (Work No. 3) in the parish of Luss commencing on the embankment above described at a point about twenty yards measured westwards from the point of termination of that embankment and terminating in the Finlas Water below the embankment at a point about one hundred and ten yards measured south-eastwards from the said point where such embankment crosses the Finlas Water:
- (4) An aqueduct conduit or line of pipes (Work No. 4) commencing in the parish of Luss in the reservoir above described at a point about fifty-five yards measured north-westwards from the said point where the embankment crosses the Finlas Water and terminating in the parish of Bonhill by a junction with the existing water main of the district committee in the road known as the Alexandria Highway at the junction with that highway of the road leading to Balloch Railway Station known as the Balloch Road.

5. The district committee in addition to the foregoing works may upon or in such lands as aforesaid make erect and maintain all such dams weirs bye-wash channels bridges roads accesses approaches wells tanks gauges filter beds sluices outlets drains aqueducts culverts channels mains pipes engines machinery buildings telegraphs telephones posts wires and other works and conveniences as may be necessary or convenient in connexion with or subsidiary to the before-mentioned works or any of them but nothing in this Order shall exonerate the district committee from any action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them Provided that any telegraphs telephones posts wires and other works made erected or maintained by the district committee shall not be used in contravention of the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

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Power to
make subsidiary
works.

6. The provisions of the Railways Clauses Consolidation (Scotland) Act 1845 with respect to the temporary occupation of lands as incorporated with this Order shall apply only to the reservoir authorised by this Order and works immediately connected therewith and for the purposes of this Order those provisions shall be read as if the district committee and the reservoir and works immediately connected therewith were mentioned therein respectively instead of the company and the railway and as if the boundaries of the reservoir and such works were mentioned therein instead of the centre of the railway Provided that sections 25 and 26 of that Act shall apply to all the works by this Order authorised and that in such application the prescribed limits mentioned in those sections shall be one thousand five hundred yards from any part of the boundaries of any of such works.

Temporary
occupation
of lands.

7. Subject to the provisions of this Order the district committee may in the construction of the works by this Order authorised deviate laterally from the lines thereof described on the deposited plans to any extent not exceeding the limits of lateral deviation shown on such plans and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits and the district committee may also deviate vertically from the levels of such works shown on the deposited sections to any extent not exceeding five feet upwards and ten feet downwards Provided that the district committee shall not construct the embankment or wall of the reservoir of a greater height above the general surface of the ground than that shown on the deposited

Limits of
lateral and
vertical de-
viation.

A.D. 1904. — sections in respect of the corresponding embankment or wall and five feet in addition and that except for the purpose of crossing over a stream no part of the aqueduct conduit or line of pipes shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections.

Power to
alter roads
&c.

8. For the purposes of the several works by this Order authorised the district committee may subject to the provisions of this Order break up alter divert cross or stop up temporarily any roads highways paths bridges streams watercourses sewers drains telegraphic telephonic gas water and other mains pipes wires posts and other works which they may find it expedient to interfere with the district committee doing as little damage as possible and providing substitutes for any sewers drains gas or water pipes or electric or other apparatus interfered with and making full compensation to all persons injuriously affected by the exercise of the powers of this section. Provided that nothing in this section shall extend to authorise any interference with the electric apparatus or other property of His Majesty's Postmaster-General. Provided also that nothing in this section shall extend to authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Act 1882 otherwise than in accordance with the provisions of section 15 of that Act.

Period for
completion
of works.

9. If the works authorised by this Order are not completed within four years from the passing of the Act confirming this Order then on the expiration of such period the powers by this Order granted to the district committee for executing the same shall cease except as to so much thereof as is then completed but nothing herein shall restrict the district committee from at any time extending enlarging altering or renewing any of their conduits mains tanks pipes machinery and other works as occasion requires for supplying water under this Order.

Power to
divert and
impound
waters.

10. Subject to the provisions of this Order the district committee may by means of the works authorised by this Order and of their other waterworks or such of them as are not at the time abandoned collect impound take use divert and appropriate for the supply of the special water supply district and for the other purposes of this Order the waters of the stream called or known as the Finlas Water and the tributaries thereof known as Allt na h Ainnire and Allt a Mhuilt and of all or any of the affluents of those streams and also all such springs streams and waters as will or may be intercepted by the reservoir by this Order authorised.

11.—(1) As compensation to all persons interested in the waters to be impounded and taken under the provisions of this Order the district committee shall as soon as they commence to supply water to the special water supply district from the reservoir and works by this Order authorised discharge or deliver from such reservoir into the Finlas Water at a point therein situate not more than one hundred yards below the foot of the embankment of the reservoir not less than five hundred thousand gallons of water in a continuous flow during every day of twenty-four hours.

(2) For the purpose of measuring the quantity of water to be so discharged or delivered into the Finlas Water the district committee shall erect and maintain at a point on the said Finlas Water below the said reservoir not more than one hundred yards from the foot of the embankment thereof a proper and suitable measuring gauge over or through which the said compensation water shall flow and such gauge shall be open to the inspection and examination of the owners for the time being of the lands abutting upon the Finlas Water below the said reservoir.

(3) In case of any neglect on the part of the district committee to maintain the gauge in a state of efficiency and in case of any other neglect by or in consequence of which the said quantity of compensation water shall not so flow the district committee shall for every day on which such neglect occurs forfeit and pay to each of such owners affected thereby (who may sue for and recover the same) a sum not exceeding five pounds and shall in addition make compensation for any loss damage or injury sustained by such owners or any of them.

(4) If any difference arises between the district committee and any such owner with respect to the construction or use of such gauge or the state of repair or condition thereof such difference shall be settled by an engineer to be nominated (unless otherwise agreed) on the application of either of them by the Board of Trade.

(5) The provisions of this section shall be accepted and taken by all persons interested as full compensation for all water which the district committee can divert collect impound or appropriate under this Order.

12. Subject to the provisions of this Order the county council may enter upon take and hold such of the lands shown on the deposited plans and described in the deposited book of reference as may be required for the purposes of the works by this Order authorised to be constructed by the district committee.

Power to
county
council to
acquire lands
for works.

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Persons
under dis-
ability may
grant servi-
tudes &c.

13. Persons empowered by the Lands Clauses Acts to sell and convey or discharge lands may if they think fit subject to the provisions of those Acts and of this Order grant to the county council any servitude right or privilege (not being a servitude right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Order in over or affecting any such lands and the provisions of the said Acts with respect to lands and annual feu duties or ground annuals so far as the same are applicable in this behalf shall extend and apply to such grants and to such servitudes rights and privileges as aforesaid respectively.

Power to
acquire ser-
vitudes only.

14. The county council may in lieu of acquiring any lands for any of the purposes of this Order acquire such servitudes in or over such lands as may be required for the purpose of making extending enlarging altering renewing maintaining cleansing and repairing the aqueduct conduit or line of pipes and affording access to any of the works by this Order authorised and may give notice to treat in respect of such servitudes and may in such notice describe the nature thereof and the several provisions of the Lands Clauses Acts (inclusive of those with regard to limited owners and to arbitration and the summoning of a jury) shall apply to such servitudes as fully as if the same were lands within the meaning of such Acts :

Provided that nothing herein contained shall authorise the county council to acquire by compulsion any such servitude in any case in which the owner in his particulars of claim shall require the county council to acquire the lands in respect of which they have given notice to treat for the acquisition of a servitude only and every notice to treat for the acquisition of a servitude shall be endorsed with notice of this provision :

Provided also that as regards any lands taken or used only for the purpose of such aqueduct conduit or line of pipes and accesses the district committee shall not (unless the county council shall have given notice to treat for or have acquired such lands and not merely servitudes therein) be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall at all times after the completion of the works have subject to any such servitude the same rights of passing over such lands for all purposes of or connected with the use or enjoyment of the adjoining lands as if such lands had not been taken or used for such works.

15. The powers of the county council for the compulsory purchase of lands for the purposes of this Order shall cease after the expiration of three years from the passing of the Act confirming this Order.

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Period for compulsory purchase of lands.

16. In addition to the lands which the county council are by this Order^a authorised to purchase compulsorily they may for any of the purposes of this Order by agreement purchase any further quantity of land not exceeding in the whole twenty-five acres or any servitude in any lands (not being a servitude of water in which persons other than the grantors have an interest) Provided that neither the county council nor the district committee shall upon any such lands create or permit any nuisance or erect any buildings thereon other than offices and dwellings for persons in their employ and such buildings and works as may be incident to or connected with their water undertaking.

Power to acquire additional lands by agreement.

17.—(1) The county council shall not under the powers of this Order purchase or acquire in any district within the meaning of the Public Health (Scotland) Act 1897 ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Secretary for Scotland ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

Restriction on taking houses of labouring class.

(2) If the county council acquire or appropriate any house or houses for the purposes of this Order in contravention of the foregoing provisions they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Secretary for Scotland by action in the Court of Session and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the Court may if it think fit reduce such penalty.

(3) For the purposes of this section the expression "house" means any house or part of a house occupied as a separate dwelling and the expression "labouring class" means mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

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Power to
agree as to
drainage of
lands.

18. The county council or the district committee may make and carry into effect agreements with the owners lessees or occupiers of any lands within the drainage area of the reservoir by this Order authorised with reference to the execution by the district committee or such owners lessees or occupiers of such works as may be necessary for the purpose of draining such lands or any of them or for more effectually collecting conveying and preserving the purity of the waters by this Order authorised to be impounded and taken by the district committee flowing to upon or from such lands directly or derivatively into such reservoir.

Byelaws for
preventing
pollution of
water.

19.—(1) The district committee may make byelaws for preventing the pollution fouling or contamination of the water which they are authorised to impound and take under this Order and may by such byelaws prescribe the construction maintenance and use of proper drains sewers and works and make provision for the prevention of any act or thing tending to pollution of the water.

(2) The byelaws made under this section shall be in force within the area from or through which the said waters flow or within so much of such area as may be defined in the byelaws.

(3) The provisions as to byelaws to be made by a local authority contained in sections 183 to 188 of the Public Health (Scotland) Act 1897 shall apply to byelaws made by the district committee under this section.

(4) The district committee shall pay compensation to the owners of and other persons interested in any lands in respect of which byelaws shall be made under the provisions of this section whose legal rights shall be injuriously affected by the restrictions imposed by such byelaws and such compensation shall be settled in default of agreement by arbitration in accordance with the provisions of the Lands Clauses Acts.

Power to
hold lands
for protec-
tion of water-
works.

20. The county council may hold any lands acquired by them under the powers of this Order which they may deem necessary for the purpose of protecting the water supply of the district committee against pollution fouling and contamination and so long as such necessity shall continue such lands shall not be deemed to be superfluous lands within the meaning of this Order or the Lands Clauses Acts but the county council or the district committee shall not create or permit a nuisance on any such lands and shall not erect any buildings thereon other than offices and dwellings for persons in the employ of the district committee and such

buildings and works as may be incident to or connected with their water undertaking. A.D. 1904.

21. The county council on selling any lands acquired for or in connexion with the purposes of this Order and not required to be retained for those purposes may reserve to themselves or the district committee all or any part of the water rights belonging thereto and may make the sale subject to such reservation accordingly and may also make any such sale subject to such other reservations special conditions restrictions and provisions with respect to use of water exercise of noxious trades or discharge or deposit of manure sewage or other impure matter or otherwise as they may think fit. Reservation of water rights on sale.

22. The district committee may for the purpose of the repairing or cleansing of their works discharge water from the works authorised by this Order into any available stream or watercourse or into any stream or watercourse with which any of the works hereby authorised may communicate. Power to discharge water into streams.

In the exercise of the powers conferred by this section the district committee shall do as little damage as may be and shall make full compensation for all damage caused by reason or in consequence of the exercise of such powers and such compensation shall be settled in default of agreement by arbitration in accordance with the provisions of the Lands Clauses Acts.

23. For the protection of Alan John Colquhoun and Roderick William Colquhoun or other the trustees for the time being of the late Sir James Colquhoun of Luss Baronet and also of Sir James Colquhoun of Luss Baronet as heir of entail in possession of the entailed lands and estates of Luss and others in the county of Dunbarton and his heirs successors and assigns (all of whom are herein-after referred to as "the owners") the following provisions shall unless otherwise agreed between the owners and the county council or the district committee apply and have effect (that is to say) :— For the protection of the Luss estates.

- (1) The district committee shall not under the powers of this Order take from the reservoir by this Order authorised for the supply of the special water supply district or for the other purposes of this Order any larger quantity of water in any one day of twenty-four hours than one million five hundred thousand gallons in addition to the compensation water herein-before provided for :

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- (2) The district committee shall (in addition to the gauge required by the section of this Order the marginal note of which is "Compensation water" to be erected and maintained on the Finlas Water below the said reservoir for the purpose of measuring the compensation water discharged under that section) erect and maintain in connexion with the aqueduct conduit or line of pipes by this Order authorised a suitable and separate recording measuring gauge or meter over or through which the water taken by the district committee from the said reservoir for the supply of the special water supply district and for the other purposes of this Order as aforesaid shall flow or pass :
- (3) The said measuring gauge or meter and the records thereof shall at all times be open to the inspection and examination of the owners and in case of any neglect on the part of the district committee to erect and maintain the said gauge or meter in a state of efficiency the district committee shall for every day on which such neglect shall continue forfeit and pay to the owners a sum not exceeding five pounds and shall in addition make compensation for any loss or injury sustained by such owners or any of them :
- (4) The district committee shall not construct any filter beds upon any land acquired from the owners under the powers of this Order :
- (5) Before the county council or the district committee erect any dwelling houses for their officers servants or workmen or other buildings on any land acquired from the owners under the powers of this Order plans of such houses or buildings shall be submitted to the owners or their factor for their approval and such houses or buildings shall only be erected in accordance with plans so approved Provided that such approval shall not be unreasonably withheld If for fourteen days after any such plans have been submitted to the owners they shall not intimate their approval or disapproval thereof they shall be deemed to have approved the same :
- (6) After the works by this Order authorised have been completed and a supply of water obtained under the

powers of this Order the district committee shall subject to the provisions of this Order and of the Public Health Acts supply to the owners and their tenants in the parish of Luss a supply of water for domestic purposes in such quantities and at such places along the line of the aqueduct conduit or line of pipes (Work No. 4) by this Order authorised and on such conditions as may be agreed between the owners and the district committee or failing agreement as may be settled by arbitration as herein-after provided and on payment of the like rates charges or assessments as are charged for a like supply within the special water supply district Provided that any service or communication pipes and works required for the purpose of affording such supply shall be provided and maintained by and at the expense of the owners or their tenants but any connexions between the said service or communication pipes and works and the said aqueduct conduit or line of pipes shall be made by the district committee at the expense of the owners or their tenants :

- (7) The district committee shall during the construction of the works by this Order authorised so far as situate in the parish of Luss pay to the owners any expenses incurred by them in the employment of additional watchers not exceeding four in number for protecting the game and fish and any property of the owners on the lands of the owners and such watchers shall be employed at the usual rates of pay not exceeding one pound four shillings per week to each man so employed and the number of such watchers and the period of their employment shall be determined by the factor for the owners :
- (8) The shooting and fishing rights on the reservoir by this Order authorised to be constructed and on any lands acquired by the county council from the owners under the powers of this Order shall (so far as not affecting the use thereof by the county council and the district committee for the purposes of this Order) be exclusively reserved to the owners with right to them to have one boat on the said reservoir and to them and any person

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or persons duly authorised by them to use the same
The district committee shall so far as possible prohibit
dogs being taken upon the said lands by their officers
servants or workmen or other persons under their
control :

- (9) The district committee shall so far as practicable and without unnecessary delay restore all drains or ditches and make good all fences interfered with by the works or operations of the district committee on any lands of the owners and shall provide suitable outlets for field drains on the higher ground adjoining the said aqueduct conduit or line of pipes and shall provide for the use of the owners and their tenants below the reservoir by this Order authorised upon a site to be provided by the owners free of cost new sheep fanks in place of the present sheep fanks which will be interfered with in the construction of the said reservoir :
- (10) Notwithstanding anything in the provisions of the Railways Clauses Consolidation (Scotland) Act 1845 incorporated with this Order with respect to the temporary occupation of lands the county council or the district committee shall not enter upon any lands of the owners for the purpose of obtaining materials for the construction of the said reservoir or the embankment and works thereof except at such places as may be approved by the owners or their factor (which approval shall not be unreasonably withheld) but nothing herein shall relieve the county council or the district committee from making compensation in respect thereof in accordance with such provisions :
- (11) The owners may if they so desire but at their own expense have the works by this Order authorised so far as situate upon lands to be acquired from them inspected during construction and annually thereafter by an engineer to be appointed by the owners for the purpose in order to ascertain that such works are being duly constructed and maintained in accordance with the provisions of this Order Before constructing any works affecting the River Fruin the district committee shall submit plans and sections thereof to the engineer

of the owners for his reasonable approval and any difference arising thereon shall be determined by arbitration as hereinafter provided: A.D. 1904.

- (12) Any difference or question between the owners and the county council or the district committee touching this section or anything done or not to be done thereunder shall be referred with or without a formal reference to and settled by an arbiter to be agreed upon or failing agreement to be appointed by the sheriff of Dunbartonshire on the application of either party.

24. The agreement between Alan John Colquhoun Roderick William Colquhoun and Sir James Colquhoun of the one part and the county council of the other part set forth in the Schedule to this Order is hereby confirmed and made binding upon the said Alan John Colquhoun Roderick William Colquhoun and Sir James Colquhoun and their heirs and successors in the lands and estates of Luss and others in the county of Dunbarton and upon the county council and their successors respectively. Confirming agreement with owner of Luss estates.

25. For the protection of the Loch Lomond Angling Improvement Association (herein-after called "the Angling Association") the following provisions shall unless otherwise agreed between the Angling Association and the county council or the district committee apply and have effect (that is to say):— For protection of Loch Lomond Angling Improvement Association.

- (1) Whilst and so long as the Angling Association are lessees under agreements now current of fishings in any waters on the lands and estates of Luss in the parish of Luss in the county of Dunbarton the district committee shall not take from the reservoir by this Order authorised any greater quantity of water than that mentioned in subsection (1) of the section of this Order the marginal note of which is "For the protection of the Luss estates" and the Angling Association shall be entitled during such period to inspect and examine the recording measuring gauge or meter mentioned in subsection (2) of the same section and the records thereof and also the compensation water gauge mentioned in the section of this Order the marginal note of which is "Compensation water" Any claims competent to the Angling Association arising out of the said subsections for loss or damage are hereby reserved

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(2) In constructing the aqueduct conduit or line of pipes (Work No. 4) by this Order authorised where the same passes under the Fruin Water the district committee shall not make any permanent alteration in the level of the bed of that stream and shall pay to the Angling Association in respect of each week or part of a week during which any works of the district committee are being constructed in the bed of the said Fruin Water a sum not exceeding ten pounds as compensation for interference with their fishing rights :

(3) The district committee shall during the construction of any works by this Order authorised so far as within the parish of Luss annually pay to the Angling Association any expenses incurred by them in the employment of additional watchers not exceeding four during six months in the year for protecting their fishing rights in the parish of Luss under any lease held by them from the owners of the Luss estates and any watchers so employed shall be paid at the usual rate of pay not exceeding one pound four shillings per week to each man so employed.

Purposes to which new water supply applicable.

26. The water obtained under the powers of this Order shall be applied by the district committee in the first instance for the supply of the domestic and sanitary requirements of the special water supply district and subject thereto the district committee may supply any such water for trading manufacturing or other purposes within the said district or for domestic trading manufacturing or other purposes in other parts of the western district of the county of Dunbarton within the parishes of Bonhill Luss or Kilmarnock or within any part of the parishes of Cardross or Dunbarton outwith the burgh of Dumbarton :

Provided that it shall not be lawful for the district committee under the powers of this section to supply water within (A) so much of the parish of Cardross as lies between the present boundary of the burgh of Dumbarton and a line drawn due north from the centre of the River Clyde to the east side of the Ardoch Burn where it enters the said river thence along the east side of the said Ardoch Burn to the centre of the Helensburgh highway thence in a straight line to the south side of the Whiteleys Burn at the centre of the Alexandria highway (near Dalmoak South Lodge) thence following the south and west sides

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of the said Whiteleys Burn and prolongation thereof to the centre of the River Leven and (B) so much of the parish of Dumbarton as lies between the said burgh boundary and a line drawn due east from the centre of the River Leven to the south side of the Murroch Burn at its junction with the said river thence along the south and east sides of the said Murroch Burn to a point on the same three hundred and eighty yards or thereby measured north-eastwards from the centre of Strathleven Cottage thence in a straight line passing through the centre of Murroch farm steading and the Old Corn Mill on the east side of Garshake Burn and prolongation thereof to the Dumbarton and Old Kilpatrick parish boundary without the consent of the town council of the burgh of Dumbarton unless the local authorities shall have previously purchased or acquired the undertaking of the town council within the said excepted areas:

Provided that water shall not be supplied under this section for any purpose which would interfere with the full and sufficient supply for all domestic and sanitary requirements within the special water supply district.

27. Any revenue arising from the supply of water by the district committee beyond the special water supply district shall so far as not required to meet the expenses incurred by the district committee in providing such supply be applied to the same purposes as the water assessments leviable within the special water supply district.

Revenue arising from supply outside district.

28. When the works authorised by this Order shall be completed and a supply of water obtained therefrom the district committee may at any time abandon the use of their pumping station adjoining the Balloch railway station in the parish of Bonhill and the conduit or line of pipes leading from Loch Lomond thereto and may cease to take water from Loch Lomond by means of such works and the county council may thereupon sell let or dispose of such pumping station and conduit or line of pipes or any part thereof or any right or interest of the local authorities therein on such terms and conditions as the county council may think fit Provided that the proceeds of any such sale shall be applied only to purposes of water supply to which capital is properly applicable.

Discontinuance of supply from Loch Lomond.

29. Upon the abandonment of the use of the said pumping station and works the local authorities shall be relieved from all obligations to supply the owners or occupiers of any property with

Release of local authorities from obligations to

[Ch. cxliv.] *Dunbartonshire (Vale of Leven)* [4 EDW. 7.]
Water Order Confirmation Act, 1904.

A.D. 1904.
supply water
from Loch
Lomond.

water taken from Loch Lomond under the feu disposition and deed of servitude granted by James Campbell of Tullichewan in favour of the local authority of the parish of Bonhill dated the twenty-seventh day of March and recorded in the division of the general register of Sasines applicable to the county of Dunbarton the twenty-fifth day of May one thousand eight hundred and eighty-three or the agreement between the trustees of the late Sir James Colquhoun of Luss and the parochial board of the parish of Bonhill as local authority dated the second day of June and thirteenth seventeenth and nineteenth days of July one thousand eight hundred and eighty-two or any other deed or agreement :

Provided that so long as the portion of the estate of Tullichewan in the parish of Bonhill lying at the same level as or at a lower level than the dwelling house on Morison's Dairy Farm on that estate remains outwith the special water supply district the owner thereof for the time being shall subject to the provisions of this Order and of the Public Health Acts and on payment to the district committee of the usual rates leviable within the special water supply district for a like supply of water according to the valuation of the subjects supplied have the right to obtain a supply of water from the pipes laid or to be laid by the district committee for the purpose of conveying water from the Finlas Water or from any other source of supply in existence at the time to the special water supply district for the use of such owner and for the use of his tenants and feuars both present and future and nothing in paragraph (B) or (C) of the proviso contained in section 2 of this Order shall affect or limit the right to obtain such supply Provided also that in the event of a sale by the county council of the site of the pumping station and other property included in the feu disposition and deed of servitude above mentioned the obligation to pay the feu duty therein mentioned and (except as regards the supply of water therein provided for) the whole other obligations reservations conditions stipulations restrictions and others specified in the said feu disposition and deed of servitude shall so far as applicable remain in full force and effect and be binding on their successors and upon the lands and property included in the said feu disposition and deed of servitude notwithstanding the discontinuance of the use of the said site for a pumping station.

As to sale of
pumping
station and
works to rail-

30. The local authorities may enter into and carry into effect agreements and arrangements with the North British Railway Company the Caledonian Railway Company the Lanarkshire and

Dunbartonshire Railway Company and the Dumbarton and Balloch Joint Line Committee or any of them with reference to those companies and joint committee or any of them contributing towards the cost of the works by this Order authorised in order to facilitate the discontinuance of the taking of water by the district committee from Loch Lomond at or near the Balloch Railway Pier or with reference to the sale lease or disposal to them or any of them of the said pumping station and conduit or line of pipes from Loch Lomond to such station or any part thereof and of the property conveyed by the foresaid feu disposition and deed of servitude granted by the said James Campbell.

A.D. 1904

way com-
panies or
others.

31. The district committee may maintain and use their existing waterworks in the parish of Bonhill (so far as not at the time abandoned under the powers of this Order or otherwise) in connexion with and for the purposes of the works and water supply authorised by this Order anything in the feu disposition by the late Patrick Boyle Smollett of Bonhill in favour of the local authority of the parish of Bonhill dated the nineteenth day of October and recorded in the division of the general register of sasines before referred to the twenty-first day of October one thousand eight hundred and eighty-five or in the feu disposition by the said Patrick Boyle Smollett in favour of the county council dated the twenty-sixth and recorded in the said division of the general register of sasines the twenty-eighth both days of January one thousand eight hundred and ninety-two or in any other feu disposition deed or agreement relative to such existing works to the contrary notwithstanding and except as aforesaid all such feu dispositions deeds and agreements shall remain valid and in force Provided that after the works by this Order authorised have been completed and a supply of water obtained under the powers of this Order and so long as the subjects after mentioned are outwith the special water supply district the district committee shall if required and subject to the provisions of this Order and of the Public Health Acts provide to the owner of the mansion-house of the estate of Bonhill and the lodges and offices of the said mansion-house a supply of water for domestic purposes in such quantities and at such places along the line of aqueduct conduit or line of pipes (Work No. 4) by this Order authorised and on such conditions as may be agreed between the owner and the district committee or failing agreement as may be settled by arbitration and on payment of the like rates charges or assessments as are charged for a like

District com-
mittee may
use existing
waterworks
in connexion
with new
supply.

A.D. 1904. supply within the special water supply district Provided further that any service or communication pipes and works required for the purposes of affording such supply shall be provided and maintained by and at the expense of the owner and that any connexions between the said service or communication pipes and works and the said aqueduct conduit or line of pipes shall be made by the district committee at the expense of the owner.

Works to form part of existing water undertaking of district committee.

32. The works authorised by this Order and the water supply obtained therefrom shall be held by the county council and administered and used by the district committee as part of their water undertaking for the supply of the special water supply district and subject to the provisions of this Order all the powers and provisions of the Public Health Acts or other Acts with respect to the supply of water the levying of rates charges and assessments the borrowing of money and the repayment thereof and other matters which are applicable to such water undertaking or are exerciseable by the county council or the district committee in connexion with the supply of water for the special water supply district shall extend and apply to and may be exercised in connexion with the works and water supply authorised by this Order.

Costs of Order.

33. The costs charges and expenses of and incident to the preparing for obtaining and confirming of this Order and otherwise in relation thereto shall be paid by the county council out of the assessments authorised to be levied for water supply within the special water supply district or out of the moneys authorised to be borrowed by them under this Order or the Public Health Acts in connexion with such supply and if paid out of money so borrowed shall be repaid within a period of five years from the date of the passing of the Act confirming this Order.

The SCHEDULE referred to in the foregoing Order.

A.D. 1904.

AGREEMENT between ALAN JOHN COLQUHOUN Esquire of Number 1 Royal Terrace Edinburgh formerly Colonel now Honorary Colonel of the Duke of Edinburgh's Own Edinburgh Artillery and RODERICK WILLIAM COLQUHOUN Esquire residing at Old Faskally Perthshire Lieutenant-Colonel in the Third Battalion of the Princess Louise's Argyll and Sutherland Highlanders trustees of the deceased SIR JAMES COLQUHOUN OF LUSS Baronet and also as Commissioners of SIR JAMES COLQUHOUN OF LUSS Baronet present heir of entail in possession of the entailed Lands and Estates of Luss and others in the County of Dunbarton and the said SIR JAMES COLQUHOUN as heir of entail aforesaid (herein-after called "the first parties") on the one part and the COUNTY COUNCIL OF THE COUNTY OF DUNBARTON (herein-after called "the second parties") on the other part.

WHEREAS the second parties are applying under the Private Legislation Procedure (Scotland) Act 1899 to the Secretary for Scotland for a Provisional Order (herein-after called "the Order") intituled "(Draft) Provisional Order" to authorise the construction and maintenance of additional waterworks for "the supply of the Vale of Leven Special Water Supply District in the county of Dunbarton and for other purposes":

And whereas it is by the Order proposed to authorise the district committee for the western district of the county of Dunbarton to make and maintain on lands belonging to the first parties in the parish of Luss to be acquired by the second parties for the purpose (1) a reservoir (Work No. 1) on the stream known as the Finlas Water (2) an embankment (Work No. 2) on the said Finlas Water (3) a flood water course (Work No. 3) at or near said embankment and (4) an aqueduct conduit or line of pipes (Work No. 4) commencing in the said reservoir and terminating at a certain point in the parish of Bonhill and the other works therein mentioned or referred to:

And whereas the first parties have lodged a petition against the Order:

And whereas it has been agreed that certain clauses should be inserted in the Order for the protection of the first parties and that the parties hereto should enter into the agreement herein-after contained which agreement should be scheduled to and confirmed by the Order:

A.D. 1904.

Therefore the said parties have agreed and hereby agree as follows :—

First.—In respect of (1) the land—not exceeding forty acres—required for the construction of said reservoir embankment and flood water course (2) the servitude or wayleave for the said aqueduct conduit or line of pipes and access to works so far as situated on or near the first parties' lands and (3) all other claims arising out of the execution of works and the exercise of powers by the second parties or the district committee authorised by the Order other than as herein-after provided the second parties shall pay to the first parties the sum of five thousand pounds sterling and that at the term of Martinmas first following the confirmation of the Order and with interest at the rate of four per centum per annum from and after said term until payment or consignment in bank of said sum.

Second.—In consideration of the payment of the said sum and of any interest accrued thereon the first parties or their respective successors shall deliver to the second parties a valid conveyance of the said land—to an amount not exceeding forty acres—in favour of the second parties which conveyance shall contain a grant of the said servitude or wayleave. The said land so conveyed shall be used by the second parties and district committee for the purposes in the Order specified and for no other purpose whatever.

Third.—In the event of the second parties requiring for the construction of the said reservoir embankment and flood water course land in excess of said forty acres they shall be entitled to acquire and the first parties shall be bound to convey the same to the second parties on payment of a price to be calculated at the rate of sixty pounds per acre payable at date of entry.

Fourth.—In the event of the second parties requiring for the purposes of the said waterworks land at any other point belonging to the first parties the second parties shall be entitled to acquire and the first parties shall be bound to convey the same to the second parties to an extent not exceeding in the whole two acres. The position or positions of such land and the price or prices thereof shall failing agreement be determined by arbitration in accordance with the Lands Clauses Acts.

Fifth.—The second parties and the district committee and their contractors officers servants and workmen in addition to rights of access under the Order shall be entitled in all time coming without further payment to use as an access to the said reservoir and other works but for no other purpose the road leading from the Luss highway past the steading on the farm of Shemore belonging to the first parties and the first parties shall be bound to grant the necessary deed of servitude and in respect of such use the second parties or the district committee shall be bound at their own expense to make the road sufficient for the heavy traffic they will take over it for the construction of said works. The second parties or the district committee shall be bound to maintain and repair all damage done to the said road between the said Luss highway and the steading during the construction of their works and on the completion thereof to put the same into as good a state of repair as at present

After the completion of said works the expense of maintaining the road throughout its whole length shall be borne in proportion to the use thereof by the first parties and their tenants and the district committee and their contractors officers servants and workmen respectively.

Sixth.—The second parties shall be bound to settle all tenants' claims.

Seventh.—The expenses of this agreement and the transfer and conveyance of the purchased lands to the second parties and the adjustment of the clauses to be inserted in the Order as aforesaid (not exceeding in all seventy-five pounds) shall be borne by the second parties.

Eighth.—The second parties shall upon the abandonment of the existing pumping station adjoining Balloch Railway Station pay to the first parties the sum of seventy-five pounds in full discharge of all liability of the second parties or the district committee of the western district of the county of Dunbarton to supply water to the Balloch Hotel and offices of the first parties free of landlords' rates or assessments for such supply under the agreement between the trustees of the late Sir James Colquhoun of Luss and the parochial board of the parish of Bonhill dated the second day of January and thirteenth seventeenth and nineteenth days of July eighteen hundred and eighty-two and of all claims of the first parties for repayment of any such landlords' rates or assessments heretofore paid to the second parties or the said district committee or parochial board.

Ninth.—Any difference arising out of this agreement between the parties hereto or their successors shall be referred to arbitration in terms of the section of this Order of which the marginal note is "For the protection of the Luss estates."

Tenth.—This agreement is made subject to such alterations as may be made herein by the Secretary for Scotland and Parliament and shall be scheduled to and confirmed by the Order. Should any alteration be so made which in the opinion of the Lord Advocate or him failing the Dean of Faculty of Advocates in Scotland is material hereto either of the parties hereto may withdraw from this agreement.

In witness whereof these presents written on this and the three preceding pages are executed by the parties hereto as follows videlicet They are sealed with the seal of the county council of Dunbarton and are subscribed by John Christie and James Shearer two of the members of the said county council both at Alexandria Dunbartonshire on the twenty-ninth day of April Nineteen hundred and four years before these witnesses Archibald Wilson surveyor Alexandria foresaid and the Reverend William Simpson minister of the parish of Bonhill Dunbartonshire and by William Craig clerk of the said county council at Dunbarton on the day month and year last mentioned before these witnesses Gavin Boyd accountant Dunbarton and William Murdoch Hay clerk to Babbie and Craig writers Dunbarton and are subscribed by the said Alan John Colquhoun at Dunbarton on the day month and year last mentioned before these witnesses the said William

A.D. 1904. — Murdoch, Hay and Gavin Dykes also clerk to the said Babbie and Craig By the said Sir James Colquhoun at Dunclutha St. Helens Hastings on the thirtieth day of the month and year last mentioned before these witnesses Gilbert McAndrew Steadman butler to the said Sir James Colquhoun and William Albert Clark law clerk twenty-five Abingdon Street Westminster and by the said Roderick William Colquhoun at London on the day month and year last mentioned before these witnesses Thomas Harris law clerk twenty-five Abingdon Street Westminster and the said William Albert Clark Declaring that these presents are executed in duplicate.

W. M. HAY witness	ALAN JOHN COLQUHOUN
GAVIN DYKES witness	
THOMAS HARRIS witness	R. W. COLQUHOUN
WILLIAM A. CLARK witness	
GILBERT McANDREW STEADMAN witness	JAMES COLQUHOUN
WILLIAM A. CLARK witness	
ARCH. WILSON witness	JOHN CHRISTIE county councillor
WILLIAM SIMPSON witness	JAMES SHEARER county councillor
W. M. HAY witness	W. CRAIG county clerk
GAVIN BOYD witness	

L.S.

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