

[61 & 62 Vict.] *Glasgow Corporation (Sewage, &c.)* [Ch. ccxliii.]
Act, 1898.



CHAPTER ccxliii.

An Act to authorise the Corporation of Glasgow to acquire additional lands and to construct additional works for sewage purposes to raise further moneys and for other purposes. A.D. 1898.
[12th August 1898.]

WHEREAS powers were conferred on the Corporation of the city of Glasgow (herein-after called "the Corporation") by the Glasgow Police (Sewage &c.) Act 1891 to construct sewage purification and other works and machinery for the treatment and disposal of sewage and the products thereof :

And whereas those powers have been exercised and works have been erected by which the sewage of a portion of the city on the north bank of the river Clyde is purified :

And whereas further powers were conferred on the Corporation by the Glasgow Corporation (Sewage) Act 1896 to construct similar works for the treatment and disposal of the sewage of the remaining portion of the city on the north bank of the Clyde and of the burghs of Partick and Clydebank and portions of the counties of Renfrew and Dumbarton :

And whereas the additional works authorised by this Act will greatly tend to the purification of the Clyde and it is expedient and will be for public advantage that the Corporation should be authorised to construct those works :

And whereas certain of the sewers by this Act authorised will pass through the burgh of Pollokshaws and portions of the counties of Lanark and Renfrew and it is expedient that the provisions herein-after contained should be made with reference thereto :

And whereas it is expedient that provision should be made for the interception and treatment of the sewage of the districts through or in the vicinity of which the sewers by this Act authorised will pass and that the police commissioners of Govan Kinning Park and Pollokshaws the town council of Rutherglen and the county councils of the counties of Lanark and Renfrew and

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district committees thereof should be authorised to make such contributions towards or to assess for and to enter into such arrangements as may be necessary to effect the objects of this Act and to raise moneys for those purposes :

And whereas it is expedient that the Corporation the said police commissioners town council county councils and district committees should be authorised to levy assessments and to borrow moneys for the purposes of this Act :

And whereas it is expedient that the Outfall Sewer No. 1 authorised by the Glasgow Corporation (Sewage) Act 1896 should be deviated as in this Act provided :

And whereas it is expedient that the Corporation should be empowered to insure against loss by fire and otherwise properties belonging to the several departments of the Corporation and to make the arrangements therefor in this Act provided :

And whereas it is expedient that the Corporation should be authorised to borrow further moneys for the purposes of the Glasgow Corporation Gas Acts 1869 to 1895 :

And whereas it is expedient that the other powers in this Act contained should be conferred on the Corporation :

And whereas plans and sections and additional plans and sections showing the lines and levels of the works authorised by this Act and also books of reference thereto respectively 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 with the principal sheriff-clerks of the counties of Lanark Renfrew and Dumbarton and with the town clerks of the city and royal burgh of Glasgow and of the police burghs of Govan Kinning Park Pollokshaws Partick and Clydebank respectively and such plans sections and books of reference are herein-after respectively referred to as the deposited plans sections and books of reference and the additional deposited plans sections and books of reference :

And whereas the purposes of this Act cannot be effected without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :—

Short title
and citations.

1. This Act may be cited as the Glasgow Corporation (Sewage &c.) Act 1898 :

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This Act and the Glasgow Police Acts 1866 to 1896 may be cited as the Glasgow Police Acts 1866 to 1898: A.D. 1898.

This Act and the Glasgow Corporation Gas Acts 1869 to 1895 may be cited as the Glasgow Corporation Gas Acts 1869 to 1898:

This Act and the Glasgow Corporation Acts 1855 to 1897 may be cited as the Glasgow Corporation Acts 1855 to 1898.

2. The Lands Clauses Acts are (except where expressly varied by this Act) incorporated with and form part of this Act. Incorporation of Acts.

3. In this Act the several words and expressions to which meanings are assigned by the Acts incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction. The expressions "the promoters of the undertaking" "the Commissioners" and "the Company" mean respectively the Corporation. Interpretation.

4. The following words and expressions in this Act have the meanings hereby assigned to them (that is to say):— Further interpretation.

"The city" means the city and royal burgh of Glasgow;

"The Corporation" means the Corporation of the city of Glasgow;

"Sheriff" means the sheriff of the county of Lanark and includes his substitutes;

"The Police Acts" means the Glasgow Police Acts 1866 to 1896;

"The Act of 1891" means the Glasgow Police (Sewage &c.) Act 1891;

"The Act of 1896" means the Glasgow Corporation (Sewage) Act 1896;

"The Clyde Trustees" means the trustees of the Clyde Navigation incorporated under the Clyde Navigation Consolidation Act 1858;

"Street" or "road" includes any highway and any public bridge and any road lane footway square court or passage whether a thoroughfare or not and whether or not there are houses in such street or road;

"The Lanarkshire areas" means those portions of the county of Lanark described in the Third Schedule to this Act;

"The Lanarkshire Council" means the county council of the county of Lanark and the district committee of the lower ward thereof for their respective interests;

"The Renfrewshire areas" means those portions of the county of Renfrew described in the Fourth Schedule to this Act;

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“The Renfrewshire Council” means the county council of the county of Renfrew and the district committee of the first or upper district thereof for their respective interests.

Power to
execute
works and
take lands.

5. Subject to the provisions of this Act the Corporation may make and maintain in the lines and according to the levels shown on the deposited plans and sections and the additional deposited plans and sections the sewers and works herein-after described or some or one of them together with all necessary and proper appliances works and conveniences incidental or subsidiary thereto and may enter upon take and use such of the lands delineated upon the deposited plans and the additional deposited plans and described in the deposited books of reference and the additional deposited books of reference as may be required for that purpose and for the other purposes of this Act The sewers and works herein-before referred to are the following:—

- I.—A sewer (No. 1) commencing in the parish of Eastwood and county of Renfrew at the intersection of Harriet Street and Greenbank Street and terminating in the parish of Govan and county of Lanark on the west side of Marlin Ford Road at a point 112 yards or thereabouts measuring in a north-westerly direction from the junction of Renfrew Road and Marlin Ford Road :
- II.—A sewer (No. 2) wholly situate in the parish of Cathcart in the city and county of the city of Glasgow commencing at the intersection of Cathcart Road and Battlefield Road and terminating by a junction with Sewer (No. 1) at the intersection of Battlefield Road and Grange Road :
- III.—A sewer (No. 3) wholly situate in the parish of Govan in the city and county of the city of Glasgow commencing at the intersection of Aikenhead Road and Calder Street and terminating by a junction with Sewer (No. 1) at the intersection of Albert Road and Darnley Street :
- IV.—A sewer (No. 4) wholly situate in the parish of Govan in the city and county of the city of Glasgow commencing in Rutherglen Road where it crosses the Polmadie Burn and terminating by a junction with Sewer (No. 1) in Saint Andrews Road at a point 180 yards or thereabouts measuring along that road in an easterly direction from the intersection of Shields Road and Saint Andrews Road :
- V.—A sewer (No. 5) wholly situate in the parish of Govan and in the city and county of the city of Glasgow commencing in Paisley Road at a point 63 yards or thereabouts westwards from the intersection of the west side of Saint James's Street and

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Paisley Road and terminating by a junction with Sewer (No. 4) at the intersection of Paisley Road and Pollock Street : A.D. 1898.

VI.—A sewer (No. 6) wholly situate in the parish of Govan in the city and county of the city of Glasgow commencing in Dumbreck Road where that road crosses the canal line of the Glasgow and South Western Railway and terminating by a junction with Sewer (No. 1) at the intersection of Manor Road and Dumbreck Road :

VII.—A sewer (No. 7) wholly situate in the parish of Govan and county of Lanark commencing in Renfrew Road at a point 30 yards or thereabouts westwards from the west side of Drive Road and terminating on the west side of Marlin Ford Road at a point 100 yards or thereabouts measuring in a north-westerly direction from the junction of Renfrew Road and Marlin Ford Road :

VIII.—A deviation of the Outfall Sewer (No. 1) authorised by section 5 of the Act of 1896 commencing in Kelvingrove Park in the Barony parish in the city and county of the city of Glasgow at a point 30 yards or thereabouts measuring in a northerly direction from the intersection of Dumbarton Road and Bunhouse Road and terminating in the parish of Govan and county of Lanark at the intersection of Stuart Street and Church Street :

IX.—A deviation of the Outfall Sewer (No. 1) authorised by section 5 of the Act of 1896 wholly in the parish of Govan and county of Lanark commencing at the junction of Crow Road and Broomhill Drive and terminating at the point where the Whiteinch Burn is crossed by the Whiteinch Branch of the North British Railway :

X.—A deviation of the Outfall Sewer (No. 1) authorised by section 5 of the Act of 1896 wholly in the parish of Old Kilpatrick and county of Dumbarton commencing at a point in Dumbarton Road 150 yards or thereabouts measuring in a north-westerly direction along that road from the intersection of Dumbarton Road and Buchanan Street and terminating at a point in Park Road 80 yards or thereabouts measuring in a south-westerly direction along that road from the intersection of Dumbarton Road and Park Road :

XI.—A diversion of the Renfrew Road wholly situate in the parish of Govan and county of Lanark commencing at a point in that road 30 yards or thereabouts measuring in a westerly direction from the approach to Shiels House and terminating

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at a point in that road 40 yards or thereabouts measuring in a westerly direction from the approach to Braehead House :

XII.—A sewer (No. 12) wholly situate in the parish of Cathcart commencing in the county of Renfrew at a point in Holmhead Crescent at the intersection thereof with Holmhead Place and terminating in the city and county of the city of Glasgow by a junction with Sewer (No. 2) at the commencement thereof :

XIII.—A sewer (No. 13) wholly situate in the parish of Cathcart and county of Renfrew commencing at a point in Old Cathcart Road opposite Castle Mains Farm Steading and terminating by a junction with Sewer (No. 12) at a point in New Cathcart Road 40 yards or thereabouts northwards from the centre of the bridge carrying that road over the river Cart :

XIV.—A sewer (No. 14) wholly situate in the parish of Cathcart commencing in the county of Renfrew at a point in Langside Road 22 yards or thereabouts southwards from the centre of the Millbrae Bridge and terminating in the city and county of the city of Glasgow by a junction with Sewer (No. 1) at the intersection of Millbrae Road and Albert Road :

XV.—A sewer (No. 15) wholly situate in the county of Renfrew commencing in the parish of Cathcart at a point in Kilmarnock Road 20 yards or thereabouts southwards from the centre of M'Quisten Bridge and terminating in the parish of Eastwood by a junction with Sewer (No. 1) at the intersection of Kilmarnock Road and Pettigrew Avenue :

XVI.—A sewer (No. 16) wholly situate in the parish of Eastwood and county of Renfrew commencing at a point in Thornliebank Road 15 yards or thereabouts south-eastwards from the centre of Auldhouse Burn Bridge and terminating by a junction with Sewer (No. 1) at the commencement thereof :

The works herein-before described will be situate in the city the burghs of Pollokshaws Partick and Clydebank the parishes of Cathcart Eastwood Govan and Old Kilpatrick and the Barony parish of Glasgow and the counties of Lanark Renfrew and Dumbarton.

Special provision with respect to Renfrewshire.

6. The Renfrewshire Council shall within seven years from the passing of this Act make and thereafter maintain on such level and of such dimension as may be approved by the Corporation a sufficient sewer (in this section called "the county sewer") for the conveyance to Sewer (No. 16) by this Act authorised of the sewage of those portions of the Renfrewshire areas secondly and thirdly described in the Fourth Schedule to this Act and the Renfrewshire

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Council shall at the sight and to the satisfaction of the Corporation (A) make adequate provision for the discharge of storm water from the county sewer and (B) connect at their own expense existing and future sewers within the aforesaid areas with the county sewer.

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7. The Corporation shall abandon the construction of so much of the Outfall Sewer (No. 1) authorised by the Act of 1896 as is rendered unnecessary by the construction of the deviations thereof by this Act authorised.

Corporation may abandon portions of authorised Outfall Sewer (No. 1) authorised by Act of 1896.

8. The abandonment by the Corporation under the authority of this Act of portions of the Outfall Sewer (No. 1) shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Corporation on such land for the purpose of surveying and taking levels or probing or boring to ascertain the nature of the soil or setting out of the line of work and shall not prejudice or affect the right of the owner or occupier of any land which has been temporarily occupied by the Corporation to receive compensation for such temporary occupation or for any loss damage or injury which has been sustained by such owner or occupier by reason thereof.

Compensation for damage to land by entry &c. for purposes of portions of sewer abandoned.

9. Where before the passing of this Act any contract has been entered into or notice given by the Corporation for the purchase of any land for the purposes of or in relation to any portion of the Outfall Sewer (No. 1) authorised to be abandoned by this Act the Corporation shall be released from all liability to purchase or to complete the purchase of any such land but nevertheless full compensation shall be made by the Corporation to the owners and occupiers or other persons interested in such land for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice and the amount and application of the compensation shall be determined in manner provided by the Lands Clauses Acts for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Compensation to be made in respect of portions of sewer abandoned.

10. The provisions of the Act of 1896 shall apply to the deviations by this Act authorised of the Outfall Sewer (No. 1) authorised by the Act of 1896 and to the subsidiary works connected therewith in the same manner and to the like effect as if those deviations had been authorised by and were being carried out under and subject to the provisions of the Act of 1896 and the provisions of this Act shall not extend or apply to those deviations.

Applying provisions of Act of 1896 to deviations of Outfall Sewer (No. 1).

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Stopping up
and appro-
priation of
portion of
Renfrew
Road.

11.—(1) The Corporation when and as the new portion of the Renfrew Road is made in the manner shown on the deposited plans and sections to the satisfaction of two justices and is open for public use may stop up and cause to be discontinued as a road so much of the existing road as will be rendered unnecessary by the new portion of road and when and so soon as such portion of the said road is so stopped up all rights of way over the same shall cease and the site of the portion of road so stopped up may be appropriated and used by the owners of the land which abuts on the north side of the portion of road so stopped up.

(2) For all purposes the new portion of road by this Act authorised shall when made in accordance with this Act form part of the Renfrew Road and be managed and maintained by the authority for the time being entitled and liable to manage and maintain the Renfrew Road who thereafter shall be relieved of the responsibility for the management and cost of maintenance of the portion of road stopped up and discontinued.

Corporation
to make com-
pensation for
injury to
lands in con-
struction of
sewers and
works.

12. Notwithstanding anything in this Act contained it is hereby provided that if in the construction of the sewers and works hereby authorised injury shall be done to any lands the Corporation shall make full compensation to the owners and occupiers of such lands for such injury as such compensation may in the event of difference be determined by an arbiter to be agreed on by the parties or failing agreement to be nominated on the application of either party by the sheriff:

Provided that compensation for injuries recoverable under this section shall be recoverable from time to time as such injuries may accrue or be discovered but no claim for such compensation shall be made or allowed unless the occurrence of the damage in respect of which it is intended to claim if known to the claimant shall be notified in writing to the Corporation without unreasonable delay by the person intending to claim nor shall any such claim be recoverable unless it shall be presented to the Corporation by such person within six months from the discovery of the damage complained of.

For protec-
tion of
Glasgow
District
Subway
Company.

13. The following provisions for the protection of the Glasgow District Subway Company (in this section called "the company") shall (unless otherwise agreed between the Corporation and the company) apply and have effect (that is to say):—

(1) The sewers and works of the Corporation by this Act authorised where the same are intended to be constructed under or across or near to or which may in any way affect the subway or any of the stations works buildings or property

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of the company in connexion therewith (all in this section called "the subway") shall be constructed of such strength and durability as shall be sufficient for the effectual and safe support of the subway and shall be constructed and completed and thereafter maintained repaired and renewed at the expense in all things of the Corporation and in accordance only with plans sections working drawings and specifications (all hereinafter called "the said plans") to be submitted to the company previously to the commencement of any such works repairs or renewals or if the company shall object to any such works repairs or renewals as shown on any of the said plans so submitted to them then in accordance only with plans to be settled by an arbiter to be appointed as herein-after provided and of which last-mentioned plans a copy shall be delivered to the company previously to the commencement of any such works repairs or renewals. Provided that if the company shall not express their approval or disapproval of any of the said plans within fourteen days after the same shall have been submitted to them as aforesaid the Corporation shall be entitled to proceed with the execution of the said works repairs or renewals in accordance with the said plans but the company shall not be held to have approved or acquiesced in the said plans :

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- (2) The Corporation shall not enter upon or interfere with the subway further or otherwise than may be necessary for constructing maintaining or effecting repairs to the sewers and works of the Corporation by this Act authorised which may be constructed under or across or near to the subway in accordance with the said plans and they shall not alter or interfere with the lines or levels of the subway and they shall if required by the company only acquire such a servitude through or in any land or property of the company as may be necessary for such works :
- (3) The sewers and works by this Act authorised shall be made watertight and be constructed altered replaced repaired and maintained by the Corporation watertight and so as not to injure or endanger the stability of the subway or to cause any interruption impediment or danger to the traffic thereon or use thereof :
- (4) If in constructing altering replacing repairing or maintaining the sewers and works of the Corporation by this Act authorised or any of them any damage shall be caused to the subway the Corporation shall immediately and to the reasonable satisfaction of the company restore and make good such damage and shall

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make full compensation therefor and further the Corporation shall from time to time compensate and indemnify the company for any loss damage detention diversion injury or loss of traffic sustained by them by reason of interruption to or interference with their traffic or in consequence of the construction of the said sewers and works or of the operations of the Corporation or otherwise including any injury to passengers servants and others in the employ of the company and damages to the company's plant in connexion with any interruption accident or injury arising from or in any way attributable to the operations of the Corporation excepting where such loss damage or injury shall have been occasioned by the default or neglect of the company or of their officers workmen or servants :

(5) Nothing in this section shall prejudice or affect the rights powers and immunities reserved to and conferred on the Corporation by section 55 of the Glasgow District Subway Act 1890 and to and on the Corporation and the company by any Acts public or private or any agreements with or relating to the company conferring rights powers and immunities and imposing liabilities duties and obligations upon the Corporation and the company with reference to any sewers property and works of the Corporation and to any subways and works of the company :

(6) If any difference shall at any time arise between the Corporation and the company or their engineers with respect to any of the matters referred to in this section such difference shall be referred to and determined by an arbiter to be agreed upon or failing agreement to be appointed by the Board of Trade on the application of either the Corporation or the company and the costs of such reference shall be in the discretion of the arbiter and the award or decision of such arbiter shall be final.

For protec-
tion of
railway
companies.

14. The following provisions for the protection of the Caledonian Railway Company the Glasgow and South Western Railway Company the Cathcart District Railway Company the Glasgow and Renfrew District Railway Company the committees of management of the Glasgow and Paisley and the Glasgow and Kilmarnock Joint Railways shall (unless otherwise agreed) apply and have effect (that is to say) :—

(1) In this section the expression "the companies" means the before-mentioned companies and committees of management or such one or more of them as may be affected by the exercise

of the powers by this Act conferred upon the Corporation and the expression "the railway and works" means any railway or tramway of the companies and all sidings stations depôts roads bridges bridge approaches tunnels and other works and conveniences connected therewith or any property or buildings of the companies : A.D. 1898.

- (2) In the construction of the sewers and works by this Act authorised where the same are situated near the railway and works the Corporation shall if and so far as required by the companies deviate laterally the line of the said sewers and works so as to keep the same as far from the railway and works as may be necessary and possible having regard to the powers of the Corporation under this Act and that either within the limits of deviation shown upon the deposited plans and the additional deposited plans or beyond the same so far as such deviation can be made with the consent of the companies provided that such deviation shall only be at such places as may be agreed by the engineers of the Corporation and the companies or as failing agreement may be fixed by the arbiter to be appointed as herein-after provided :
- (3) The sewers and works of the Corporation by this Act authorised where the same are intended to be constructed under or across or near to or which may in any way affect the railway and works shall be constructed of such design strength and durability as shall be sufficient for the effectual and safe support of the railway and works and shall be constructed and completed and thereafter altered repaired and renewed at the expense in all things of the Corporation and in accordance only with plans and specifications to be submitted to the companies previously to the commencement of any such works alterations repairs or renewals or if the companies shall object to any such works alterations repairs or renewals as shown on any plans and specifications so submitted to them then failing agreement as to any modification thereof in accordance only with plans and specifications to be settled by the arbiter to be appointed as herein-after provided and of which last-mentioned plans and specifications a copy shall be delivered to the companies previously to the commencement of any such works alterations repairs or renewals Provided that if the companies shall not express their approval or disapproval of any plans and specifications within fourteen days after the same shall have been submitted to them as aforesaid the Corporation shall be entitled to proceed with the execution of the said works

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alterations repairs or renewals in accordance with such plans and specifications but the companies shall not be held to have approved or acquiesced in such plans and specifications :

- (4) The Corporation shall not either temporarily or permanently enter upon or interfere with the railway and works further or otherwise than may be necessary for constructing maintaining or effecting repairs to the sewers and works of the Corporation by this Act authorised which may be constructed under or across or near to the railway and works in accordance with any such plans and specifications as aforesaid and they shall not alter or interfere with the lines or levels of the railway and works and they shall not unless with the consent of the companies under seal acquire any land or property of the companies but only such a servitude through or in any land or property of the companies as may be necessary for such works Provided that in constructing Sewers Nos. 1 3 4 and 5 where those sewers cross the railway and works the Corporation shall not without the consent of the companies under their respective seals enter upon or interfere with the surface of the railway and works except that the Corporation may for the purpose of constructing those sewers temporarily occupy the surface of the railway and works at such place to such extent and at such time as may be arranged between the engineers of the Corporation and the engineers of the companies due regard being had to the continuous working of the traffic as herein-after provided :
- (5) Notwithstanding anything contained in this Act the Corporation shall not discharge or allow to be discharged the contents of any sewer or work by this Act authorised into any drain sewer or watercourse formed or used exclusively for the drainage of the railway and works :
- (6) The sewers and works by this Act authorised shall be constructed altered renewed repaired and maintained by the Corporation so as not to injure or endanger the stability of the railway and works or to cause any interruption impediment or danger to the traffic thereon or use thereof and all such operations shall be effected at the expense of the Corporation and under the superintendence and to the reasonable satisfaction of the companies :
- (7) If in constructing altering renewing repairing or maintaining the sewers and works of the Corporation by this Act authorised or any of them the railway and works shall be injured or endangered or the traffic thereon interrupted impeded or endangered or if any such injury danger

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interruption or impediment shall otherwise arise in consequence of the sewers or works of the Corporation or of any failure or defect therein or of any act or operation of the Corporation in connexion therewith the companies may enter upon the works and property of the Corporation and execute and do all such works and things as may be necessary to restore remove or prevent such injury danger interruption or impediment without being liable to the Corporation for any injury or interference thereby occasioned to the works and property of the Corporation and the Corporation shall on demand repay to the companies all costs and expenses reasonably incurred or paid by them in connexion therewith and shall compensate the companies for all losses damages or compensation which they may sustain or incur or which may be recovered from them by reason of any such injury danger interruption or impediment:

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- (8) Whereas Sewers Nos. 12 and 13 are intended to be formed in the line of certain new roads to be constructed by the Caledonian Railway Company under and in terms of the Lanarkshire and Ayrshire Railway Act 1897 the Corporation in constructing such Sewers Nos. 12 and 13 shall on receiving timeous notice from the company deviate the line of such sewers to such extent laterally as may be necessary or expedient for the formation of the said new roads and of the railways authorised by the said Act and the Corporation shall not purchase or take any land or property required for the formation of the said new roads or railways but only a servitude for constructing such sewers in through under or across said new roads or railways :
- (9) In constructing Sewer No. 1 the Corporation shall form a substitute sewer in the portion of Langside Road between Albert Road and the Cathcart District Railway in lieu of the existing sewer in that portion of Langside Road for the purpose of conveying the sewage passing through the existing sewer to Sewer No. 1 in Albert Road and on the completion of the said substitute sewer the existing sewer and the syphon continuing the same under or across the Cathcart District Railway shall be discontinued and the Cathcart District Railway Company and the Caledonian Railway Company shall thereafter be freed and relieved of any obligation to maintain such syphon :
- (10) Notwithstanding anything contained in this Act the Corporation in constructing Sewer No. 1 shall not without the consent of the Glasgow and Renfrew District Railway Company under their seal deviate to any extent upward from the level shown

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upon the deposited plans and sections from the point where Sewer No. 1 crosses the Shieldhall Branch of the Caledonian Railway Company and the Glasgow and South Western Railway Company to the termination of that sewer and the said sewer between the said points shall not exceed 8 feet 9 inches in height from the invert of the sewer to the extrados or outer surface of the crown of the sewer. Provided that Sewer No. 1 where it passes under Railway No. 6 authorised by the Glasgow and Renfrew District Railway Act 1897 shall be formed in the line and at the level shown upon the deposited plans and sections and of such dimensions as to permit the said Railway No. 6 and sidings in connexion therewith being formed at the level shown on the deposited plans and sections referred to in that Act and the said Railway No. 6 and such sidings where crossed by Sewer No. 1 shall not be deviated downwards from that level :

(11) The Corporation shall before commencing the construction of Sewer No. 1 between the said Shieldhall Branch and the termination thereof give the Glasgow and Renfrew District Railway Company six months' notice of such commencement and the said company may within two months after such notice require the Corporation to construct at their own expense the said sewer at such point or points and at such a height at these points as may be necessary for the construction of sidings or branches across the same. Provided that such points and height shall failing agreement be fixed by the arbiter to be appointed as herein-after provided and further that such height shall in no case be less than 5 feet 6 inches from the invert of the sewer as shown upon the deposited section to the intrados or inner surface of the crown thereof :

(12) Whereas the construction of Sewers Nos. 1 and 7 by this Act authorised may interfere with the widening of the railways authorised by the Glasgow and Renfrew District Railway Act 1897 and with the construction of any sidings or branches in connexion therewith the Glasgow and Renfrew District Railway Company may at any time and from time to time in the construction of any such widening sidings or branches cross Sewers Nos. 1 and 7 and enter upon alter deviate or reconstruct Sewer No. 1 at any point or points between the said Shieldhall Branch and the termination of the said Sewer No. 1 and Sewer No. 7 at any point to the north of the Renfrew Road as it may be diverted but always so as not to alter the level or diminish the carrying capacity of the said sewers. Provided that any such alteration

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or reconstruction of the said sewers shall be executed at the sole cost and expense of the said company and in accordance only with plans and specifications to be submitted to the Corporation and approved of as provided for in the case of the plans sections and specifications to be submitted by the Corporation to the companies under sub-section (3) of this section Provided that before interfering with either of the said sewers the said company shall to the satisfaction of the Corporation provide such means as may be necessary to secure the continuous flow of the sewage in the said sewers :

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- (13) The Corporation shall not within the period limited by the Glasgow and Renfrew District Railway Act 1897 for the compulsory purchase of lands without the consent of the Glasgow and Renfrew District Railway Company under their seal acquire take or use for the purposes of this Act other than such servitudes as may be necessary for the works authorised by this Act any land or property to the south of a line drawn parallel to and distant 250 feet northwards from the centre line of the Glasgow and Renfrew District Railway No. 6 as shown on the deposited plans referred to in the Glasgow and Renfrew District Railway Act 1897 Provided that the said company if required by the Corporation by notice at any time within six months after the passing of this Act shall deviate the said Railway No. 6 southwards as near as conveniently may be up to the existing Renfrew Road or in the event of that road being diverted by the Corporation as nearly as may be up to the said road as so diverted and in the event of the said Railway No. 6 being so deviated the said company shall not acquire take or use compulsorily under the powers of the said Glasgow and Renfrew District Railway Act 1897 any land northwards of a line drawn parallel to and distant 250 feet northwards from the centre line of the said railway as a double line as the said railway may be so deviated and the Corporation shall give or procure for the said company any consents that may be required by the said company for the deviation of the said Railway No. 6 and for the acquisition of land in connexion therewith and shall pay to the said company the extra cost and expense if any incurred by the said company in so deviating the said Railway No. 6 Provided further that the Corporation shall not at any time without the consent of the said company under seal acquire take or use except for servitudes as aforesaid any land or property now belonging to or which may belong to the said company :
- (14) (A) In constructing Sewer No. 1 the excavation shall be kept at a distance of not less than twenty feet laterally from the

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foundation of the southern abutment of the Paisley Joint Line bridges Nos. 10 11 and 12 being the bridges carrying Paisley Road Helen Street and Craigton Road over that railway (B) In constructing Sewer No. 3 the excavation shall be kept at a distance of not less than 20 feet laterally from the foundation of the southern abutment of the bridge which carries the Victoria Road over the Glasgow and Kilmarnock Joint Line (c) The Corporation shall make good any damage which may be done to the embankment on the Moss Road by the construction of the works hereby authorised :

(15) The Corporation shall before commencing the construction of Sewer No. 1 where it crosses the Shieldhall Branch of the Glasgow and Paisley Joint Line and the adjoining land belonging to the said joint line give the joint line six months' notice of such commencement and the said joint line may within two months after such notice require the Corporation to construct at their own expense the said sewer at such point and at such a height at that point as may be necessary for the construction of widenings sidings or branches across the same Provided that such point and height shall failing agreement be fixed by the arbiter to be appointed as herein-after provided and further that such height shall in no case be less than 5 feet 6 inches from the invert of the sewer as shown upon the deposited section to the intrados or inner surface of the crown thereof :

(16) Nothing in this section shall prejudice or affect the rights powers and immunities reserved to and conferred on the Corporation and the companies by any Acts public or private or any agreements with or relating to the companies conferring rights powers and immunities and imposing liabilities duties and obligations upon the Corporation and the companies with reference to any sewers property and works of the Corporation and to the railway and works :

(17) If any difference shall at any time arise between the Corporation and the companies or their engineers with respect to any of the matters referred to in this section such difference shall be referred to and determined by an arbiter to be agreed on or failing agreement to be appointed by the Board of Trade on the application of either the Corporation or the companies and the award or decision of such arbiter shall not free or relieve the Corporation of their liability to the companies for the injury damage interruption or impediment as provided in sub-section (7) hereof If any question of law shall arise in the

[61 & 62 VICT.] *Glasgow Corporation (Sewage, &c.)* [Ch. ccxliii.]
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course of such arbitration the arbiter shall have power at the request of either party to state a case for the opinion of the Court of Session and the Court shall determine such question.

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15. The Corporation may construct upon lands to be acquired by them under the powers of this Act or some part thereof described in the First Schedule to this Act (but not elsewhere) and thereafter maintain use and manage all necessary and proper erections appliances tanks reservoirs basins pumping and other engines mains buildings machinery apparatus and works for pumping receiving conveying storing filtering precipitating disinfecting using and distributing and for the chemical or other treatment of the whole or any portion of the sewage within the jurisdiction of the Corporation or of any of the local authorities in this Act mentioned with all necessary railways sidings landing piers docks wharves and other accessory works and conveniences.

Power to maintain sewage works on certain lands and works of communication with river Clyde.

The Corporation may also on the lands described in the First Schedule to this Act or on other lands adjacent thereto to be acquired by them by agreement or on the bank of the river Clyde at or near the lands before referred to construct landing piers docks wharves outfalls or any other works for the purpose of establishing communications between the works of the Corporation and the river Clyde.

16. Subject to the provisions of this Act the Corporation may in or under any streets roads lanes or footpaths or upon lands belonging to them or over which they shall possess a servitude whether within or beyond the city make and maintain all such sewers drains pipes and appurtenances as may be necessary for connecting any existing sewers or drains with the sewers by this Act authorised or for discharging or conducting the contents of such sewers and drains into such sewers and may make and maintain all necessary sluices valves manholes ventilators cleansing shafts bridges approaches pipes overflows or appurtenances required for carrying out the objects of this Act and may for the purposes before mentioned vary extend diminish enlarge or remove existing sewers or drains.

Existing sewers and drains to be connected with works.

17. In the construction of the sewers and works by this Act authorised the Corporation may deviate laterally to any extent not exceeding the limits of deviation defined on the deposited plans and the additional deposited plans and they may deviate from the levels shown on the deposited sections and the additional deposited sections to any extent not exceeding two feet.

Limits of lateral and vertical deviation.

[Ch. ccxliii.] *Glasgow Corporation (Sewage, &c.)* [61 & 62 Vict.]
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Period for
compulsory
purchase of
lands.

18. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of four years from the passing of this Act.

Period for
completion
of works.

19. If the sewers and works described in this Act are not completed within seven years from the passing of this Act then on the expiration of that period the powers by this Act granted for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Corporation
may acquire
servitudes
only under
streets or
roads and
may pur-
chase cellars
&c.

20. With respect to any lands which the Corporation are by this Act authorised to enter upon take or use for the purposes of this Act and which are in or under the roadway pavement or footpath of any street road or lane shown on the deposited plans and the additional deposited plans and described in the deposited books of reference and the additional deposited books of reference the Corporation shall not be required wholly to take the same or any part of the surface thereof or any cellar vault or other construction therein or thereunder but the Corporation may appropriate and use without price or consideration the soil subsoil and under-surface of the road pavement or footpath of any such street road or lane and if need be they may purchase take and use any such cellar vault or other construction and the owners of and other persons interested in any such cellar vault or other construction shall sell the same for the purposes of this Act and no such soil subsoil or under-surface cellar vault or other construction to be appropriated and used or purchased as aforesaid shall be deemed part of a house or other building or manufactory within the meaning of section 90 of the Lands Clauses Consolidation (Scotland) Act 1845 Provided always that subject to the express provisions of this Act the Corporation shall not permanently take or use any public street road or lane but the subsoil only thereof.

Power to
take servi-
tudes &c. by
agreement.

21. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may subject to the provisions of those Acts and of this Act grant to the Corporation 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 Act in under over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges or feu duties so far as the same are applicable in this behalf shall extend and apply to such grants and to such servitudes rights or privileges as aforesaid respectively.

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22. Whereas in the construction of the sewers and works hereby authorised or otherwise in exercise of the powers of this Act it may happen that portions only of the lands and houses or other buildings shown on the deposited plans may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto Therefore notwithstanding section 90 of the Lands Clauses Consolidation (Scotland) Act 1845 the owners of and other persons interested in the lands houses or other buildings described in the Second Schedule to this Act and whereof parts only are required for the purposes of this Act may if such portions can in the opinion of the jury arbiters or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such properties without material detriment thereto be required to sell and convey to the Corporation the portions only of the premises so required without the Corporation being obliged or compellable to purchase the whole or any greater portion thereof the Corporation paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise.

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 Owners may be required to sell parts only of certain lands and buildings.

23. Whereas in order to avoid in the execution and maintenance of any works authorised by this Act injury to the houses and buildings (including abutments of railway bridges) within one hundred feet of the sewers and works it may be necessary to underpin or otherwise strengthen the same Therefore the Corporation at their own costs and charges may and if required by the owners or lessees of any such house or building shall subject as herein-after provided underpin or otherwise strengthen the same and the following provisions shall have effect (that is to say):—

Corporation empowered or may be required to underpin or otherwise strengthen houses near the sewers and works.

- (1) At least ten days' notice shall unless in cases of emergency be given to the owners lessees and occupiers or by the owners or lessees of the house or building so intended or so required to be underpinned or otherwise strengthened :
- (2) Each such notice if given by the Corporation shall be served in manner prescribed by section 18 of the Lands Clauses Consolidation (Scotland) Act 1845 and if given by the owners or lessees of the premises to be underpinned or strengthened shall be sent to the principal office of the Corporation :
- (3) If any owner lessee or occupier of any such house or building or the Corporation as the case may require shall within seven days after the giving of such notice give a counter notice in writing that he or they as the case may be disputes the necessity of such underpinning or strengthening the question of

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the necessity shall be referred to an engineer to be agreed upon or in case of difference to an engineer to be appointed at the instance of either party by the Board of Trade :

- (4) Such referee shall forthwith upon the application of either party proceed to inspect such house or building and determine the matter referred to him and in the event of his deciding that such underpinning or strengthening is necessary he may and if so required by such owner lessee or occupier shall prescribe the mode in which the same shall be executed and the Corporation may and shall proceed forthwith so to underpin or strengthen the said house or building :
- (5) The cost of the reference shall be in the discretion of the referee :
- (6) The Corporation shall be liable to compensate the owners lessees and occupiers of every such house or building for any inconvenience loss or damage which may result to them by reason of the exercise of the powers granted by this enactment :
- (7) If in any case in which any house or building shall have been underpinned or strengthened on the requisition of the Corporation such underpinning or strengthening shall prove inadequate for the support or protection of the house or building against further injury arising from the execution or use of the works of the Corporation then and in every such case unless such underpinning or strengthening shall have been done in pursuance of and in the mode prescribed by the referee the Corporation shall make compensation to the owners lessees and occupiers of such house or building for such injury provided the claim for compensation in respect thereof be made by such owners within twelve months or by such lessees or occupiers within six months from the discovery thereof :
- (8) Nothing in this enactment contained nor any dealing with any property in pursuance of this enactment shall relieve the Corporation from the liability to compensate under the Lands Clauses Consolidation (Scotland) Act 1845 or under any other Act :
- (9) Every case of compensation to be ascertained under this enactment shall be ascertained according to the provisions contained in the Lands Clauses Consolidation (Scotland) Act 1845 :
- (10) Nothing in this section shall repeal or affect the application of the ninetieth section of the Lands Clauses Consolidation (Scotland) Act 1845.

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24. For the purposes and during the execution of the several works by this Act authorised and in maintaining the same and subject to the provisions of this Act the Corporation may use break up or cross over or under alter or stop up temporarily any streets highways roads lanes paths quays bridges railways tramways canals passages sewers drains watercourses mill leads or mill dams sluices gas pipes and water pipes and electric or telephonic apparatus in any of the lands shown on the deposited plans and the additional deposited plans and specified in the deposited books of reference and the additional deposited books of reference which they may from time to time find it expedient for any of those purposes so to interfere with providing when possible a proper temporary substitute before interrupting the traffic on any such street highway railway or tramway or the flow of water gas sewage or electricity in any such sewer drain watercourse canal or pipe or apparatus 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 electric apparatus or other property of Her Majesty's Postmaster-General Provided also that nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Act 1882 to which the provisions of section fifteen of the said Act apply.

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Power to
alter roads &c.
temporarily.

25.—(1) The Corporation shall restore the portions of the carriageway and footway of any street road lane or footpath which may be from time to time stopped up by them for traffic in constructing the works by this Act authorised within three months from the day upon which such portions shall respectively be so stopped up.

Provisions as
to construc-
tion of
works.

(2) The Corporation shall use their best endeavours to prevent black smoke issuing from any steam or other engine used by them in constructing such works.

(3) The Corporation in constructing such works shall not between the hours of ten o'clock p.m. and six o'clock a.m. of the following day drive piles or carry on any blasting or other operations involving serious annoyance or disturbance within a distance of one hundred yards from any dwelling-house within the city or within the burgh of Pollokshaws or within the Lanarkshire areas or the Renfrewshire areas unless with the previous consent of the local authority of such burghs respectively or unless in cases of special emergency notice of which shall as soon as such emergency occurs be sent by the Corporation to the local authority and such night work shall be allowed to continue only so long as the necessity therefor exists.

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(4) No ventilators except ordinary street gratings which form the manhole covers for access to the sewers by this Act authorised shall except with the consent of the local authority interested be constructed on any existing street on the line of those sewers within the burgh of Pollokshaws or within the Lanarkshire areas or the Renfrewshire areas.

(5) The Corporation shall always leave or provide sufficient access to and from any public works railway stations or depôts during the construction or repair of any of the said works of the Corporation.

Sewage may be discharged into rivers Clyde and Cart during floods &c.

26. The Corporation the Town Council of Rutherglen the Commissioners of Govan and Kinning Park the Lanarkshire Council and the Renfrewshire Council may during the time when the sewers and works authorised by this Act or any sewers or works connected therewith or any of them are being repaired cleansed altered or renewed or are stopped up or interfered with by any accident or other cause or during times of excessive rainfall discharge or allow to be discharged the contents of such sewers and works or part thereof into the rivers Clyde or Cart or any tributary thereof or into any sewer or watercourse.

Sewage not to be discharged into Clyde Cart or their tributaries after completion of works.

27. From and after the completion of the works by this Act authorised no sewage except as provided in the section of this Act whereof the marginal note is "Sewage may be discharged into rivers Clyde and Cart during floods &c." shall be discharged into the rivers Clyde or Cart or any tributary thereof from the city or from the burghs of Kinning Park Govan Rutherglen or Pollokshaws or the Renfrewshire areas or the Lanarkshire areas.

Construction of future sewers.

28. From and after the passing of this Act any sewer which may be constructed within that part of the city which is situated on the left bank of the river Clyde or in the burgh of Pollokshaws or within the Lanarkshire areas or Renfrewshire areas shall so far as may be practicable and subject to the provisions of this Act be so constructed as to convey the sewage therein to the sewers and works by this Act authorised so far as such sewers and works have at the time been constructed and are ready for use.

Future junctions to be executed by Corporation at cost of proprietors.

29.—(1) With respect to any future sewers and drains which may require to be connected with the sewers by this Act authorised and subject as herein-after provided the point of junction of such future sewers and drains with the sewers and works by this Act authorised and the mode and terms and conditions of effecting such junction shall be determined by the Corporation and the work for effecting such junction shall subject as aforesaid in all cases be done

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by the Corporation at the expense of the person constructing such future sewers or drains and the Corporation may require such security for the repayment of such expense as they shall think fit :

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Provided that where any local authority is liable in such expense they shall be entitled to charge the same to any sewer rate which may relate to the sewers in connexion with which such expense has been incurred.

(2) Every person not being employed or authorised by the Corporation so to do who shall make or cause to be made any junction of any sewer or drain with the sewers and works by this Act authorised shall upon summary conviction by the sheriff of such offence be liable to a penalty not exceeding five pounds together with the expenses of prosecution and conviction to be ascertained on conviction and the Corporation may if they think fit cause any such junction with the sewers to be removed or to be re-made to such extent and in such manner as they may consider necessary or expedient and the expense thereof and connected therewith shall be repaid to them by the person making such junction or causing the same to be made.

30. It shall not be lawful for any person to send or permit to flow or pass into any sewers of the Corporation authorised by the Acts of 1891 and 1896 and this Act or into any sewers or drains connecting therewith any liquid substance or matter which would be injurious to the construction maintenance use or efficiency of such sewers or of any sewage works of the Corporation or which would cause or be likely to cause silting up corrosion or decay of the materials of such sewers or works or to interfere with the efficient treatment of the sewage passing through such sewers and every person offending against this enactment shall for every such offence be liable on summary conviction by the sheriff to a penalty not exceeding ten pounds and a further penalty not exceeding five pounds for every day during which the offence is continued after conviction thereof Section 28 of the Act of 1896 is hereby repealed.

Injurious matter not to be allowed to pass into sewers.

31. To enable the Corporation to execute the powers of this Act with reference to the making and maintaining of the works by this Act authorised any local authority within the limits of whose jurisdiction such works are situate shall at the request of the Corporation permit the Corporation to exercise the powers possessed or exerciseable by such local authority with reference to the construction of or interference with sewers streets or roads within the jurisdiction of that authority.

Powers of local authorities as to sewers &c. may be exercised by Corporation.

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Further powers as to interception &c. of sewage of Pollokshaws and Lanarkshire and Renfrewshire areas.

32. Subject to the provisions of this Act the Corporation shall have and may if they think fit exercise with reference to the interception and treatment of the sewage of the burgh of Pollokshaws or of the Lanarkshire areas or Renfrewshire areas all or any of the powers which are by this Act conferred upon the Corporation with reference to the interception and treatment of the sewage of the city Provided that nothing in this Act contained shall affect or prejudice any of the powers of any local authorities of that burgh or of the Lanarkshire areas or Renfrewshire areas to deal with any drains or sewers within their respective jurisdictions which may from time to time be connected with the sewers and works by this Act authorised or except as in this Act otherwise provided place the Corporation under any obligation with reference to such drains or sewers.

As to assessments in Pollokshaws.

33. With respect to the assessments to be imposed for the purposes of this Act on the burgh of Pollokshaws the following provisions shall have effect:—

- (1) The Commissioners of that burgh (herein-after called “the Commissioners”) shall impose yearly an assessment one-half on owners and one-half on occupiers in the burgh as provided for in the section of this Act whereof the marginal note is “Power to Pollokshaws Commissioners to assess for purposes of Act” of the same amount in each year as the assessment which the Corporation shall for the time being impose in the city and shall pay over yearly to the Corporation the free proceeds collected of the assessment so imposed after deduction of the cost of collection thereof:
- (2) Until the existing burgh sewers are connected with the sewers and works authorised by this Act and the sewage and surface drainage therein shall have been received and treated by the Corporation as in this Act provided no assessment shall be levied or payment made by the Commissioners to the Corporation:
- (3) The assessment to be so imposed in the burgh of Pollokshaws shall not under any circumstances exceed for a period of seven years from the date when it shall have been first imposed a maximum of four pence per pound in each year notwithstanding that during the whole or any part of the said seven years the assessment levied in the city may exceed that amount.

Power to Pollokshaws Commis-

34.—(1) The assessments which the Pollokshaws Town Council or Commissioners are by this Act authorised to impose (to be called

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“the sewage purification assessment”) shall be imposed and levied on the annual value of all lands and heritages within that burgh and such assessments shall be paid one half by the owners and the other half by the occupiers of the lands and heritages on which the same is imposed. Such sewage purification assessment shall so far as payable by occupiers be assessed levied and recovered under the like powers and provisions and subject to the like exemptions and restrictions so far as applicable as the burgh general assessment under the Burgh Police (Scotland) Act 1892 is assessed levied and recovered and so far as payable by owners shall be assessed levied and recovered under the like powers as the special sewer rates on owners are under the said Act and with the preferences and rights of recovery conferred by that Act.

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sioners to
assess for
purposes
of Act.

(2) The Pollokshaws Town Council or Commissioners may in the manner and subject to the conditions contained in the Burgh Police (Scotland) Act 1892 from time to time borrow any moneys which they may require to carry out any works which it may be necessary or expedient for those Commissioners to construct in connexion with the purposes of this Act or any moneys which they may require to pay to the Corporation on account of any expenditure made by the Corporation on behalf of those Commissioners in virtue of the powers of this Act and the sum to be set apart annually as a sinking fund shall be the same as is provided in the Burgh Police (Scotland) Act 1892.

35. The following provisions shall have effect with respect to the interception and treatment of the sewage of the burgh of Govan :—

For protec-
tion of burgh
of Govan.

(1) The Commissioners of the burgh of Govan (in this section called “the Govan Commissioners” and “the burgh” respectively) shall within one year from the date at which Sewer No. 7 and the works to be constructed by the Corporation on the lands described in the First Schedule to this Act (in this section called “the Braehead works”) have been completed and made ready to receive the sewage of the burgh make and shall thereafter maintain such sewers and works within the burgh as may be necessary for the collection and interception of the whole sewage present and future of the burgh and shall deliver such sewage into Sewer No. 7 at the commencement of Sewer No. 7 at the western boundary of the burgh :

(2) The Govan Commissioners shall annually pay to the Corporation for the conveyance of the burgh sewage through Sewer No. 7 to the Braehead works a sum which shall include the

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proportion effeiring to the burgh as herein-after provided (A) of interest and sinking fund and other charges on the capital expenditure incurred by the Corporation in the construction of Sewer No. 7 and (B) of the cost of maintaining renewing altering and repairing that sewer and of all other expenses incidental thereto and the sum to be paid by the Govan Commissioners to the Corporation shall be annually determined according to the proportion which the total sewage of the burgh shall bear to the total amount of sewage conveyed to the Braehead works by Sewer No. 7 the said total sewage of the burgh to be ascertained at some point in the sewers and works of the Govan Commissioners immediately before it enters Sewer No. 7 by means of automatic gauges or such other means as may be mutually agreed upon by the Corporation and the Govan Commissioners :

(3) The Corporation shall pump and purify at the Braehead works the sewage of the burgh and the Govan Commissioners shall in respect thereof make annual payments to the Corporation as follows The Govan Commissioners shall pay to the Corporation (A) an annual sum for the cost of pumping the burgh sewage which shall be in the proportion which the quantity of that sewage bears to the total quantity of sewage pumped at the Braehead works and (B) an annual sum for the cost of purifying the burgh sewage which shall be in the proportion which the quantity of that sewage bears to the total quantity of sewage purified at the Braehead works The cost of pumping and purifying the burgh sewage shall include interest sinking fund and other charges in respect of the capital expenditure of the Corporation in connexion with the Braehead works including lands buildings pumps works machinery barges and vessels and also the charges for maintaining renewing altering and repairing those works and of storing treating and filtering the sewage and removing the effluent and the sludge therefrom :

(4) In respect of the works which the Govan Commissioners under this Act are authorised to make and maintain and of the payments which they shall make to the Corporation the Govan Commissioners shall and are hereby authorised to impose an annual assessment (to be called "the sewage purification assessment") not exceeding the rate of one shilling in the pound which assessment shall be imposed and levied on the annual value of all lands and heritages within the burgh and shall be paid one half by the owners and the other half by the

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occupiers of such lands and heritages Such sewage purification assessment shall be assessed levied and recovered under the like powers and provisions and subject to the like exemptions and restrictions so far as applicable as relate to the special sewer assessment under the Public Health (Scotland) Act 1897 :

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(5) (A) The Govan Commissioners may borrow for the purpose of constructing the works to be constructed by them under this section any sums not exceeding in whole the sum of twenty thousand pounds ;

(B) The Govan Commissioners shall annually set apart such sum as will secure that the amount borrowed by them under the authority of this Act shall be repaid within a period not exceeding sixty years and they shall apply such sum as a sinking fund in paying off the principal sums so borrowed ;

(C) Money borrowed by the Govan Commissioners under the authority of this Act shall be applied in payment of the costs charges and expenses incurred by the Govan Commissioners in and for the works to be constructed by them under this section and not otherwise but they shall not apply any money borrowed or any other moneys of the nature of capital to the maintenance and management of such works or to other purposes to which capital is not properly applicable :

(6) If any difference shall at any time arise between the Corporation and the Govan Commissioners with respect to any of the matters referred to in this section such difference shall be referred to and determined by an arbiter to be agreed on or failing agreement to be appointed by the sheriff on the application of either the Corporation or the Govan Commissioners.

36. The following provisions shall have effect with respect to the interception and treatment of the sewage of the burgh of Kinning Park (in this section called "the burgh") :—

Special provisions with respect to Kinning Park.

(1) The commissioners of the burgh (in this section called "the Kinning Park Commissioners") shall at the sight and to the reasonable satisfaction of the Corporation within seven years from the passing of this Act make and thereafter maintain such sewers and works (in this section called "the Kinning Park sewers") as may be necessary for the interception of the whole sewage present and future of the burgh and the Kinning Park Commissioners shall—

(A) Deliver such sewage into the sewers of the Corporation at the boundary between the burgh and the city ;

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- (b) Make adequate provision at the sight and to the reasonable satisfaction of the Corporation for the discharge of storm water; and
- (c) Connect existing and future sewers within the burgh with the Kinning Park sewers :
- (2) The Kinning Park Commissioners shall impose yearly an assessment to be called "the sewage purification assessment" on the annual value of all lands and heritages within the burgh as in this section after provided at the same rate in each year as the assessment which the Corporation shall for the time being impose in the city for the purpose of sewage purification and shall pay over yearly to the Corporation the free proceeds collected of the assessment so imposed after deduction (A) of the cost of collection thereof and (B) of a sum equal to four and a half per centum on the cost of constructing the Kinning Park sewers with the necessary connexions and arrangements for storm water as such cost shall failing agreement be fixed and ascertained by the arbiter in this section provided for the deduction of four and a half per centum being in respect of interest and sinking fund on such cost and shall be allowed until such cost shall be thereby extinguished :
- (3) Until the Kinning Park sewers are connected with the sewers of the Corporation and the sewage and surface drainage therein shall have been received and treated by the Corporation as in this Act provided no assessment shall be levied or payment made by the Kinning Park Commissioners to the Corporation :
- (4) The assessment to be so imposed in the burgh shall not under any circumstances exceed for a period of seven years from the date when it shall have been first imposed a maximum rate of four pence per pound in each year notwithstanding that during the whole or any part of the said seven years the rate of the sewage purification assessment levied in the city may exceed that amount :
- (5) The assessment which the Kinning Park Commissioners are by this Act authorised to impose shall be paid one-half by the owners and the other half by the occupiers of the lands and heritages on which the same is imposed Such assessment shall be assessed levied and recovered under the like powers and provisions and subject to the like exemptions and restrictions so far as applicable as the public health general assessment under the Public Health (Scotland) Act 1897 :

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Act, 1898.

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(6) The Corporation shall receive convey treat and purify the sewage of the burgh in the same manner as the sewage of the city :

(7) (A) The Kinning Park Commissioners may borrow for the purpose of constructing the works to be made by them under this section any sums of money not exceeding in the whole the sum of five thousand pounds ;

(B) The Kinning Park Commissioners shall annually set apart such sum as will secure that the amount borrowed by them under the authority of this Act shall be repaid within a period not exceeding sixty years and they shall apply such sum as a sinking fund in paying off the principal sums so borrowed ;

(C) Money borrowed by the Kinning Park Commissioners under the authority of this Act shall be applied in payment of the costs charges and expenses incurred by them in and for the construction of the works referred to in this section and not otherwise but they shall not apply any money borrowed or any other moneys of the nature of capital to the maintenance and management of works or to other purposes to which capital is not properly applicable :

(8) If any difference shall at any time arise between the Corporation and the Kinning Park Commissioners with respect to any of the matters referred to in this section such difference shall be referred to and determined by an arbiter to be agreed on or failing agreement to be appointed by the sheriff on the application of either of the parties.

37. The following provisions shall have effect with respect to the interception and treatment of the sewage of the area included in the police boundaries of the royal burgh of Rutherglen (in this section called "the burgh") and of the portion of the parish of Rutherglen beyond the burgh which forms the Lanarkshire area No. 1 described in the Third Schedule to this Act (in this section called "the county area") :—

Special provisions with respect to Rutherglen burgh and parish.

(1) The Town Council of the burgh (in this section called "the Rutherglen Council") and the Lanarkshire Council shall within seven years from the passing of this Act make and thereafter maintain such sewers and works (in this section called "the Rutherglen sewers") as may be necessary for the interception of the whole sewage present and future of the burgh and of the county area and the Rutherglen Council and the Lanarkshire Council shall—

(A) Deliver at a level to be approved by the Corporation such sewage into Sewer No. 4 by this Act authorised at the commencement thereof at Polmadie burn ;

[Ch. ccxliii.] *Glasgow Corporation (Sewage, &c.)* [61 & 62 VICT.]
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- (b) Make adequate provision at the sight and to the satisfaction of the Corporation for the discharge of storm water into Polmadie burn; and
- (c) Connect at their own expense existing and future sewers within the burgh and the county area with the Rutherglen sewers:
- (2) The Rutherglen Council and the Lanarkshire Council may and shall respectively impose yearly an assessment to be called "the sewage purification assessment" on the annual value of all lands and heritages within the burgh and the county area as in this section after provided at the same rate in each year as the assessment which the Corporation shall for the time being impose in the city for the purpose of sewage purification and shall pay over yearly to the Corporation the free proceeds collected of the assessment so imposed after deduction (A) of the cost of collection thereof and (B) of the sum of four hundred and ninety-five pounds in respect of interest and sinking fund on the cost of constructing the Rutherglen sewers until such cost shall be extinguished:
- (3) Until the Rutherglen sewers are connected with Sewer No. 4 by this Act authorised and the sewage and surface drainage therein shall have been received and treated by the Corporation as in this Act provided no assessment shall be levied or payment made by the Rutherglen Council and the Lanarkshire Council to the Corporation:
- (4) The assessment to be so imposed in the burgh and the county area shall not under any circumstances exceed for a period of seven years from the date when it shall have been first imposed a maximum rate of four pence per pound in each year notwithstanding that during the whole or any part of the said seven years the rate of the sewage purification assessment levied in the city may exceed that amount:
- (5) The assessment which the Rutherglen Council and the Lanarkshire Council are by this Act respectively authorised to impose shall be paid one-half by the owners and the other half by the occupiers of the lands and heritages on which the same is imposed. Such assessment shall be assessed levied and recovered under the like powers and provisions and subject to the like exemptions and restrictions so far as applicable as the public health general assessment under the Public Health (Scotland) Act 1897:

[61 & 62 VICT.] *Glasgow Corporation (Sewage, &c.)* [Ch. ccxliii.]
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(6) The Corporation shall convey treat and purify the sewage of the burgh and the county area in the same manner as the sewage of the city : A.D. 1898.

(7) (A) The Rutherglen Council and the Lanarkshire Council may borrow jointly or separately as they may deem expedient for the purpose of constructing the works to be made by them under this section any sums of money not exceeding in the whole the sum of twenty thousand pounds or if they determine to borrow separately they may each borrow any sums not exceeding in the whole the sum of ten thousand pounds ;

(B) The Rutherglen Council and the Lanarkshire Council shall annually set apart such sum as will secure that the amount borrowed by them under the authority of this Act shall be repaid within a period not exceeding sixty years and they shall apply such sum as a sinking fund in paying off the principal sums so borrowed ;

(C) Money borrowed by the Rutherglen Council and the Lanarkshire Council under the authority of this Act shall be applied in payment of the costs charges and expenses incurred by them in and for the construction of the works referred to in this section and not otherwise but they shall not apply any money borrowed or any other moneys of the nature of capital to the maintenance and management of works or to other purposes to which capital is not properly applicable :

(8) If any difference shall at any time arise between the Corporation and the Rutherglen Council and the Lanarkshire Council or any of them with respect to any of the matters referred to in this section such difference shall be referred to and determined by an arbiter to be agreed on or failing agreement to be appointed by the sheriff on the application of any of the parties.

38. With respect to the assessment to be imposed for the purposes of this Act on the Lanarkshire areas Nos. 2 and 3 described in the Third Schedule to this Act the following provisions shall have effect :—

As to assessments in Lanarkshire areas.

(1) The Lanarkshire Council may and shall impose yearly an assessment to be called " the sewage purification assessment " on the annual value of all lands and heritages within the Lanarkshire areas Nos. 2 and 3 as in this section herein-after provided at the same rate in each year as the assessment which the Corporation shall for the time being impose in the city for the purpose of sewage purification and shall pay over yearly to the Corporation the free proceeds collected of the assessment so imposed after deduction of the cost of collection thereof :

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(2) (A) Until the existing sewers of the Lanarkshire Council in the Lanarkshire area No. 2 are connected with the sewers and works authorised by this Act and the sewage and surface drainage therein shall have been received and treated by the Corporation as in this Act provided no assessment shall be levied or payment made in respect of the Lanarkshire area No. 2 by the Lanarkshire Council to the Corporation ;

(B) Until sewers are constructed in the Lanarkshire area No. 3 and are connected with the sewers and works authorised by this Act and the sewage and surface drainage shall have been received and treated as herein-before specified no assessment shall be levied or payment made in respect of area No. 3 by the Lanarkshire Council to the Corporation :

(3) The assessment to be so imposed in the Lanarkshire areas shall not under any circumstances exceed for a period of seven years from the date when it shall have been first imposed a maximum rate of four pence per pound in each year notwithstanding that during the whole or any part of the said seven years the rate of the sewage purification assessment levied in the city may exceed that amount :

(4) The assessment which the Lanarkshire Council is by this Act authorised to impose shall be paid one half by the owners and the other half by the occupiers of the lands and heritages on which the same is imposed Such assessment shall be assessed levied and recovered under the like powers and provisions and subject to the like exemptions and restrictions so far as applicable as the public health general assessment under the Public Health (Scotland) Act 1897.

As to assessments in Renfrewshire areas.

39. With respect to the assessment to be imposed for the purposes of this Act on the Renfrewshire areas the following provisions shall have effect:—

(1) The Renfrewshire Council may and shall impose yearly an assessment to be called “the sewage purification assessment” on the annual value of all lands and heritages within the Renfrewshire areas as in this section after provided at the same rate in each year as the assessment which the Corporation shall for the time being impose in the city for the purpose of sewage purification and shall pay over yearly to the Corporation the free proceeds collected of the assessment so imposed after deduction of the cost of collection thereof :

(2) Until the existing sewers of the Renfrewshire Council in the Renfrewshire areas are connected with the sewers and works authorised by this Act and the sewage and surface

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drainage therein shall have been received and treated by the Corporation as in this Act provided no assessment shall be levied or payment made by the Renfrewshire Council to the Corporation : A.D. 1898.

- (3) The assessment to be so imposed in the Renfrewshire areas shall not under any circumstances exceed for a period of seven years from the date when it shall have been first imposed a maximum rate of four pence per pound in each year notwithstanding that during the whole or any part of the said seven years the rate of the sewage purification assessment levied in the city may exceed that amount :
- (4) The assessment which the Renfrewshire Council is by this Act authorised to impose shall be paid one-half by the owners and the other half by the occupiers of the lands and heritages on which the same is imposed. Such assessment shall be assessed levied and recovered under the like powers and provisions and subject to the like exemptions and restrictions so far as applicable as the public health general assessment under the Public Health (Scotland) Act 1897.

40. For the protection of the Town Council or Commissioners of the burgh of Pollokshaws the Lanarkshire Council and the county of Lanark and the Renfrewshire Council and the county of Renfrew (herein-after for their respective rights and interests called "the protected authorities" and "the protected areas" as the case may be) the following provisions shall unless otherwise agreed have effect and be binding on the Corporation namely :— For protection of Commissioners of Pollokshaws and Lanarkshire and Renfrewshire Councils.

- (1) At least twenty-one days before the Corporation commence in any of the protected areas any of the works authorised by this Act they shall give to the protected authorities notice thereof in writing accompanied by plans sections working drawings and specifications showing the works proposed and the manner in which they are to be executed and also the means to be employed by the Corporation for protecting the roads streets lanes footpaths or public places sewers drains or works in the protected areas during or in consequence of the operations of the Corporation and also for making good any injury or damage to or interference with the said roads streets lanes footpaths or public places sewers drains or works and (where necessary) for providing new or substituted sewers drains or works which plans sections working drawings and specifications shall be subject to the approval of the protected authorities previously to the works being commenced and such works shall be carried out in conformity with the plans

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as approved of or in the event of difference of opinion between the Corporation and the protected authorities as may be settled by the arbiter in this section referred to Provided always that if the protected authorities do not within fourteen days after the service of such notice on them intimate to the Corporation their approval or disapproval of the said plans sections working drawings and specifications the Corporation may thereafter proceed to execute the said works in accordance with such plans sections drawings and specifications :

- (2) Where any of the works to be done under or by virtue of this Act or any deviations thereof which may be agreed to by the protected authorities shall or may pass over under through or by the side of or so as to interfere with any sewer drain watercourse or work within the jurisdiction or under the control of the protected authorities or shall or may in any way injuriously affect the sewerage or drainage of the protected areas the Corporation shall make good any damage which may be done by their operations to any of the said sewers drains watercourses or works and shall clear the said sewers drains watercourses or works if at any time they become silted in consequence of any of the operations of the Corporation during or after the construction of the works by this Act authorised and shall if necessary provide new altered or substituted works including sewers in such manner as the protected authorities may reasonably require and shall save harmless the protected authorities against all and every damage and expense which may be thereby occasioned and in the event of the Corporation failing in the opinion of the arbiter in this section referred to to carry out the provisions of this sub-section such arbiter may direct any such work to be executed by the protected authorities at the costs charges and expenses of the Corporation and the amount of such costs charges and expenses shall failing agreement be settled by the arbiter When any new altered or substituted works as aforesaid shall have been completed by or at the costs charges and expenses of the Corporation under the provisions of this Act the same shall thereafter be as fully and completely the property of and under the direction jurisdiction and control of the protected authorities as any sewers or works now or hereafter may be :
- (3) The Corporation shall during the construction of the sewers and works by this Act authorised be at the expense of forming making and maintaining wherever necessary culverts or other suitable provision for sewers or other works of the protected authorities over under or along the said sewers or works so as

to accommodate the future drainage of the protected areas as the same shall failing agreement be fixed by the arbiter in this section referred to Provided always that the protected authorities shall within one month (or within such further time as may be agreed between the protected authorities and the Corporation) from the receipt by them of the plans referred to in sub-section (1) of this section relating to the construction of the works in the protected areas intimate to the Corporation the place or places where they require the Corporation to make culverts or other suitable provision as aforesaid :

(4) The protected authorities shall at all times have the right and privilege of constructing sewers and drains across or underneath and where necessary for convenient crossing along the works authorised by this Act and that free of all claims charges and expenses for wayleave or otherwise Provided that before the protected authorities shall commence any such operations they shall give reasonable notice to the Corporation of their intention so to do and along with such notice submit plans sections and specifications of the works so proposed to be constructed for the approval of the engineer for the time being of the Corporation and in the event of any difference of opinion arising with reference to such works or the plans sections or specifications thereof the same shall be settled by arbitration in manner in this section provided and it is hereby provided that the protected authorities shall not be liable for any loss or damage which may occur to the works hereby authorised by reason of any accident which may at any time occur to the sewers or works belonging to the Corporation nor for any loss or damage to the Corporation arising from the stoppage of their sewers and works during the execution of such works by the protected authorities which may be necessary in consequence of such accident unless such loss or damage shall have been occasioned by the fault or neglect of the protected authorities or of their agents or servants :

(5) (A) The whole connexions between the existing sewers belonging to the protected authorities and the sewers by this Act authorised shall be made by and at the expense of the Corporation at the sight and to the satisfaction of the protected authorities or in the event of any difference arising with reference thereto in such manner as shall be settled by arbitration as in this section provided ;

(B) Future sewers in the protected areas shall be connected with the sewers by this Act authorised in accordance with the

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section of this Act whereof the marginal note is "Future junctions to be executed by Corporation at cost of proprietors" but the mode and terms and conditions of effecting such junctions within the protected areas shall failing agreement between the Corporation and the protected authorities be settled by arbitration as in this section provided :

- (6) The Corporation shall bear and pay any additional expense which the protected authorities may reasonably incur in making or maintaining the present or future sewers in the protected areas by or in consequence of the existence of the works by this Act authorised and also the whole expense which the protected authorities may reasonably incur by or through the supervision by their respective engineers surveyors or inspectors of the carrying out of the sewers and works authorised by this Act :
- (7) The Corporation shall be bound to construct and maintain sufficient outfall and other sewers and works to receive and convey the sewage and ordinary surface drainage of the protected areas and the Corporation shall alone be responsible for the capacity and sufficiency of the sewers and works by this Act authorised and for the maintenance of the same and shall relieve the protected authorities of any damage arising in consequence of the exercise by the Corporation of any of the powers conferred on them by this Act. When the sewage including ordinary surface drainage of the protected areas has been received into any of the sewers constructed by the Corporation they shall be bound to convey such sewage and ordinary surface drainage to the purification works at Braehead and there treat the same in such manner as to render it fit for being discharged into the river or for being otherwise disposed of and in the event of any failure on the part of the Corporation to implement their obligations under this Act they shall free and relieve the protected authorities from liability for any loss or damage that may arise or for which they may be held responsible :
- (8) The protected authorities shall on the sewage and ordinary surface drainage being received into the sewers authorised to be constructed under this Act be free from any further obligation or liability for the disposal of such sewage and ordinary surface drainage or in connexion therewith :
- (9) The position size and construction of any ventilators street gratings shafts or of any temporary or permanent openings in any road street or place within the protected areas to be

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constructed or made by the Corporation under the powers of this Act shall be subject to the approval of the protected authorities and in the event of difference arising between them and the Corporation in regard to such works the same shall be settled by arbitration as in this section provided : A.D. 1898.

(10) The sewers or works within the protected areas authorised by this Act shall so far as in the opinion of the arbiter in this section referred to conveniently may be constructed in tunnel :

(11) Where the works authorised by this Act require to be carried on upon the surface of any road or street within the protected areas the Corporation shall not without the consent of the protected authorities interfere with or occupy for the purposes of such works at any one time a greater extent of the surface of such road or street than fifty yards with intervals of not less than one hundred yards between any two portions of street so interfered with or occupied and such extent shall not be interfered with or occupied except with the consent of the protected authorities for a longer period than three months. The Corporation shall take the contractors for such works bound to observe the provisions of this sub-section under a penalty of ten pounds for every day during which the contractor fails to fulfil such conditions and which penalty shall be recoverable at the instance of the protected authorities of the protected areas respectively as far as such works are situate within such protected areas and the Corporation shall be bound to assign or communicate such rights to the protected authorities as will enable the protected authorities respectively to enforce such penalty at their own risk :

(12) No road or street interfered with or occupied by the Corporation for the purposes of their works shall be wholly closed against passenger traffic or except between the hours of 10 p.m. and 6 a.m. against vehicular traffic :

(13) In every case in which the Corporation interfere with any road street lane pavement or footpath the Corporation shall to the satisfaction of the protected authorities (first) restore the road street lane pavement or footpath so interfered with by the works authorised by this Act or by any subsidence occasioned thereby to its original level (second) cause the road street lane pavement or footpath to be maintained during the construction of the works in a reasonable state of repair (third) make good the paving and metalling of the road street lane pavement or footpath and keep the same in a good and satisfactory state

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of repair for twelve months after such restoration and (fourth) provide and maintain all requisite communications and accesses for foot passengers to and from the houses and other buildings in the streets or roads so interfered with :

- (14) The Corporation shall construct the works hereby authorised under the roads and streets within the protected areas of sufficient strength to bear and carry in all time coming the traffic of such roads or streets and in the event of their failure to do so shall free and relieve the protected authorities of all claims if any which may arise in consequence of such failure :
- (15) Notwithstanding anything contained in this Act the Corporation shall not without the consent of the protected authorities alter within the protected areas the levels of the sewers as shown upon the deposited plans and the additional deposited plans :
- (16) Except as in this Act specially provided the provisions in this Act contained shall not be deemed to supersede or dispense with the provisions of the general Acts incorporated with this Act but those provisions except in so far as they may be inconsistent with any of the provisions in this Act contained shall remain in full force and effect :
- (17) Nothing in this Act contained shall prevent the protected authorities at any future time from carrying out any public improvement or any repairs diversions alterations developments or extensions of the existing or contemplated works in connexion with any department administered by them either above or below the works authorised by this Act or from laying new sewers and wherever any of these works or sewers are or but for the construction of the works hereby authorised might have been carried across above or under the sewers and works authorised to be constructed the Corporation shall pay to the protected authorities any additional expense the latter may reasonably incur or be put to in the carrying out of the same by reason of the making or maintaining of the works authorised to be constructed by the Corporation or by any of the operations of the Corporation in relation thereto nor shall anything in this Act entitle the Corporation to any compensation for any damage occasioned by such operations of the protected authorities unless such damage shall have been occasioned by the default or neglect of the protected authorities :
- (18) So far as practicable and consistent with the construction of their works the Corporation shall use coke only for any steam or other engines used by them in the construction or

repairing of the sewers or works by this Act authorised and shall use such engines so as not to be offensive or to cause a nuisance: A.D. 1898.

- (19) If any difference shall at any time arise between the Corporation and the protected authorities with respect to any of the matters referred to in this section such difference shall be referred to and determined by an arbiter to be agreed on or failing agreement to be appointed by the Board of Trade on the application of either the Corporation or the protected authorities and the decision of such arbiter as to the method of carrying out any works shall not free or relieve the Corporation of their liability to the protected authorities for injury and damage for which the Corporation may be liable under this Act.

41. The following provisions shall have effect with respect to the interception and treatment by the Corporation of such portions of the sewage of the county of Lanark and of the county of Renfrew exclusive of the Lanarkshire areas and Renfrewshire areas as may be intercepted by and treated in the works by this Act authorised:— Provisions with reference to counties of Lanark and Renfrew.

- (1) The Corporation shall admit to such of the sewers by this Act authorised as may be constructed the drainage of such areas or portions of the counties of Lanark and Renfrew as the levels of such sewers and of the ground will permit Provided that the Corporation shall not be under any obligation to those counties or either of them to construct such sewers and that the Lanarkshire Council and the Renfrewshire Council respectively shall not be under any obligation to use the same:
- (2) Except in accordance with the provisions of this Act or with any arrangement which may be made between the Corporation and the Lanarkshire Council and the Renfrewshire Council respectively no person in those counties shall connect or cause to be connected any sewer or drain with the sewers by this Act authorised or discharge any sewage into such sewers or any sewers leading into the same:
- (3) The Lanarkshire Council and the Renfrewshire Council may respectively require the Corporation to connect at the expense of any such county council any sewer or drain formed or to be formed in or containing the sewage of those counties (in this section called "county sewers") with the sewers by this Act authorised and be permitted to discharge sewage by means of such county sewers into such sewers and such connexion of

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county sewers or discharge of sewage shall in the event of difference between the Corporation and any such county council be made and permitted only where in the opinion of the arbiter in this section referred to the capacity and level of the sewers and other works by this Act authorised admit thereof and also on such terms and conditions and in respect of such payments as may from time to time be mutually arranged between the Corporation and the Lanarkshire Council or the Renfrewshire Council respectively or as failing agreement may from time to time be determined by an arbiter to be mutually appointed by the Corporation and the Lanarkshire Council or the Renfrewshire Council respectively or in the case of difference as to such appointment to be appointed on the application of either party by the sheriff and the decision of the arbiter shall be final and binding on the several parties and the arbiter may state a special case for the opinion of the Court of Session on any question of law arising in the arbitration Provided further that the costs of every arbitration shall be in the discretion of the arbiter who shall determine the amount thereof and his determination shall be final and not subject to review :

- (4) The Lanarkshire Council and the Renfrewshire Council may respectively borrow in terms of the Public Health (Scotland) Act 1897 or of any Act amending the same such moneys as may be necessary from time to time to enable them to make the payments to be mutually arranged between the Corporation and the Lanarkshire Council and the Renfrewshire Council respectively in pursuance of this section or to be determined by an arbiter as aforesaid and to meet whatever expenditure may be incurred by the Lanarkshire Council and the Renfrewshire Council respectively in or with a view to the connexion of any county sewers with and the use of the sewers by this Act authorised and such payments and expenditure shall for the purposes of the said Public Health (Scotland) Act 1897 or of any Act amending the same be deemed to be "expense incurred by the local authority for sewerage or drainage" and shall be payable out of a special assessment to be raised and levied in the manner provided by such last-mentioned Act or any Act amending the same or if need be by an assessment in supplement of and in addition to the assessment by those Acts authorised on and within any special drainage district formed or to be hereafter formed the sewers or drains of which may be connected with the sewers by this Act authorised or the sewage from which may be discharged into such sewers.

42.—(1) Subject to the provisions of this Act the works authorised by this Act shall form one undertaking with the works authorised by the Acts of 1891 and 1896.

Works to form one undertaking with those authorised by Acts of 1891 and 1896.

(2) Sub-section (2) of section 38 of the Act of 1896 shall be read and have effect as if an assessment not exceeding six pence in the pound were therein mentioned instead of an assessment not exceeding four pence in the pound and the assessment authorised to be levied by the Act of 1891 as amended by the Act of 1896 and by this Act shall be applicable to the purposes of the Acts of 1891 and 1896 and of this Act All the costs charges and expenses incurred by the Corporation or for which they may be liable under the provisions of this Act may so far as not applicable to capital purposes be defrayed out of that assessment.

Assessments.

(3) Sub-section (3) of section 38 of the Act of 1896 authorising the Corporation to borrow money for sewage purposes shall be read and have effect as if the sum of eleven hundred thousand pounds were therein mentioned instead of the sum of seven hundred thousand pounds and as if the works by this Act authorised had been authorised and were to be constructed under the Acts of 1891 and 1896.

Borrowing powers.

(4) The Corporation shall annually set apart such sum as will secure that the amount borrowed by them under the authority of this Act for sewage purposes shall be repaid within a period not exceeding sixty years and they shall apply such sum as a sinking fund in paying off the principal sums so borrowed.

Sinking fund.

(5) Money borrowed by the Corporation under the Act of 1891 as amended by the Act of 1896 and by this Act shall be applied in payment first of the costs charges and expenses incurred by the Corporation preliminary and incidental to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto and secondly in and for the purchase of and payment for lands and the construction of the works authorised by this Act and in carrying the Acts of 1891 and 1896 and this Act into execution and not otherwise but they shall not apply any money borrowed or any other moneys of the nature of capital to the maintenance and management of works or to other purposes to which capital is not properly applicable.

Application of money borrowed.

43. The deviations by this Act authorised of the Outfall Sewer No. 1 authorised by the Act of 1896 and any works by this Act authorised to be constructed within the burghs of Partick and Clydebank shall be carried out under the powers and subject to the provisions of the Act of 1896 in the same manner and to the like

Saving for burghs of Partick and Clydebank.

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Provisions of Act of 1896 relating to burghs of Partick and Clydebank not to be affected.

44. Nothing in this Act contained shall prejudice or affect any of the provisions of the Act of 1896 relating to the burghs of Partick and Clydebank.

Act not to affect actions in respect of nuisances.

45. Nothing in this Act shall be construed to impair any right of action in respect of nuisances at common law or under the Public Health Acts the Burgh Police (Scotland) Act 1892 or under any public general Statute.

Exemption from tolls of vessels &c. employed in connexion with sewage works.

46. Notwithstanding anything contained in any of the Acts relating to the Clyde navigation the Clyde Trustees in respect of the purification of the river by the works authorised by the Acts of 1891 and 1896 and this Act shall not levy rates on (1) any vessel owned or employed by the Corporation using the waterway only of the Clyde navigation for the sole purpose of conveying to the works authorised by the Acts of 1891 and 1896 and this Act materials exclusively required for the treatment of sewage at the said works or for the carrying on of such works or for the sole purpose of conveying away sludge or residual products from those works for which no payment or other equivalent consideration is received by the Corporation (2) any such materials sludge or residual products so conveyed as aforesaid or (3) any such materials delivered direct from any vessel into the said works although the same form part only of the cargo of such vessel and whether such vessel is or is not owned or employed by the Corporation provided always that such materials shall not have been shipped or transhipped at or alongside any quay wharf or other works belonging to the Clyde Trustees.

For protection of Clyde Trustees.

47. For the protection of the Clyde Trustees the following provisions shall have effect (that is to say):—

Notwithstanding the provisions of the section of this Act whereof the marginal note is "Power to maintain sewage works on certain lands and works of communication with river Clyde" no landing piers docks wharves or other works shall be so

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situated or constructed as that any part of such works or any vessel berthed thereat shall project to any extent northward of the outer edge of the top of the existing river dyke opposite the said intended works nor so as to prevent the dredging and deepening of the river and no such works shall be commenced until detailed drawings and specifications thereof shall have been submitted to and approved of by the Clyde Trustees or by the Board of Trade in the event of difference between the Corporation and the Clyde Trustees thereanent and any such landing piers docks wharves or other works shall be used exclusively for and in connexion with sewage purposes as defined in the Act of 1891.

The Corporation shall not without the consent of the Clyde Trustees acquire any lands or property belonging to them but shall acquire only such a servitude through in or over any such lands or property as may be necessary for the purposes of this Act.

48. The Corporation may make and carry out agreements with the Clyde Trustees the Govan Commissioners the Kinning Park Commissioners the Town Councils of Rutherglen Pollokshaws and Renfrew the Lanarkshire Council and the Renfrewshire Council and any other persons with reference to the carrying out of any purposes of this Act not herein specially provided for.

Power to make agreements for purposes of Act.

49. If there be any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans and the additional deposited plans or specified in the deposited books of reference and the additional deposited books of reference the Corporation after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to the sheriff for the correction thereof and if it appears to such sheriff that the omission mis-statement or wrong description arose from mistake he shall certify the same accordingly and he shall in his certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and such certificate shall be deposited with the principal sheriff clerk of the counties of Lanark Renfrew or Dumbarton as the case may be and with the town clerk of the royal or parliamentary burghs and with the clerks to the commissioners of the several police burghs and the clerks to the parish councils of the several parishes and shall be kept by such sheriff clerk town clerks clerks and clerks to the parish councils respectively with the other documents to which the same relates and thereupon the deposited plans and books of reference and the additional deposited plans

Correction of errors &c. in deposited plans and books of reference.

[Ch. ccxliii.] *Glasgow Corporation (Sewage, &c.)* [61 & 62 VICT.]
Act, 1898.

A.D. 1898. — and books of reference shall be deemed to be corrected according to such certificate and the Corporation may enter upon take and use the lands and execute the works in accordance with such certificate.

Power to borrow for purposes of Gas Acts.

50. The Corporation may from time to time borrow for the purpose of executing the powers conferred upon them by the Glasgow Corporation Gas Acts 1869 to 1895 any sums of money not exceeding one million pounds in addition to the moneys authorised to be borrowed by those Acts and they may again borrow any sums which may be repaid by them otherwise than by means of the sinking fund provided by those Acts and any moneys so borrowed by them shall be deemed to have been borrowed under the powers and for the purposes of those Acts and shall form part of the moneys authorised to be borrowed under those Acts and the maximum sum which may be borrowed under those Acts is hereby increased accordingly.

Section 83 of the Glasgow Corporation Gas Act 1869 as amended by section 20 of the Glasgow Corporation Act 1888 shall be and is hereby made applicable to the moneys authorised to be borrowed under this section of this Act.

Fire insurance fund.

51.—(1) The Corporation may undertake the insurance either wholly or partially of any properties belonging to and under their administration against loss by fire and damages resulting therefrom and they may determine the amount of the insurance to be effected in relation to the several properties to be so insured and the payments to be levied in respect of such insurance and may thereupon contribute from the revenues of their several departments to a fund to be called the Corporation fire fund (in this section referred to as "the fire fund") such sums annually as the Corporation may fix as premiums of insurance in respect of the several properties to be so insured. The Corporation may also pay into the fire fund the amount now accumulated by their several departments as security against loss by fire.

(2) The fire fund shall be invested in the manner provided in the Glasgow Corporation Loans Act 1883 with reference to the Loans Fund authorised by that Act and shall be applied exclusively in meeting any losses which may arise from fire or damages resulting therefrom in connexion with the several properties so insured.

(3) In the event of the losses arising from fire and damages resulting therefrom at any time exceeding the amount of the fire fund the Corporation may charge their revenues and funds and those of the several departments under their administration with such sums proportionate to the amount insured on the several

properties of the Corporation and their several departments as may be necessary to meet the losses so arising. Such sums shall be paid into the fire fund under the name of extraordinary contributions and shall along with the fire fund be applied towards meeting the losses so arising.

A.D. 1898.

(4) Whenever the premiums paid into the fire fund amount in the aggregate to a sum which in the opinion of the Corporation is reasonably sufficient to meet ordinary risks the Corporation may apply any further premiums in repaying any extraordinary contributions.

52. The Corporation shall not under the powers of this Act purchase or acquire 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 fifteenth day of December aforesaid but have been or shall be subsequently so occupied.

Restriction on taking houses of labouring class.

For the purposes of this section 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.

53. Nothing contained in this Act shall authorise the Corporation to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Board of Trade without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty.

Saving rights of Crown under Crown Lands Act.

54. The Corporation shall not under the powers of this Act construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and reflows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of

Works below high-water mark not to be commenced without consent of Board of Trade.

[Ch. ccxliii.] *Glasgow Corporation (Sewage, &c.)* [61 & 62 VICT.]
Act, 1898.

A.D. 1898. — the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve such approval being signified as last aforesaid and where any such work may have been constructed the Corporation shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals. If any such work be commenced or completed contrary to the provisions of this Act the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs and charges of the Corporation and the amount of such costs and charges shall be a debt due from the Corporation to the Crown and shall be recoverable as a Crown debt or summarily.

Survey of works by Board of Trade.

55. If at any time the Board of Trade deem it expedient for the purposes of this Act to order a survey and examination of a work constructed by the Corporation on in over through or across tidal lands or tidal waters or of the intended site of any such work the Corporation shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Corporation to the Crown and be recoverable as a Crown debt or summarily.

Abatement of work abandoned or decayed.

56. If a work constructed by the Corporation under the powers of this Act on in over through or across tidal lands or tidal waters is abandoned or suffered to fall into decay the Board of Trade may abate and remove the work or any part of it and restore the site thereof to its former condition at the expense of the Corporation and the amount of such expense shall be a debt due from the Corporation to the Crown and be recoverable accordingly with costs or the same may be recovered as a Crown debt or summarily.

Saving rights of the Crown in the fore-shore.

57. Nothing contained in this Act or to be done under the authority thereof shall in any manner affect the title to any of the subjects or any rights powers or authorities mentioned in or reserved by sections 21 and 22 of the Crown Lands Act 1866 and belonging to or exerciseable on behalf of Her Majesty.

Expenses of Act.

58. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid out of the moneys to be borrowed under the powers of this Act.

The SCHEDULES referred to in the foregoing Act.

A.D. 1893.

THE FIRST SCHEDULE.

LANDS FOR SEWAGE PURPOSES.

A piece of land 25 acres or thereabouts in extent situate wholly in the parishes of Govan and Renfrew and the counties of Lanark and Renfrew and lying within the following boundary namely Commencing at the intersection of Marlin Ford Road and Renfrew Road and proceeding thence westward along the north side of Renfrew Road for a distance of 313 yards or thereabouts to the boundary between the lands of Braehead and Elderslie thence northward south-eastward and again northward along the said boundary between the lands of Braehead and Elderslie till it reaches the left bank of the river Clyde thence in a south-easterly direction along the left bank of the river Clyde to the intersection of Marlin Ford Road and thence southward along Marlin Ford Road to the point of commencement.

THE SECOND SCHEDULE.

DESCRIBING LANDS AND PROPERTIES WHEREOF PORTIONS ONLY ARE
REQUIRED TO BE TAKEN BY THE CORPORATION.

Parish.	Burgh.	County.	No. on Deposited Plans.
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SEWER No. 1.

Eastwood	-	Pollokshaws	Renfrew	-	10
Cathcart	-	Glasgow	Glasgow	-	1 4 5 6 7 8 9 and 10
Govan	-	Glasgow	Glasgow	-	13 19-19 20 24 30 33-33 34 35 39 40 42 and 43
Govan	-	—	Lanark	-	2 4 5 6 9 10 and 11

SEWER No. 4.

Govan	-	Glasgow	Glasgow	-	19
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DEVIATION OF OUTFALL SEWER No. 1.

Barony	-	Glasgow	Glasgow	-	4
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A.D. 1898.

THE THIRD SCHEDULE.

DESCRIPTION OF THE LANARKSHIRE AREAS.

Area No. 1 consists of the parish of Rutherglen in the county of Lanark exclusive of the portion of that parish which is included within the police boundaries of the royal burgh of Rutherglen.

Area No. 2 is bounded as follows Commencing on the south bank of the river Clyde where it is intersected by the western boundary of the burgh of Govan thence proceeding in a southerly direction along that boundary till it intersects the boundary of the city thence proceeding westwards and north-westwards along the boundary of the city and of the county of Renfrew till the north-west boundary of enclosure No. 212 on the Ordnance survey map of the parish of Govan dated 1894 is reached thence north-eastward along the north-western boundaries of enclosures Nos. 212 245 and 247 on the said map thence in a south-easterly direction till it meets the north-western boundary of enclosure No. 243 on the said map thence along the north-westerly boundary of that enclosure till it intersects the south side of the Renfrew Road thence in a straight line to the south bank of the river Clyde at a point 492 yards or thereabouts measured in a south-easterly direction from the north-western corner of enclosure No. 338 on the said map thence in an easterly direction along the south bank of the river Clyde to the point of commencement.

Area No. 3 is bounded as follows Commencing on the south bank of the river Clyde where it is intersected by the boundary of the county of Renfrew thence proceeding in a southerly westerly southerly and easterly direction along that boundary till the north-west boundary of enclosure No. 212 on the said map is reached thence north-eastward along the north-western boundaries of enclosures Nos. 212 245 and 247 on the said map thence in a south-easterly direction till it meets the north-western boundary of enclosure No. 243 on the said map thence along the north-westerly boundary of that enclosure till it intersects the south side of the Renfrew Road thence in a straight line to the south bank of the river Clyde at a point 492 yards or thereabouts measured in a south-easterly direction from the north-western corner of enclosure No. 338 on the said map thence in a westerly direction along the south bank of the river Clyde to the point of commencement.

THE FOURTH SCHEDULE.

A.D. 1898.

DESCRIPTION OF THE RENFREWSHIRE AREAS.

Area No. 1 is bounded as follows Commencing at a point on the boundary between the county of Renfrew and the city of Glasgow distant 293 yards or thereabouts measuring in an easterly direction from the centre of Old Cathcart Road thence proceeding southward to the north-east corner of Cathcart Parish Church thence southward to the northern corner of the enclosure marked 181 on the Ordnance Survey map for the Parish of Cathcart dated 1894 thence south-eastward along the north-eastern boundary of the enclosure marked 181 for a distance of 238 yards or thereabouts thence eastward to a point in line with and distant 60 yards from the northern extremity of the western boundary of enclosure marked 225 on the said map thence southward to the northern extremity of and along the said western boundary of the enclosure marked 225 to the north-east corner of the enclosure marked 222 on the said map thence southward along the eastern boundary of the enclosure marked 222 for a distance of 177 yards or thereabouts thence westward on a line parallel to and 57 yards northward from the southern boundary lines of the enclosures marked 222 221 and 259 on the said map until the western boundary of the enclosure marked 180 on the said map is reached thence north-westward to Queen Mary's Pillar thence due westward to the centre of the river Cart at a point 57 yards or thereabouts measuring in a southerly direction from the centre of Old Cathcart Bridge thence southward to the north-west corner of the entrance lodge to Cartbank House thence southward and south-westward for a distance of 1,084 yards or thereabouts along the east side of the Netherlee Road thence westward for a distance of 283 yards or thereabouts to the south-east corner of enclosure marked 165 on the said map and along the northern boundary lines of enclosures marked 292 and 293 on the said map thence due north-westward to a point on the boundary line between the parishes of Cathcart and Eastwood at a distance of 50 yards or thereabouts north-eastward from the intersection of the said boundary with Burnfield Road thence north-eastward and north-westward along the said parish boundary to the west side of Kilmarnock Road thence northward along the west side of the said Kilmarnock Road to the south-western boundary of ground belonging to the Cathcart District Railway Company thence north-westward along that boundary to the centre of the river Cart which forms the boundary line between the parishes of Cathcart and Eastwood thence north-eastward and south-eastward along the said parish boundary till it meets the boundary between the county of Renfrew and the city of Glasgow thence south-eastward northward and eastward along the said county boundary to the point of commencement.

Area No. 2 is bounded as follows Commencing at a point on the east side of Thornliebank Road 123 yards or thereabouts southward from the centre

[Ch. ccxliii.] *Glasgow Corporation (Sewage, &c.) [61 & 62 VICT.]*
Act, 1898.

A.D. 1898. of the bridge carrying that road across the Busby and East Kilbride Railway thence proceeding southward along the east side of that road for a distance of 123 yards or thereabouts thence southward to the east corner of the Methodist Chapel feu thence south-westward to the north-east corner of enclosure marked 697 on the said map thence southward to the south-east corner of enclosure marked 698 on the said map thence southward to the south side of Eastwood Mains Road at a point thereon 116 yards or thereabouts measuring in a westerly direction from the north-west corner of the eastern entrance lodge to Thornliebank House thence westward along the south side of Eastwood Mains Road to a point in line with the eastern boundary of the United Presbyterian Manse feu thence south-westward for a distance of 80 yards or thereabouts to a point on the eastern boundary of enclosure marked 723 on the said map distant 87 yards or thereabouts from the centre of the Thornliebank Road measuring along the north-eastern and eastern boundary of said enclosure marked 723 thence north-westward to the north-eastern corner of enclosure marked 686 on the said map thence north-westward along the western boundary of the Thornliebank Branch of the Glasgow and Kilmarnock Joint Railway to the north-western corner of enclosure marked 624 on the said map thence north-eastward to a point 60 yards or thereabouts south-westward from the south-west side of the road leading from Thornliebank Road to Carnwadrich Farm Steading thence north-westward on a line parallel with and distant 60 yards or thereabouts from the south-western side of that road and on a line in continuation thereof across the road leading from Thornliebank to Kennishead to a point distant 60 yards or thereabouts northward from the north-west side of that road thence north-eastward on a line parallel to and distant 60 yards or thereabouts from the north-west side of the said last-mentioned road and from the private road leading from Carnwadrich Farm Steading to the Thornliebank Road to the point of commencement.

Area No. 3 is bounded as follows Commencing at a point in the centre of Auldhouse Burn 43 yards or thereabouts measuring in a northerly direction from the centre of the Auldhouse Burn Bridge thence proceeding south-eastward to a point in the Auldhouse Road distant 150 yards or thereabouts measuring in an easterly direction from the intersection of the centre lines of the said road and the Thornliebank Road thence south-eastward for a distance of 250 yards or thereabouts to a point on the summit of the hill distant 180 yards or thereabouts measuring in a westerly direction from the south-west corner of Hillhead House thence southward to the south side of Hillhead Avenue at a point distant 86 yards or thereabouts measuring in a westerly direction from the west boundary of the enclosure marked 172 on the Ordnance Survey map for the parish of Eastwood dated 1894 thence eastward along the south side of Hillhead Avenue and the north boundary of enclosure marked 177 on the said map till it meets the north-eastern corner of that enclosure thence southward along the eastern boundary and westward along the southern boundary of that enclosure till it meets the north-eastern corner of enclosure marked 234 on the said map thence southward and westward along the eastern and southern boundaries of that enclosure to a point on the east side of Henry's Croft Road thence westward

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across that road and following an undefined line passing through enclosure marked 232 on the said map till it reaches the north-eastern corner of enclosure marked 231 on the said map thence along the southern boundary of the said enclosure marked 232 and continuation thereof to a point on the north-west side of the said Thornliebank Road thence north-eastward along the north-west side of the said road to a point in the centre of Auldhouse Burn thence northward along the centre of the said Burn to the point of commencement.

A.D. 1898.

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