



### CHAPTER lx.

An Act to provide for the constitution of the city and royal burgh of Aberdeen as a county of a city to authorise the Lord Provost Magistrates and Town Council of the said city and royal burgh to execute Sewage Works and for other purposes. A.D. 1899.  
[13th July 1899.]

**W**HEREAS the city and royal burgh of Aberdeen has during recent years greatly increased in population extent and importance and it is expedient that the said city and royal burgh should be constituted a county of a city :

And whereas by the Aberdeen Police and Waterworks Act 1862 (herein-after called "the Act of 1862") powers were granted and provision made for the sewerage and drainage of the said city and royal burgh of Aberdeen (herein-after called "the city") and for other purposes and a body of commissioners was established for the purpose of carrying out the powers and provisions of that Act :

And whereas by the General Police and Improvement (Scotland) Supplemental Act 1866 and the Aberdeen Police and Waterworks Amendment Act 1867 the provisions of the Act of 1862 were amended and further powers conferred with respect to the drainage of the city :

And whereas by the Aberdeen Municipality Extension Act 1871 the powers of the said commissioners were transferred to and vested in the lord provost magistrates and town council of the city (herein-after called "the Corporation") :

And whereas it is expedient that further provision should be made for the collection and disposal of the sewage of the city and that the powers in this Act contained should be conferred upon the Corporation with respect to the construction of sewers and works incidental thereto :

And whereas it is expedient that the Housing of the Working Classes Act 1890 should be amended as herein-after provided with respect to the sale and disposal of surplus lands and the repayment of money borrowed for the purposes of the said Act :

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

And whereas plans and sections showing the lines and levels of the works authorised by this Act and also books of reference thereto 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 for the counties of Aberdeen and Kincardine and with the town clerk of the city and royal burgh of Aberdeen and such plans sections and books of reference are herein-after respectively referred to as the 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 :—

#### PART I.—PRELIMINARY.

Short title.

1. This Act may be cited as the Aberdeen Corporation Act 1899.

Division of Act into Parts.

2. This Act is divided into Parts as follows :—

Part I.—Preliminary.

Part II.—Constitution of the city and royal burgh of Aberdeen as a county of a city.

Part III.—Sewage.

Part IV.—Miscellaneous.

Incorporation of Acts.

3. The Lands Clauses Acts and so much of the Railways Clauses Consolidation (Scotland) Act 1845 as relates to roads and the temporary occupation of lands near the railway are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation.

4. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction And the expressions "the promoters of the undertaking" "the commissioners" and "the company" mean respectively the Corporation And in those Acts where applied to this Act the expressions "the railway" and "the undertaking" mean respectively the works by this Act authorised.

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

“The city” means the city and royal burgh of Aberdeen;

“The Corporation” means the lord provost magistrates and town council of the city;

“The sheriff” means the sheriff of Aberdeen Kincardine and Banff;

“The City Sewage Acts” means the Aberdeen Police and Waterworks Act 1862 the General Police and Improvement (Scotland) Supplemental Act 1866 and the Aberdeen Police and Waterworks Amendment Act 1867;

“The Act of 1891” means the Aberdeen Corporation Act 1891;

“The prescribed day” means the day prescribed by the Secretary for Scotland under Part II. of this Act.

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Further interpretation.

PART II.—CONSTITUTION OF THE CITY AND ROYAL BURGH OF ABERDEEN AS A COUNTY OF A CITY.

6. On and after the prescribed day the city and royal burgh of Aberdeen shall be a county of a city by the name of the county of the city of Aberdeen and for the purposes of this Act the area of the city and royal burgh shall be severed from the counties of Aberdeen and Kincardine respectively within which it was situated immediately before the prescribed day.

Constitution of the city of Aberdeen as a county of a city.

7. Her Majesty may grant a commission for such term and subject to such conditions as shall be set forth therein appointing a lieutenant of the county of the city of Aberdeen and the Acts relating to the general and local militia in Scotland and the appointment of deputy-lieutenants shall apply to the said county of the city in like manner as they apply to any other county in Scotland. Provided always that for the purpose of the provision of militia storehouse accommodation under the Militia (Scotland) Act 1854 the county of the city of Aberdeen shall notwithstanding the passing of this Act be deemed to continue and remain a burgh within the county of Aberdeen.

Appointment of lieutenant &c. of the county of the city of Aberdeen.

8. Her Majesty may grant a commission of the peace and a court of quarter sessions to the county of the city of Aberdeen and the justices of the peace named in such commission and such court of quarter sessions shall on and after the prescribed day have the like jurisdiction power and authority in the county of the city of Aberdeen which justices of the peace and the court of quarter sessions have in the county of the city of Edinburgh in which commission as first issued shall be inserted the names of all those

Grant of commission of the peace and of quarter sessions &c.



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persons who by reason of their connection with or services to the city of Aberdeen are at the passing of this Act justices of the peace for the counties of Aberdeen and Kincardine The Secretary for Scotland after such inquiry as he may order and after conferring with the lords lieutenant of the counties of Aberdeen and Kincardine respectively shall in communication with the Lord Chancellor determine the persons who under the foregoing enactment shall be entitled to be included in the commission of the peace for the county of the city of Aberdeen as first issued.

39 & 40 Vict.  
c. 26.

Subject to the provisions of this Act all existing enactments laws and usages with respect to justices of the peace and general and quarter sessions of the peace applicable to the county of the city of Edinburgh and with respect to the joint committee for the city and royal burgh of Edinburgh under the Publicans Certificates (Scotland) Act 1876 shall thereupon with the necessary variations apply to the county of the city of Aberdeen.

Cesser of  
jurisdiction  
&c. of lieutenants &c.  
of other  
counties.

9. On and after the prescribed day the existing and future lords lieutenant deputy lieutenants and justices of the peace of the counties of Aberdeen and Kincardine respectively shall have no jurisdiction power or authority within the county of the city of Aberdeen but nothing in this section shall affect the right of such justices to hold their courts and meetings within the city of Aberdeen nor the power and authority which by the law of Scotland may be exercised by any justice of the peace beyond the limits of the county for which he is a justice.

Power to  
Secretary  
for Scotland  
to make  
orders for  
bringing Act  
into operation.

10. The Secretary for Scotland may at any time after the passing of this Act on the application of the Corporation make such orders as appear to him to be necessary for bringing this Part of this Act into full operation :

Provided always that—

- (1) If the Secretary for Scotland shall make any such order he shall publish it once in the Edinburgh Gazette and once in each of two successive weeks in any daily newspaper published in Aberdeen and subject as herein-after mentioned such order shall thereupon have effect as if enacted by Parliament ;
- (2) If within one month after the last publication of the order any person affected by the order petition the Secretary for Scotland to cause the order to be laid before Parliament and such petition is not withdrawn the order shall be deemed to be a provisional order and shall be of no effect unless confirmed by Parliament ; and
- (3) The Secretary for Scotland may introduce a Bill confirming any such provisional order and if any petition is presented

against such order the Bill so far as it relates to the order petitioned against shall be deemed to be a private Bill and the petitioners shall be allowed to appear and oppose as in the case of a private Bill. A.D. 1899.

11. The existing clerk of the peace of the county of Aberdeen shall so long as he holds that office be the clerk of the peace of the county of the city of Aberdeen with all the rights powers and privileges of any clerk of the peace in any county in Scotland. Justice of peace clerk.

12. The Corporation shall from and after the prescribed day pay to Horace Fildes so long as he holds the office of clerk of the peace of the county of the city of Aberdeen a salary or annual allowance at the rate of twenty-one pounds per annum payable half-yearly in equal portions at Whitsunday and Martinmas in each year and the said Horace Fildes shall accept such salary or allowance in full of all charges and remuneration which he might be entitled to claim against the Corporation but exclusive of his outlays for printing stationery advertising court books Crown office fees postages and all other necessary cash outlays. For protection of Horace Fildes.

13. From and after the prescribed day the Corporation shall repay annually to the county council of the county of Aberdeen and the county council of the county of Kincardine a proportion of such salary or fees and outlays as may from time to time be payable by the said respective county councils to the procurator-fiscal of Aberdeenshire and the procurator-fiscal of Kincardineshire in respect of work done or services rendered by such procurators-fiscal for which no payment or allowance is received from Exchequer such proportion to be from time to time fixed by agreement between the Corporation and the said respective county councils and in the event of any difference arising as to the amount of such proportion the amount shall be determined by an arbiter to be appointed by agreement between the Corporation and the said respective county councils or in default of agreement to be appointed by the sheriff. Provision as to procurators-fiscal of Aberdeenshire and Kincardineshire.

14. From and after the prescribed day the Corporation shall out of such funds or assessments as they may fix and determine bear and pay all the expenses legally exigible against a county for or in respect of carrying out the provisions of the section of this Act whereof the marginal note is "Grant of commission of the peace and of quarter sessions &c." within the county of the city of Aberdeen. Provision as to expenses of justices of peace.

15. Where under any Act of Parliament provisional order or scheme in existence at the passing of this Act or under any deed or instrument testamentary or otherwise executed prior to the passing Severance not to affect benefit conferred by



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birth or residence.

of this Act any benefit is conferred or may be claimed or enjoyed in respect of birth or residence in or in connection with the counties of Aberdeen or Kincardine the severance by this Act effected shall not in any way interfere with or prejudice any claim to or enjoyment of such benefit and for the purposes of this section the area of the county of the city of Aberdeen shall continue to be deemed part of the said counties.

Saving as to sheriff's jurisdiction.

**16.** Nothing in this Act shall prejudice or affect the civil or criminal jurisdiction or administrative powers of the sheriff of the counties of Aberdeen and Kincardine respectively as they existed prior to the passing of this Act or of the several officers of the sheriff courts of those counties as aforesaid or the judicial or official names of such sheriff or officers or the description of those counties in judicial or official forms in use in those courts or in any proceedings judicial or otherwise before such sheriff which names and descriptions shall continue to be used as if this Act had not been passed.

Saving jurisdiction &c. of magistrates.

**17.** Nothing in this Act contained shall take away diminish prejudice or affect the jurisdiction powers rights and authorities which the magistrates of the city now have possess and exercise in or over the city.

Office accommodation for county J.P. clerk.

**18.** In the event of the clerk of the peace of the county of the city of Aberdeen not being also the clerk of the peace of the county of Aberdeen the latter shall be entitled to retain and use the office in the Aberdeen county and municipal buildings at present occupied by the existing clerk of the peace for the county or any other office in those buildings which may be substituted therefor by the Aberdeen County and Municipal Buildings Commissioners.

Sheriff Court House Acts not to be affected.

**19.** Nothing in this Act contained shall alter or affect any obligation or liability imposed upon the city under the Sheriff Court Houses Act 1860 or the Aberdeen County and Municipal Buildings Act 1866 or any Act amending the same or interfere with or affect the powers of the Commissioners under the said Aberdeen County and Municipal Buildings Act.

Saving as to holding of meetings by Aberdeen County Council.

**20.** Nothing in this Act contained shall prejudice or affect the right of the county council of the county of Aberdeen to hold their meetings in Aberdeen.

Lunacy Acts not to be affected.

**21.** Notwithstanding the passing of this Act the county of the city of Aberdeen shall for the purposes of the Lunacy (Scotland) Acts 1857 to 1887 and the provisions of the Prisons (Scotland) Act 1877 in so far as the same relate to lunacy be taken to continue and remain part of the counties of Aberdeen and Kincardine respectively.

## PART III.—SEWAGE.

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22. 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 the sewers and works hereinafter 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 described in the deposited books of reference as may be required for that purpose. The sewers and works herein-before referred to are the following:—

Power to  
make works  
and take  
lands.

- (1) A sewer (No. 1) wholly situate in the city parish of Aberdeen in the city and the county of Aberdeen commencing at a point in Affleck Street eighty yards or thereabouts measuring in a westerly direction along that street from Wellington Road and terminating at a point on the left or north bank of the River Dee one hundred yards or thereabouts measuring in an easterly direction from the east parapet of Victoria Bridge :
- (2) A sewer (No. 2) commencing at a point in Skene Street at its junction with Summer Street and terminating at a point in the sea three hundred yards or thereabouts measuring in an easterly direction from Girdleness Lighthouse which intended sewer will be situate partly in the city parish of Aberdeen in the city and the county of Aberdeen and partly in the parish of Nigg and county of Kincardine or in the bed of the sea adjoining the last-mentioned parish :
- (3) A storm-water culvert (No. 4) wholly situate in the city parish of Aberdeen in the city and the county of Aberdeen commencing at Queen's Cross and terminating at a point in the left or north bank of the River Dee near Old Ford Road four hundred and twenty yards or thereabouts measuring in a southerly direction from the west parapet of Victoria Bridge :
- (4) A storm-water channel (No. 5) wholly situate in the city parish of Aberdeen in the city and the county of Aberdeen commencing at the eastern extremity of Merkland Road East and terminating at a point in the right or south bank of the River Don five hundred yards or thereabouts measuring in an easterly direction from the east parapet of the bridge known as the New Bridge of Don :
- (5) The storm-water overflows after described (No. 6) (that is to say) :—
  - (A) A storm-water overflow wholly situate in the city parish of Aberdeen in the city and the county of Aberdeen commencing at a point in Holburn Street at its intersection with Ruthrieston Road and terminating at the



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point in the left or north bank of the River Dee where the Ruthrieston Burn enters the Dee ;

- (B) A storm-water overflow wholly situate in the city parish of Aberdeen in the city and the county of Aberdeen commencing at a point in Riverside Road ninety yards or thereabouts measuring in a north-easterly direction from its intersection with Ruthrieston Terrace and terminating at the point in the left or north bank of the River Dee where the Outseats Burn enters the Dee ;
- (C) A storm-water overflow wholly situate in the city parish of Aberdeen in the city and the county of Aberdeen commencing at a point in Polmuir Road opposite the north-east entrance to Duthie Park and terminating at a point in the left or north bank of the River Dee opposite the junction of Polmuir Road and Riverside Road ;
- (D) A storm-water overflow wholly situate in the city parish of Aberdeen in the city and the county of Aberdeen commencing at the junction of North Esplanade with Clyde Street and terminating at a point in the left or north bank of the River Dee one hundred yards or thereabouts measuring in an easterly direction from the east parapet of Victoria Bridge ;
- (E) A storm-water overflow wholly situate in the city parish of Aberdeen in the city and the county of Kincardine commencing at a point in South Esplanade thirty-five yards or thereabouts measuring in an easterly direction from the junction of Sinclair Place and South Esplanade and terminating at a point in the right or south bank of the River Dee at a point six hundred and fifty yards or thereabouts measuring in an easterly direction from the east parapet of Victoria Bridge.

Existing  
sewers and  
drains to be  
connected  
with works.

**23.** Subject to the provisions of this Act the Corporation may in or under any public streets or roads or upon lands belonging to them or over which they shall possess a servitude in that behalf make and maintain all such sewers drains pipes and appurtenances as may be necessary for connecting any existing sewers or drains with or for discharging or conducting the contents of such sewers and drains into the sewers and works by this Act authorised 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.



24. 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 they may deviate from the levels shown on the deposited sections to any extent not exceeding two feet Provided that no deviation either lateral or vertical below high-water mark shall be made without the consent in writing of the Board of Trade.

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Limits of lateral and vertical deviation.

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

Period for compulsory purchase of lands.

26. If the sewers and works described in and authorised by 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 such sewers and works or otherwise in relation thereto shall cease except as to so much thereof as is then completed Provided that the sewers and works specified in the agreement referred to in the section of this Act of which the marginal note is "Confirming scheduled agreement with Dee District Fishery Board" shall be completed within four years from the passing of this Act.

Period for completion of works.

27. Subject to the provisions of this Act the sewers and works by this Act authorised shall form one undertaking with the main and other sewers for the drainage of the city constructed under the powers conferred by the City Sewage Acts and the powers and provisions of those Acts as amended by subsequent Acts relating to the city with respect to the construction and maintenance of sewers and the assessments borrowing powers sinking fund and application of money borrowed for sewage purposes shall extend and apply to the sewers and works by this Act authorised.

Works to form part of sewers authorised by City Sewage Acts.

28. Whereas in the construction of the sewers and works by this Act 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 First 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

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

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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.

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

**29.** Whereas in order to avoid in the execution and maintenance of any works authorised by this Act injury to the houses and buildings 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) :—

- (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 dispute the necessity of such underpinning or strengthening the question of 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 sheriff :
- (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 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 :



(6) 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 and by such lessees or occupiers within six months from the discovery thereof:

(7) Nothing in this enactment contained or 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:

(8) Every case of compensation to be ascertained under this enactment shall be ascertained according to the provisions of the Lands Clauses Consolidation (Scotland) Act 1845:

(9) Nothing in this section shall repeal or affect the application of the ninetieth section of the Lands Clauses Consolidation (Scotland) Act 1845.

**30.** For the protection of the Aberdeen Harbour Commissioners (in this section referred to as "the commissioners") the following provisions shall unless otherwise agreed upon between the commissioners and the Corporation apply and have effect (that is to say):—

For protection of Aberdeen Harbour Commissioners.

(1) The Corporation shall construct the sewer (No. 2) by this Act authorised where it passes underneath the bed of the River Dee in such a manner and at such levels that at no point between the vertical shafts on the north and south sides of the river shown on the deposited plans and sections shall the sewer or the tunnel in connection therewith be at a less depth than thirty-two feet measuring vertically downwards from the level of high water of ordinary spring tides to the uppermost outside surface of the sewer or tunnel and for the purpose of such vertical measurement the height of high water of ordinary spring tides shall be reckoned at 7·38 feet above the Ordnance datum level:

(2) Whereas the commissioners have in contemplation the erection of quay walls and wharves along the north and south sides of the River Dee and whereas the said sewer (No. 2) will

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pass through the site of the intended foundations of the said quay walls and wharves and special works will be required in connection with the construction of the sewer at the points where it will pass through the site of the said foundations Therefore the commissioners shall be entitled to construct such special works as the engineer of the commissioners may deem necessary or expedient for the protection of the foundations of the said quay walls and wharves and the cost of the said special works as the same shall be certified by the engineer of the commissioners shall be repaid by the Corporation to the commissioners Provided always that the commissioners shall not guarantee or be liable for the efficiency of the said special works for the purpose intended or for the expense of any other works or operations which the Corporation may find it necessary to make or carry on for the construction security or maintenance of the said sewer or for any settlement or failure of the said works or sewer at the points herein-before mentioned :

- (3) Whereas the said sewer (No. 2) will pass along the quays in proximity to the timber wharves belonging to the commissioners at Torry Harbour the commissioners shall be entitled during the construction of the sewer to make and provide all such works both temporary and permanent as the engineer of the commissioners may deem necessary or expedient for securing the stability of the quays and wharves and other structures which may be interfered with and the expense of all such temporary or permanent works as certified by the engineer of the commissioners shall be repaid by the Corporation to the commissioners and the Corporation shall be liable for and make good to the commissioners any damage which may in future be caused to the said quays wharves or structures by the said sewer or by any leakage failure or defect thereof.

For protec-  
tion of estate  
of Balna-  
gask.

**31.** For the protection of Colonel James Davidson proprietor of the estate of Balnagask and his successors in the said estate (in this section referred to as "the proprietor of Balnagask") the following provisions shall unless otherwise agreed upon between the Corporation and the proprietor of Balnagask apply and have effect (that is to say) :—

- (1) In the construction of the sewer (No. 2) by this Act authorised the Corporation shall not without the consent of the proprietor of Balnagask deviate the line of the said sewer laterally so as to pass under or beneath any portion of the said estate of Balnagask lying on either side of St. Fittick's Road between the points marked A and B on the plan signed



in triplicate by the Right Honourable J. W. Lowther the Chairman of Committees of the House of Commons to whom the Bill for this Act was referred (herein-after called "the signed plan") one copy whereof has been deposited in the Private Bill Office of the House of Commons and another copy in the Office of the Clerk of the Parliaments :

- (2) In constructing the said sewer (No. 2) the line of the sewer between the points marked B and C on the signed plan shall be deviated and carried under and along St. Fittick's Road thence through and along the estate of Balnagask and thence through and along the property of the Corporation as shown by the line coloured red on the signed plan and indicated thereon by the letters B D E C and the proprietor of Balnagask shall grant in favour of the Corporation without payment or compensation such servitude or other right as the Corporation may require for the purpose of making maintaining renewing and repairing the said sewer so far as it will pass through and along the said estate of Balnagask :
- (3) The Corporation shall afford the proprietor of Balnagask reasonable facilities for connecting with the said sewer (No. 2) by means of proper branch sewers to be formed by and at the expense of the proprietor of Balnagask any houses or buildings erected or which may be erected on the portion of the said estate of Balnagask outside the existing boundary of the city upon payment by the owner of such houses or buildings of an annual charge or sum at the same rate per pound of the rental of such houses or buildings (as appearing in the valuation roll) as the sewer rate from time to time levied and imposed by the Corporation within the city and subject to such terms and conditions as may be prescribed by the Corporation with respect to the dimensions level and materials and the construction repair and maintenance of such branch sewers provided that the proprietor of Balnagask shall if and when so required by the Corporation make provision for the disposal of the rain water from the streets or roads on the said portion of the estate of Balnagask and from the roofs of the said houses and buildings and for the exclusion of such rain water from the said sewer :
- (4) The Corporation may in connection with the construction of the said sewer (No. 2) occupy temporarily such portion of the said estate of Balnagask within the limits of deviation defined on the deposited plans as they may find necessary on payment to the tenant of the land so occupied of rent and compensation for any injury or damage which may thereby be occasioned :

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(5) In the event of the spring or springs from which the dwelling-houses and farm steadings of East Kirkhill and Old Manse derive their present water supply being injured or affected by or in consequence of the construction of the said sewer (No. 2) the Corporation shall convey to the said dwelling-houses and farm steadings a supply of the city water sufficient for the purposes of such dwelling-houses and farm steadings and shall provide and continue such supply free of cost or charge while and so long as the buildings or any reconstruction of the same are occupied as dwelling-houses or used for agricultural purposes. Provided that if it shall be found necessary to lay the main or pipe for conveying such supply of water through or along any portion of the estate of Balnagask the proprietor of Balnagask shall grant in favour of the Corporation wayleave for such purpose with reasonable right of access to the track for examining repairing and renewing the main or pipe:

(6) If any difference shall at any time arise between the Corporation and the proprietor of Balnagask with respect to any matter arising out of any of the provisions of this section such difference shall unless the parties otherwise agree be determined by an arbiter to be appointed on the application of either party by the sheriff.

Sewer No. 1  
to be laid in  
diversion of  
Wellington  
Road in cer-  
tain events.

**32.** If the Caledonian Railway Company and the Great North of Scotland Railway Company (in this section called "the two companies") or either of them shall obtain power by any Act passed in the present session of Parliament to divert Wellington Road and shut up a portion of Affleck Street for the purpose of widening or improving their railways or the joint passenger station in Aberdeen the Corporation shall not commence to construct the sewer (No. 1) by this Act authorised so far as proposed to be laid along Wellington Road and Affleck Street until the expiration of twelve months from the passing of this Act and if the two companies or either of them shall within such period have made the diversion of Wellington Road or have acquired land for the purpose thereof and shall afford to the Corporation all necessary facilities for constructing a sewer under such diversion or the site thereof in lieu of the sewer along Wellington Road and Affleck Street then and in such case the powers of the Corporation to construct such sewer along Wellington Road and the portion of Affleck Street to be shut up shall cease and the Corporation may construct the Sewer (No. 1) along the diversion of Wellington Road and the provisions of this Part of this Act shall apply and have effect accordingly.



**33.** The following provisions for the protection of the Caledonian Railway Company (in this section called "the Caledonian Company") shall unless otherwise agreed between the Corporation and the Caledonian Company apply and have effect (that is to say):—

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For protec-  
tion of  
Caledonian  
Railway  
Company.

(1) The sewers and works of the Corporation by this Act authorised where the same are intended to be constructed under or near to the railway of the Caledonian Company (which for the purposes of this section shall include any widening thereof authorised by any Act passed in the present session of Parliament) or any viaduct bridge or works in connection therewith or any property belonging to the Caledonian Company or which they may be authorised to acquire for the widening of the railway or the improvement and enlargement of the joint passenger station at Aberdeen under the powers of any such Act as aforesaid shall be constructed of such strength and durability as shall be sufficient for the effectual and safe support of the railway or works of the Caledonian Company and shall be constructed and completed and thereafter altered repaired and renewed at the expense in all respects of the Corporation and under the superintendence and to the reasonable satisfaction of the engineer of the Caledonian Company and in accordance with plans and specifications to be submitted to such engineer and approved of by him previously to the commencement of any such works alterations repairs or renewals :

(2) The Corporation shall not enter upon or interfere with the railway or any viaduct bridge or work of the Caledonian Company or property belonging to or authorised to be acquired by them as aforesaid 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 near to the railway or any such viaduct or bridge work or property in accordance with such plans and specifications as aforesaid and they shall if required by the Caledonian Company only acquire such a servitude through or in any land or property of the Caledonian Company as may be necessary for such works :

(3) The sewers and works by this Act authorised shall be constructed repaired and maintained by the Corporation so as not to injure or endanger the stability of the railway or any works or buildings of the Caledonian Company or to cause any interruption impediment or danger to the traffic on the railway :

(4) If in the constructing repairing or maintaining of the sewers and works of the Corporation by this Act authorised or any of them the railway or any viaduct or bridge or works thereof

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shall be injured or endangered or the traffic thereon interrupted impeded or endangered or if any such injury danger interruption or impediment shall otherwise arise in consequence of the sewers or works of the Corporation or any failure or defect therein the Caledonian Company may 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 Caledonian Company all costs and expenses reasonably incurred or paid by them in connection therewith and shall compensate the Caledonian Company 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 :

- (5) If any difference shall at any time arise between the Corporation and the Caledonian Company or their engineers with respect to any plans sections and specifications or as to the mode of executing any works under this section such difference shall be referred to and determined by an arbitrator to be agreed on or failing agreement to be appointed by the Board of Trade on the application of either the Corporation or the Caledonian Company.

Power to  
alter roads  
&c. tem-  
porarily.

**34.** 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 tramways 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 specified in the deposited books of reference and which they may 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 or tramway or the flow of water gas sewage or electricity in any such sewer drain watercourse 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 or 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 Acts 1882 and 1888 to which the provisions of section 15 of the former Act apply. A.D. 1899.

**35.** It shall not be lawful for any person to send or permit to flow or pass into the sewers of the Corporation or into any sewers or drains connecting therewith any liquid substance or matter which would be injurious to the construction use or efficiency of the said sewers or drains or which would cause or be likely to cause silting up corrosion or decay of the materials thereof or which would interfere with the treatment of the sewage upon any lands which may be acquired for such purpose by the Corporation 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.

Injurious matter not to be allowed to pass into sewers.

**36.** The Corporation may acquire from any person and use patent rights or licences not being exclusive for or in connection with sewage purposes.

Power to acquire and use patent rights.

**37.** The agreement set forth in the Second Schedule to this Act and made between the Corporation and the district board for the River Dee is hereby confirmed.

Confirming scheduled agreement with Dee District Fishery Board.

#### PART IV.—MISCELLANEOUS.

**38.**—(1) The Corporation shall not under the powers by this Act granted purchase or acquire in any district within the meaning of the Public Health (Scotland) Act 1897 ten or more houses which on the fifteenth day of December last were or have been since that day or shall hereafter be occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until—

Restrictions on displacing persons of labouring class.

(A) They shall have obtained the approval of the Secretary for Scotland to a scheme for providing new dwellings for such number of persons as were residing in such houses on the fifteenth day of December last or for such number of persons as the Secretary for Scotland shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case; and

A.D. 1899.

(B) They shall have given security to the satisfaction of the Secretary for Scotland for the carrying out of the scheme.

(2) The approval of the Secretary for Scotland to any scheme under this section may be given either absolutely or conditionally and after the Secretary for Scotland has approved of any such scheme he may from time to time approve either absolutely or conditionally of any modifications in the scheme.

(3) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced :

Provided that the Secretary for Scotland may dispense with the last-mentioned requirement subject to such conditions (if any) as he may see fit.

(4) Any provisions of any scheme under this section or any conditions subject to which the Secretary for Scotland may have approved of any scheme or of any modifications of any scheme or subject to which he may have dispensed with the above-mentioned requirement shall be enforceable by an order of the court of session to be obtained by the Secretary for Scotland.

(5) If the Corporation acquire or appropriate any house or houses under the powers by this Act granted in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Secretary for Scotland by action in the court of session and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the court may if it think fit reduce such penalty.

(6) For the purpose of carrying out any scheme under this section the Corporation may appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase such further lands as they may require and for the purpose of any such purchase section 145 of the Public Health (Scotland) Act 1897 shall be incorporated with this Act and shall apply to the purchase of lands by the Corporation for the purposes of any scheme under this section in the same manner in all respects as if the scheme were one of the purposes of that Act.

(7) The Corporation may on any lands belonging to them or purchased or acquired under this section or under any provisional order issued in pursuance of this section erect such dwellings for persons of the labouring class as may be necessary for the purpose



of any scheme under this section and may sell let or otherwise dispose of such dwellings and any lands purchased or acquired as aforesaid and may apply for the purposes of this section to which capital is properly applicable or any of such purposes any moneys which they may be authorised to raise or apply for the purposes of the Corporation : A.D. 1899.

Provided that all lands on which any buildings have been erected or provided by the Corporation in pursuance of any scheme under this section shall for a period of twenty-five years from the date of the scheme be appropriated solely for the purpose of dwellings and every conveyance or lease of such lands and buildings by the Corporation shall contain proper covenants to secure during such period of twenty-five years the exclusive use of the buildings on such lands for the purpose of such dwellings and shall be endorsed with notice of this enactment :

Provided also that the Secretary for Scotland may at any time dispense with all or any of the requirements of this subsection subject to such conditions (if any) as he may see fit.

(8) Any houses on any of the lands shown on the plans deposited with reference to this Act occupied or which may have been occupied by persons of the labouring class within five years before the passing of this Act and which have been acquired by or on behalf of the Corporation and for which houses no substitutes have been or are directed to be provided by any scheme approved by the Secretary for Scotland under the powers of any previous Act relating to the Corporation shall for the purposes of this section be deemed to have been acquired under the powers of this Act and to have been occupied on the fifteenth day of December last by the same number of persons belonging to the labouring class as were occupying the said houses at the date of their acquisition. Provided that if the Secretary for Scotland is unable to ascertain the number of such persons who were then occupying the said houses the said houses shall be deemed to have been occupied by such number of such persons as in the opinion of the Secretary for Scotland they might have been sufficient to accommodate.

(9) The Secretary for Scotland may direct any inquiries to be held which he may deem necessary in relation to any scheme under this section and for giving effect to any of the provisions of this section and he and any person appointed by him to hold an inquiry shall have and may exercise for any purpose in connection with any scheme under this section all or any of the powers vested in them respectively under the Public Health (Scotland) Act 1897 in the same manner in every respect as if the preparation and carrying

A.D. 1899. into effect of such scheme were one of the general purposes of that Act.

(10) The Corporation shall pay to the Secretary for Scotland a sum to be fixed by him in respect of the preparation and issue of any provisional order in pursuance of this section and any expenses incurred by him in relation to any inquiries under this section including the expenses of any witnesses summoned by the person appointed to hold any such inquiry and a sum to be fixed by the Secretary for Scotland not exceeding three guineas a day for the services of the person so appointed.

(11) For the purposes of this section the expression "labouring class" means mechanics artizans 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.

Representa-  
tion of Torry  
Ward upon  
town coun-  
cil.

**39.** Notwithstanding anything contained in the Act of 1891 the following provisions shall have effect with respect to the constitution of the town council of the city (in this section referred to as "the town council") :—

- (1) The town council shall consist of thirty-three councillors and the dean of guild of the city for the time being :
- (2) The number of town councillors to be elected for Torry Ward shall be three and the provisions of the Act of 1891 with respect to the constitution of the town council and the election of town councillors shall be read and construed accordingly :
- (3) The electors of Torry Ward shall on the first Tuesday of November in the year one thousand eight hundred and ninety-nine being the day appointed for the annual election of town councillors proceed in the usual manner to elect two town councillors and such election and all succeeding annual elections for Torry Ward shall be conducted and regulated in all respects in the manner directed by the Acts in force for the time being relating to the registration of parliamentary and municipal voters and the election of town councillors for burghs in Scotland :
- (4) The electors of Torry Ward shall at the annual election in each succeeding year elect one town councillor in room of the councillor who shall have retired as having been longest in office Provided always that at the election to be made in the year one thousand nine hundred and one the town councillor in Torry Ward then to retire shall be the councillor who had



A.D. 1899.

the smallest number of votes at the first election under this Act  
 Provided further that if at the first election under this Act  
 the two town councillors shall be elected by an equal number  
 of votes or if no contest has taken place the majority of  
 the town council (including the councillors so elected) shall  
 determine the order in which the councillors so elected shall  
 retire from the town council :

(5) Nothing herein contained shall alter or affect the constitution  
 of the town council as regards the other wards of the city or  
 affect the tenure of office of the town councillor representing  
 Torry Ward at the passing of this Act.

**40.** Notwithstanding anything contained in the Housing of the  
 Working Classes Act 1890 the Corporation may with the consent of  
 the Secretary for Scotland sell or dispose of any lands acquired by  
 them under the powers contained in Part III. of the said Act but  
 which are not required for the purposes thereof and may apply the  
 price or proceeds in or towards repayment of the amount borrowed  
 by the Corporation under the authority of Part III. of the said Act.

Sale of  
 superfluous  
 lands ac-  
 quired under  
 Housing of  
 the Working  
 Classes Act  
 1890.

**41.** Any money borrowed by the Corporation under the authority  
 and for the purposes of Part III. of the Housing of the Working  
 Classes Act 1890 shall notwithstanding anything contained in that  
 Act or the Public Health (Scotland) Act 1897 be repayable within  
 a period not exceeding fifty years from the date or respective dates  
 of borrowing the same by such one or more of the following  
 methods as they may see fit (that is to say) either by repaying an  
 equal portion of principal every year or by means of equal annual  
 instalments of principal and interest or by means of an accumulating  
 sinking fund.

Repayment  
 of money  
 borrowed  
 under Hous-  
 ing of the  
 Working  
 Classes Act  
 1890.

**42.** The date at which the accounts of the Corporation acting  
 under the Aberdeen Electric Lighting Order 1890 shall be made  
 up shall notwithstanding anything contained in section 9 of the  
 Electric Lighting Act 1882 be the thirty-first day of July in each  
 year.

Date at  
 which elec-  
 tric lighting  
 accounts to  
 be made up.

**43.** The Corporation as the local authority under the Public  
 Parks (Scotland) Act 1878 may provide music in the public parks  
 gardens open spaces and places within the city and may for that  
 purpose make payments to bands and musicians and provide stands  
 and other conveniences and defray the expense out of the assessments  
 imposed and levied under the said Act Provided that the amount  
 of such payments shall not in any one year exceed the sum of two  
 hundred and fifty pounds.

Power to  
 provide  
 music in  
 public parks  
 &c.

**44.** Notwithstanding anything contained in the Act 3 Geo. IV.  
 cap. 91 any notices of sale or alienation under section 6 of the said

Sale of  
 property of  
 common

A.D. 1899.

good when  
court of  
session in  
recess.

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

Act may be given by the Corporation at any time whether during the sittings of the court of session or while the court of session is in vacation or recess.

**45.** If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the 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 misstatement 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 misstated or wrongly described and such certificate shall be deposited with the principal sheriff-clerks of the counties of Aberdeen or Kincardine as the case may be and with the clerks to the parish councils of the several parishes and with the town clerk of the city and shall be kept by such sheriff-clerks clerks to the parish councils and town clerk respectively with the other documents to which the same relates and thereupon the deposited plans 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.

Saving rights  
of Crown in  
foreshore.

**46.** 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.

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

**47.** 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 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.

A.D. 1899.

48. If at any time the Board of Trade deems 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 water 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.

Survey of works by Board of Trade.

49. If a work constructed by the Corporation on in over through or across tidal lands or tidal water 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 as a Crown debt or summarily.

Abatement of work abandoned or decayed.

50. Nothing in this Act contained shall take away interfere with or abridge any powers rights or obligations exerciseable by or imposed upon the Corporation under the provisions contained in the Rivers Pollution Prevention Act 1876 or the Public Health (Scotland) Act 1897.

Saving rights under Rivers Pollution Prevention Act 1876 or Public Health (Scotland) Act 1897.

51. 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.

Saving rights of Crown under Crown Lands Act.

52. 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 by the Corporation out of the public rates or municipal revenues of the city.

Expenses of Act.

A. D. 1899.

The SCHEDULES referred to in the foregoing Act.

**THE FIRST SCHEDULE.**

LANDS HOUSES BUILDINGS AND MANUFACTORIES OF WHICH PARTS ONLY  
MAY BE TAKEN.

City Parish of Aberdeen.	No. on deposited Plans.
Work No. 1 - - -	4 5 9 11 13 14 15 16 and 17.
Work No. 2 - - -	6 13 14 18 20 22 23 24 25 26 41 42 43 44 and 45.
Work No. 4 - - -	8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 26 27 28 29 30 31 32 33 34 38 39 40 41 43 44 45 48 53 56 63 64 68 70 72 73 74 75 and 76.

**THE SECOND SCHEDULE.**

MINUTE OF AGREEMENT between the lord provost magistrates and council of the city and royal burgh of Aberdeen acting in the execution of the Aberdeen Police and Waterworks Act 1862 and Acts amending the same (herein-after referred to as "the town council") on the one part and the district board for the River Dee appointed and acting under the Salmon Fisheries (Scotland) Act 1862 and Acts amending the same (herein-after referred to as "the district board") on the other part.

WHEREAS the town council are at present carrying out certain works in connection with the sewerage of the city and objections were made by the district board with respect to the mode of carrying out the said works the parties hereto have agreed and hereby agree as follows (that is to say):—

*First.*—For the purpose of intercepting and discharging the sewage from the two districts coloured red on the plan signed as relative to this agreement the town council undertake to construct and maintain a new sewer with outfall into the sea at such point as may be found most suitable.

*Second.*—The town council undertake that on the completion of the said outfall all discharge of sewage into the River Dee from the said two districts



shall be discontinued subject to the provisions herein-after contained with respect to the construction of storm overflows. A.D. 1899.

*Third.*—The low-level sewer which drains the district coloured blue on the said plan shall continue to discharge into the River Dee at such point below Victoria Bridge as the town council may be advised to adopt by the engineer whom they are to consult upon the contemplated schemes connected with the sewerage of the city it being hereby provided that no sewers outside the district coloured blue on the said plan shall be connected with the said low-level sewer which is in all time coming to be reserved exclusively for the said district coloured blue. The district board shall at all times have reasonable facilities afforded to them by the town council for inspecting the sewers and the plans of the sewers of the said district coloured blue and surrounding districts so as to satisfy themselves that the terms of this condition are being duly observed provided always that any expenses or costs which the town council may incur or be put to in connection with such inspection shall be repaid to them by the district board as the amount of such expenses or costs may be certified by the city surveyor. It is also understood that all rights at common law competent to the district board or the proprietors or occupiers of salmon fishings in the said river are expressly reserved in the event of its being found that injury or damage is caused to the said salmon fishings by the discharge of sewage from the said low-level sewer.

*Fourth.*—The town council shall be entitled to construct and maintain storm overflows into the River Dee at the points marked A B C D E and F on the said plan it being understood that the said storm overflows are to be so constructed as not to be used continuously but only in time of heavy rainfall and then only when the sewer with which the storm overflow is connected runs not less than two-thirds full it being also understood that all rights at common law competent to the district board or to the proprietors or occupiers of salmon fishings in the said river are expressly reserved in the event of its being found that injury or damage is caused to the said salmon fishings by the discharge of sewage from all or any of the said storm overflows.

*Fifth.*—Until the said new sewer with outfall into the sea for draining the two districts coloured red on the said plan has been constructed the main sewer marked on the said plan by the letters X Y Z and which runs from Mannofield Ruthrieston and Ferryhill to the existing outfall below Victoria Bridge shall continue to discharge its sewage into the river at such point below Victoria Bridge as the town council may be advised by the engineer to adopt in terms of Article Third of this agreement it being expressly provided and understood that no part or portion of any of the existing sewers or of any sewers which may be constructed in the future in or for any district other than the district falling to be drained by the said main sewer marked by the letters X Y Z shall be connected with the said sewer so as to discharge into the said outfall.

*Sixth.*—This arrangement is hereby accepted as a settlement of all questions between the town council and the district board in connection with the discharge of sewage into the River Dee.

*Seventh.*—The town council undertake to apply to Parliament in the session of 1899 for an Act to enable them to carry out the works proposed. These

[Ch. ix.] *Aberdeen Corporation Act, 1899.* [62 & 63 VICT.]

A.D. 1899. — works shall be completed within four years from the date of the passing of the Act it being understood that the works connected with the construction of the said new outfall shall be proceeded with immediately after the Act comes into operation and carried out with the least possible delay.

*Eighth.*—This agreement shall be incorporated with or scheduled to the intended Act subject to such alterations as Parliament may think fit to make thereon. In the event of any alteration being made by Parliament on this agreement which in the opinion of David Dundas Esquire Q.C. whom failing Henry Johnston Esquire Q.C. is material thereto either of the parties may withdraw the same.

IN WITNESS WHEREOF these presents printed on this and the preceding page are executed by the parties in duplicate as follows that is to say Are in terms of the Aberdeen Municipality Extension Act 1871 subscribed on behalf of the town council by John Fleming the lord provost Alexander Lyon junior the senior baillie and William Gordon the town clerk all of the said city and royal burgh of Aberdeen and sealed with the common seal of the town council of the said burgh at Aberdeen on the seventeenth day of November one thousand eight hundred and ninety-eight before these witnesses George Strachan and George Thomson both assistants in the town clerk's office Aberdeen and are also subscribed on behalf of the district board by George Davidson merchant in Aberdeen the said John Fleming Sir Thomas Burnett Baronet of Leys and Alexander Copland manager of the Aberdeen Commercial Company being four and a quorum of the members of the district board at a meeting of the board at Aberdeen on the seventh day of December in the year last mentioned before these witnesses Andrew Walker cashier and David Duncan law clerk both to Messrs. Wilson and Duffus advocates in Aberdeen declaring that this testing clause from and after the words "that is to say" is written by the said George Thomson.

GEORGE STRACHAN Witness.  
GEO. THOMSON Witness.

JNO. FLEMING Lord Provost.  
ALEXANDER LYON JUN. Senior Baillie  
W. GORDON Town Clerk.



ANDW. WALKER Witness.  
DAVID DUNCAN Witness.

GEO. DAVIDSON.  
JNO. FLEMING.  
T. BURNETT.  
ALEX. COPLAND.

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