



ANNO SEPTIMO

# GEORGII IV. REGIS.

\*\*\*\*\*

*Cap. cxii.*

An Act for lighting the Royal Burgh of *Inverness*,  
Suburbs thereof, and Places adjacent, with Gas,  
and supplying the same with Water.

[26th *May* 1826.]

**W**HEREAS the Royal Burgh of *Inverness*, Suburbs thereof,  
and Places adjacent, situated within the Parish of *Inverness*,  
are large and populous, and it would be of great Benefit to  
the Inhabitants thereof and to the Public at large if the Streets, Squares,  
Passages, and other public Places, and also Houses, Shops, and Manu-  
factories, were better lighted; and it is desirable that a Supply of good  
and wholesome Water should be brought into the said Burgh, Suburbs  
thereof, and Places adjacent, for the Use of the Inhabitants thereof: And  
whereas Inflammable Air or Gas may be obtained from Coal, Oil, and  
other Substances, and Coke, Tar, Pitch, Asphaltum, Ammoniacal Li-  
quor, and Essential Oil may be procured from Coal: And whereas the  
said Inflammable Air being conveyed by Means of Pipes, may be bene-  
ficially used for lighting the several Streets, Squares, Lanes, Closes, and  
other public Places within the said Burgh of *Inverness*, Suburbs thereof,  
and other Places adjacent thereto, and for lighting private Houses, Shops,  
Counting Houses, Warehouses, and Public Works, and Manufactories,  
and other Buildings; and the Coke may be beneficially employed as Fuel  
in private Houses and Manufactories, and the said Oil, Tar, Pitch, As-  
phaltum, Ammoniacal Liquor, and Essential Oil, may be used and applied  
in various other Ways with great Advantage: And whereas the several

[*Local.*]

37 B

Persons

Proprietors.

Incorporated.

Proprietors to raise Money among themselves not exceeding 12,000*l.* Sterling.

No Persons answerable for more than their respective Shares.

Persons hereinafter named are willing and desirous at their own Costs and Charges to effect the Purposes aforesaid, but the same cannot be fully and completely carried into Execution without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *James Robertson, John Simpson, John Ferguson, John C Gordon, Robert Naughton, Robert Wilson, John Fraser, John Cameron, Alexander Mackenzie, William Hay, John Murray, William Tolmie, Alexander Anderson, William Keith, John Thomson, John Rhind, Robert Grant, Alexander Shepperd, Edward Fraser, Duncan Fraser, Roderick Reach, Simon Fraser, Robert Smith, George Simpson, Robert M'Bean, John M'Bean*, and all and every such Person or Persons, and Bodies Politic, and Corporate, or Collegiate, as have already become Subscribers, or from Time to Time shall subscribe and be duly admitted Members of the said Company, and their respective Successors, Executors, Administrators, and Assigns, shall be and they are hereby declared to be One Body Politic and Corporate, by the Name of "*The Inverness Gas and Water Company*," and by that Name shall have perpetual Succession and a Common Seal, and by that Name shall and may sue and be sued.

II. And whereas the Persons before named have already subscribed and agreed to contribute among them a Sum of Twelve thousand Pounds Sterling; be it further enacted, That it shall and may be lawful for the said Company of Proprietors, in order to enable them to effect the Purposes herein specified, to raise and contribute among themselves, in such Proportions as they may think fit, any Sum or Sums of Money not exceeding in the whole the Sum of Twelve thousand Pounds Sterling, which shall be divided into Shares of Ten Pounds Sterling each, and that such Shares shall be and the same are hereby vested in the several Persons raising and contributing the same, and their several and respective Executors, Administrators, or Assigns; and such Persons, and their several and respective Executors, Administrators, and Assigns, shall be entitled to and receive, under the Conditions, Provisions, and Reservations hereinafter specified, the entire and net Distribution of an equal proportional Part, according to the Money so by them respectively paid, and the Shares so by them respectively held, of the Profits and Advantages which shall and may accrue to the said Company from the Undertaking hereby authorised.

III. Provided always, and be it enacted, That nothing herein contained shall extend to charge or make liable any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, who is, are, or shall be Proprietor or Proprietors of any Share or Shares of the Stock of the said Company, or is, are, or shall be a Contributor or Contributors thereto, with any Debt or Demand whatever due or to become due by or from the said Company, beyond the Extent of his, her, or their Capital Stock, or Share or Shares or Interest of or in the Stock of the said Company; any Law, Custom, or Usage to the contrary thereof notwithstanding.

IV. And

IV. And be it further enacted, That all and every the Shares and Proportions of all Bodies Politic, Corporate, and Collegiate, and all other Person and Persons, of and in the said Works, or the Joint Stock or Fund of the said Company of Proprietors, shall be deemed Personal Estate, and transmissible as such agreeably to the Law of *Scotland*. Shares to be Personal Estate.

V. And be it further enacted, That the Share or Shares and Interest of Partners or Shareholders in the said Undertaking may be attached by and sold for Behoof of their respective Creditor or Creditors in Manner following ; that is to say, it shall be lawful for every Creditor in a Situation to use Poinding, as authorised by the Law of *Scotland*, against the Moveable or Personal Estate of his Debtor or Debtors, being a Holder or Holders of a Share or Shares of the said Undertaking, to present an Application to the Court of Session in *Scotland*, or to the Judge Ordinary of the Bounds, praying for Warrant to ordain the Directors and Committee of Management of the said Company to sell and dispose of the Share or Shares belonging to such Partner or Partners, or so much thereof as may be sufficient to pay such petitioning Creditor's Debt, with such Expences as a Creditor is legally entitled by the Law of *Scotland* to recover under a Sale of poinded Goods, as the same shall be ascertained and taxed by the Court issuing the Warrant, and which Warrant the said Court or Judge Ordinary is hereby authorised and required to grant, to be carried into Execution after such Notice and in such Manner as to the said Court or Judge shall appear just and proper : Provided always, that no Part of the Expence of any Procedure at the Instance of Creditors, for the Recovery or Sale of such Share or Shares, shall in any Way fall upon or affect the Capital Stock or Funds of the said Company ; and the Proceeds of such Sale or Sales shall in all Questions between Creditors be subject to the same and the like Rules and Regulations as the Proceeds of Moveables poinded and sold in the Form and Manner prescribed by the Laws of *Scotland* ; and the Purchasers from the Directors under such Sales shall have a valid and sufficient Title to the Share or Shares so purchased, and Payment of the Purchase Money to the Cashier of the said Company shall be to them a sufficient Discharge, such Cashier being bound to account for the Sums so received by him, as directed by the Court issuing the Warrant of Sale. How Shares to be attached by Creditors.

VI. And be it further enacted, That the proper Business of the said Company shall consist in the Manufacture from Coal, Oil, or other Substances, of Inflammable Air or Gas, and in the Sale thereof, or of any of the said Substances themselves, for lighting the said Burgh of *Inverness*, Suburbs, and Places adjacent, and of the Houses, Warehouses, Shops, and other Places therein, and in the selling of Coke, Tar, Pitch, Asphaltum, Ammoniacal Liquor, Essential Oil, and other Products consequent thereon ; and in bringing into the said Burgh, Suburbs thereof, and Places adjacent, for the Use and Benefit of the Inhabitants thereof, a Supply of good and wholesome Water, to be raised and procured from the River *Ness* ; and that the whole Business of the said Company shall be under the Management of the Chairman and Directors of the said Company as after provided. Business of the Company.

VII. And

Application  
of Money to  
be raised.

VII. And be it further enacted, That the Capital Stock of the Company shall be laid out and applied in the first Place in discharging the Expences of obtaining and passing this Act, and the making the proper Surveys, Plans, and Estimates, and the doing and providing for all the Matters and Things preparatory and previous thereto; including the Price of the Grounds or Tenements to be purchased for the Site or Sites of the Works necessary for the said Undertakings, or in paying Damages; and then in making, completing, and maintaining the said Works, in laying of Pipes for conveying the Gas and Water, and in constructing other requisite Works and Conveniences for putting this Act into Execution.

Appoint-  
ment of Di-  
rectors.

VIII. And be it further enacted, That *James Robertson* of *Aulnashiach*, present Provost of *Inverness*, shall be Chairman, and *James Grant* of *Bught*, *Alexander Anderson* Banker, *Alexander Shepperd* Solicitor, *John Macandrew* Solicitor, *Roderick Reach* Solicitor, *William Hughes* Civil Engineer, *Niel Maclean* Land Surveyor, *John Inglis Nicol* Surgeon, *Robert Smith* of *Dellmore*, *James Gray* Merchant, *John Ferguson* Wine Merchant, and *William Clark* Merchant, shall be Directors, and shall constitute a Committee of Management of the Concerns of the said Company until the General Meeting of Proprietors of the said Company to be held on the Second *Monday* of *July*, when a Chairman and Twelve Directors, who shall constitute the Committee of Management for the following Year, shall be chosen, and so upon the Second *Monday* of *July* in every Year thereafter: Provided always, that no Person shall be qualified to be Chairman of the said Company who shall not be possessed in his own Right of at least Ten Shares in the Stock of the said Company, nor shall any Person be qualified to act as Director who shall not be possessed in his own Right of at least Five Shares in the Stock of the said Company; and that all Vacancies in the Direction by Death, Resignation, or Non-acceptance shall in like Manner be filled up for the Remainder of the Year then current at any Spécial General Meeting to be called for the Purpose; but no Person who shall hold any Office or Place of Trust or Emolument of or under the said Company, or shall be concerned or interested in any Contract made or to be made with the said Company shall be capable to be a Director of the said Company.

Meetings of  
Directors.

IX. And be it further enacted, That for the better Management of the Affairs of the said Company, it shall and may be lawful for the said Chairman and Directors (the Chairman to be in all Respects considered as a Director) for the Time being, and they are hereby authorised and required from Time to Time to assemble and meet together at any Place or Places in *Inverness*, for the Direction and Management of the Affairs of the said Company, and at all such Meetings the Chairman of the said Company shall preside; and if the Chairman shall not be present at any such Meetings, then the Director present whose Name shall stand highest on the List shall be the Chairman of such Meetings; and that any Seven Directors, or Six Directors and the Chairman, but not less, shall be a sufficient Number or Quorum to constitute a Meeting of Directors, for the Purpose of doing all the Acts, Matters, and Things, and exercising all the Powers and Authorities vested in the Directors; and that all Questions, Matters, and Things which shall be proposed, discussed, or considered by the said Directors at their Meetings shall be decided and determined by the Majority of Mem-

Quorum of  
Directors.

bers then present ; but no Member shall have more than One Vote at any such Meeting, save and except that in case of an equal Division the Chairman besides his deliberative shall also have a casting Vote : Provided always, that if on the Day appointed for any such Meeting of Directors there shall not attend so many Members as are hereby required to constitute a Meeting for executing the Powers hereby vested in the Directors, then and in such Case, and when and so often as the same shall happen, the Meeting shall be adjourned to any future Day fixed by the Member or Members or Majority of them then present ; or if no Member shall be present, by the Clerk to the said Company of Proprietors : Provided always, that it shall and may be lawful for the said Directors to appoint any of their Members, not less than Three, as Sub-Committees for Special Purposes, for the better attending to and transacting the Business of the said Company, subject to the Approbation of the said Directors, or their Quorum before specified.

X. And be it further enacted, That it shall be lawful for the said Directors, and they are hereby authorised and required from Time to Time to nominate and appoint a Manager, Cashier, or Collector and Clerk to the said Company of Proprietors, and such Engineers, Surveyors, and other Officers as the said Directors shall think proper and expedient for the better carrying the Purposes of this Act and the Business of the said Company into Execution, the said Directors always taking good and sufficient Security, and to such Extent as they shall think requisite, from such Treasurer, Collector, and other Officers appointed to receive Money, or have the Care or Custody thereof, for the due accounting for all such Monies with which he or they may be entrusted, and for the faithful Discharge of the Trust reposed in him or them ; and also from Time to Time to discharge and dismiss any such Manager, Cashier, Collector, Clerk, Engineer, Surveyor, and other Officers, and appoint others in their Stead, as the said Directors shall think fit ; and all such Managers, Cashiers, Collectors, Clerks, Engineers, Surveyors, and other Officers of the said Company of Proprietors who shall at any Time quit or be dismissed from the Service of the said Company, and the respective Executors or Administrators of those who may happen to die, shall immediately thereupon produce and deliver up to the said Directors, or to such other Person or Persons as they shall appoint, all the Books, Accounts, Writings, and Papers whatsoever which shall be in the Custody or Power of such Cashiers, Collectors, Clerks, Engineers, Surveyors, or other Officers, Executors or Administrators respectively, in any ways relating to the Affairs or Business of the Company ; and failing such Production and Delivery, every such Manager, Cashier, Collector, Clerk, Engineer, Surveyor, or other Officer, shall forfeit and pay for every such Offence any Sum not exceeding Fifty Pounds Sterling, to be sued for and recovered for Behoof of the said Company in Manner hereinafter directed and appointed.

Directors  
may appoint  
Officers.

XI. Provided always, and be it further enacted, That it shall not be lawful for the said Company to appoint the Person or Persons who may be appointed the Clerk or Clerks in the Execution of this Act, or the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks or of his or their Partner or Partners, the Treasurer or Treasurers

Same Person  
not to be  
Treasurer  
and Clerk.

[Local.]

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surers

surers for the Purposes of this Act, or to appoint any Person or Persons who may be appointed Treasurer or Treasurers, or the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers or of his or their Partner or Partners, the Clerk or Clerks to the said Company; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person or Persons being the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, or of his or their Partner or Partners, shall accept the Office of Treasurer, or being the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers, or of his or their Partner or Partners, shall accept the Office of Clerk in the Execution of this Act, or if any such Treasurer or Treasurers shall hold or accept any Place or Office of Trust or Profit under the said Company other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, in the same Way in which any of the Penalties by this Act imposed may be sued for and recovered.

Directors  
may make  
Calls for Mo-  
ney.

XII. And be it further enacted, That the Directors or their Quorum aforesaid shall have full Power and Authority from Time to Time, at any of their Meetings, to make such Call or Calls for Money from the several Subscribers to and Proprietors of the said Company, in order to defray the Expences of carrying on the proper Business thereof and Purposes aforesaid, as they shall from Time to Time find necessary, until the Sums subscribed are fully paid up, with Interest at the Rate of Five Pounds *per Centum* from the First Day of *January* One thousand eight hundred and twenty-six on the whole Sums then unpaid, but so that no such Call shall exceed at One Time the Sum of Four Pounds Sterling for or in respect of each Share in the said Undertaking, and so that no such Calls be made but at the Distance of Two Calendar Months at least from each other, and so that Fourteen Days' Notice at least shall be given of every such Call by Advertisement in any One of the Newspapers published in *Inverness*; all which Money so to be called for as aforesaid shall be paid into the Hands of the Cashier of the said Company of Proprietors, to be issued, paid, and applied for carrying on the Business and Purposes aforesaid in such Manner as the said Directors shall from Time to Time order and direct.

Proprietors  
to pay their  
Share of the  
Money call-  
ed for at the  
Place ap-  
pointed.

XIII. And be it further enacted, That every Proprietor of any Share or Shares in the said Undertaking shall from Time to Time pay his or her Proportion of the Money so to be called for as hereinbefore mentioned, into the Hands of the Cashier of the said Company, at such Time and Place as shall be appointed for that Purpose by the said Directors making such Call, and of which such Notice shall be given as is hereinbefore directed, and that if any Person or Persons shall neglect or refuse to pay his, her, or their proportionable Part of the Money so to be called for as aforesaid, at the Time and Place which shall be appointed for the Purpose in Manner aforesaid, it shall be lawful for the said Directors to sue for and

and recover the same with Interest at the Rate of Five Pounds *per Centum per Annum* from the Time appointed for the Payment thereof, in any competent Court by Action of Debt; and in case any such Person or Persons shall neglect or refuse to pay his, her, or their proportionable Part of the Money so first to be called for as aforesaid for the Space of Three Months after the Time to be appointed for Payment of the said Call as aforesaid, and the same shall not have been sued for by the Company of Proprietors as aforesaid, then and in such Case the Person or Persons so neglecting or refusing shall absolutely forfeit all his, her, or their Share, Part, and Interest whatsoever in the said Undertaking, and all Profit and Advantage thereof; and all Shares that shall or may be so forfeited shall be vested in the said Chairman and Directors, in Trust for and for the Benefit of all the Rest of the said Proprietors, in Proportion to their respective Interests in the said Undertaking, or shall, at the Discretion of the Directors of the said Company of Proprietors, be sold by public Auction for the most Money that can be got for the same, every such Sale being advertised in some One or more of the Newspapers published in *Inverness* at least Ten Days previous to such Sale, the said Company of Proprietors or their Directors rendering an Account of every such Sale or Sales to every such Person or Persons when demanded, and paying to every such Person or Persons any Overplus of such Price or Prices, after deducting all such Charges, and such further Sum or Sums of Money as may be required to make up the original Sum or Sums subscribed for by the Party forfeiting as said is, with legal Interest thereof; but no Advantage shall be taken of any such Forfeiture of any Share or Shares, unless the same shall be declared at some General or Special General Meeting of the said Company, or at some Meeting of the said Directors which shall be held not earlier than Ten Days after the said Forfeiture shall take place, of which Declaration of Forfeiture Notice shall be given to the Proprietor or Proprietors by Letter from the Clerk within Ten Days thereafter; and that every such Forfeiture (the Sums originally subscribed for with Interest as said is being first made good to the Company) shall be an absolute Indemnification and Discharge to and for the Proprietor or Proprietors, his, her, or their Executors, Administrators, Successors, and Assigns, so forfeiting, against all Actions, Suits, and Prosecutions for any Breach of Contract, or any Agreement between such Proprietor or Proprietors, his, her, or their Executors, Administrators, Successors, and Assigns, and the said Company, with regard to the future carrying on and Management of the said Undertaking.

And if not  
paid within  
Three  
Months,  
Shares to be  
forfeited.

XIV. And be it further enacted, That in all Actions brought by the said Company or their said Directors against any Owners of Shares in the said Undertaking, to recover any Sum of Money due and payable to the said Company for any Call or Calls made by virtue of this Act, it shall be sufficient for the said Company to declare and allege that the Defendant or Defendants, being Proprietors of Shares in the said Undertaking, is or are indebted to the said Company in such Sum or Sums of Money as the Call or Calls in Arrear shall amount to, for such or so many Calls of such and so much Sums of Money upon such Share or Shares belonging to the said Defendant, whereby an Action hath accrued to said Company by virtue of this Act, without setting forth the special Matter; and

Directions  
for Proceed-  
ings in Ac-  
tions for  
Calls.

and in such Action it shall only be necessary to prove that the Defendant, at the Time of making such Call or Calls, was a Proprietor of some Share or Shares in the said Undertaking, of which the Books of the Company shall of themselves be sufficient Evidence, and that such Call or Calls was or were in fact made, and that the Notice directed by this Act was given, without proving the Appointment of the Directors who made such Call or Calls, or other Matters whatsoever; and the said Company shall thereupon be entitled to recover the Call or Calls which shall appear due, and the legal Interest that may be due thereon.

Places of  
General  
Meetings.

XV. And be it further enacted, That all stated General Meetings and Special General Meetings of the said Company shall be held in *Inverness*, and that at all such General and Special General Meetings the Parties composing them shall pay their own Expences, the Hire of the Room in which the Meeting shall be held only excepted.

First and  
other Ge-  
neral Meet-  
ings.

XVI. And be it further enacted, That the First General Meeting of the said Company, after the passing of this Act, shall be held at *Inverness* as aforesaid upon such Day at Noon as the Directors or Committee of Management hereinbefore named may appoint; and all future General Meetings of the said Company (except such Special General Meetings as hereinafter provided) shall be held on the Second *Monday* of *July* in every Year, at the Hour of Eleven o'Clock A. M.; of all which General Meetings Eight Days previous Notice at the least shall be given by Advertisement, mentioning the Hour and Place of meeting, in any One of the Newspapers usually published in *Inverness*.

Meetings of  
Proprietors  
may be spe-  
cially con-  
vened.

XVII. And be it further enacted, That if it shall at any Time appear that for the more effectually putting this Act into Execution a Special Meeting of the said Company of Proprietors is necessary to be holden, it shall and may be lawful to any Number of Proprietors holding collectively One hundred Shares of the Capital Stock of the Company, or to the Chairman and Directors or Committee of Management, or a Majority of their Number, to call such Meeting, by giving at least Eight Days Notice by Advertisement in Manner before mentioned, specifying the Place where, and the Time when, and the Purpose for which such Meeting is to be holden; and it shall also be in the Power of the Majority of any such General or Special General Meeting to adjourn the same for the Consideration of any particular Matter agitated thereat to any other Day to be specially fixed, and within Fourteen Days of the Day originally appointed for such Meeting.

Proprietors  
to have Votes  
according to  
the Number  
of their  
Shares.

XVIII. And be it further enacted, That every Body Politic, Corporate, or Collegiate, and every Person who may have already subscribed or undertaken for One or more Shares, or who shall hereafter duly acquire One or more Shares in the said Undertaking, his, her, or their respective Successors, Executors, Administrators, and Assigns, present at the stated General Meetings and Special General Meetings to be held as hereinbefore appointed, shall either in Person or by Proxy, or Mandatory duly constituted by written Authority (which Proxy or Mandatory shall be a Holder of Stock in his own Right) have One Vote for every such Share (but not exceeding Fifty Votes in the whole,

whole, although possessed of more than Fifty Shares in the said Undertaking); and every Question, Matter, and Thing which shall be proposed, discussed, or considered in any stated General Meeting or any Special General Meeting of the said Company of Proprietors, shall be determined by the Majority of Votes then present, computing One Vote for every Share, no Proprietor having more than Fifty Votes as aforesaid: Provided always, that if the said Majority shall not among them hold in their own Right, or in Right of other Proprietors whose Proxies or Mandates shall be held by the Proprietors comprising said Majority, at least Two Thirds of the Capital Stock actually represented at such Meeting, the Question shall stand adjourned for further Consideration at a Special Adjourned Meeting, to be held within One Month thereafter, to be specially advertised for that Purpose, and which Advertisement shall specify the Question or Matters left for the Consideration and Determination of such adjourned Meeting; and the Decision of the Majority at such adjourned Meeting shall be conclusive; but declaring always, that no Vote shall be given or received at any Meeting of Proprietors in respect of any Share or Shares, unless the whole Calls which were previously payable shall have been actually paid up.

XIX. And be it further enacted, That whenever Two or more Persons shall be jointly possessed of or entitled to One or more Shares of the Capital Stock of the said Company, and in the Profits and Advantages thereof, such Persons shall be entitled to give his, her, or their Vote or Votes in respect thereof by the Person whose Name shall stand first in the Books of the said Company as Proprietors of such Share; and it shall be lawful to any Body Politic, Corporate, or Collegiate, and for the Guardian or Guardians of any Minor or Lunatic, to give their Vote or Votes, or the Vote or Votes of any such Minor or Lunatic, by any Person specially appointed by them for that Purpose; and no Subscriber or Subscribers, Proprietor or Proprietors, shall have a Vote at any Meeting, General or Special, either of the Company or of the Directors or Committee of Management, upon any Question or Questions in which such Subscriber or Subscribers, Proprietor or Proprietors, shall have a separate personal Interest.

How joint Proprietors and Bodies Corporate are to vote.

XX. Provided always, and be it further enacted, That after the Expiration of Six Calendar Months from the passing of this Act, no Person or Persons, or Body Politic or Corporate, who shall purchase any Share or Shares in the Joint Stock of the said Company, shall be admitted to vote in respect of the same until such Person or Persons, or Body Politic or Corporate, shall procure the Transfer or Transfers of such Share or Shares in his, her, or their Favour respectively duly registered in the Books of the said Company.

Purchasers before they can vote to obtain their Transfers duly recorded.

XXI. And be it further enacted, That it shall and may be lawful to and in the Power of the said Company of Proprietors or of their Committee of Management, by and with the Advice and Direction of a Special General Meeting of the said Company of Proprietors to be called for the Purpose in Manner before mentioned, to borrow and take up in Loan, at such Interest as may be agreed on, any Sum or Sums of Money for the Use and Behoof of the said Company, not exceeding in the Whole resting owing by the said Company at one Time the Sum of

Power to borrow Money to the Extent of 4000*l*.

[*Local.*]

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Four thousand Pounds Sterling; and it shall be lawful, if deemed necessary, to assign the said Undertaking, and the whole Estate, Funds, and Profits thereof, in Security of such Sum or Sums of Money and the Charges thereof; and the Security to be granted for these Sums may be in the Form and Words following:

Form of  
Bond for  
Loans.

‘ WE, the *Inverness* Gas and Water Company, incorporated by an Act  
‘ passed in the Seventh Year of the Reign of His Majesty King  
‘ *George* the Fourth, intituled [*here insert the Title of this Act*] do  
‘ hereby acknowledge to have borrowed from  
‘ the Sum of  
‘ , which Sum we are by these Presents bound to repay to  
‘ the said or his Executors [*or to*  
‘ *Heirs, secluding Executors, if so desired by the Lender*] or Assignees,  
‘ upon the Day of next, with  
‘ Interest of the said Sum at the Rate of *per Centum*  
‘ *per Annum* from the Day of  
‘ until the said Day of Payment, and yearly,  
‘ termly, daily, and continually thereafter, until Payment is made, [*here*  
‘ *insert such other Conditions as may be agreed on*]; and in further Security  
‘ of the Payment of the said Sum and Interest, we hereby assign to the  
‘ said and his foresaids, the whole Property,  
‘ Estate, and Effects of us the said *Inverness* Gas and Water Company,  
‘ as a Company, and the whole Rates and Profits arising and payable to  
‘ us by virtue of the said Act, with Power to the said  
‘ and his foresaids, to possess the said Property, Estate, and  
‘ Effects, and Rates and Profits thereof, until the said Sum, Interest  
‘ thereon, and all just and necessary Expences to be incurred in the Pre-  
‘ mises, are fully satisfied and paid. In Witness whereof these Presents,  
‘ written on Paper stamped according to Law by  
‘ , are subscribed by us  
‘ Members of the Committee of  
‘ Management of the said *Inverness* Gas and Water Company, and by  
‘ our Clerk at the Day of  
‘ , before these Witnesses,  
‘ and

And a Memorial or Minute of all such Bonds and Securities shall be entered in the Books of the said Company, and shall be effectual and sufficient to the Holders thereof, to all Intents and Purposes, and shall rank *pari passu* to the Extent of the Whole of the said Sum of Four thousand Pounds, or so much thereof as shall be borrowed, and the necessary correspondent Interest, and shall be transferable, and validly pass at all Times by Indorsation or Signature of the Creditor's Name thereon; provided such Indorsation and Transfer shall be entered in the Company's Books, but which Indorsation shall not infer Recourse against the Indorser: Provided always, that the said Company, and their said Directors and Committee of Management, shall make Provision for the Payment annually of the agreed on Interest of the Money so to be borrowed; and also to set apart a Sum equal to Fifteen Pounds Sterling yearly for every Sum of One hundred Pounds Sterling borrowed, to be applied in Payment of the Principal of such Loans and no otherwise; and until actually paid to the Creditor or Creditors in such Loan or Loans, the same shall be deposited in any chartered Bank, at such Interest as can be obtained therefor, such

Interest to be also applied in Liquidation of the Monies borrowed and no otherwise.

XXII. And be it further enacted, That it shall be lawful for the several Sale of Stock.  
Proprietors of the said Undertaking, his, her, or their respective Executors, Administrators, and Assigns, to sell and dispose, and gratuitously to convey, either *mortis causa*, or otherwise dispose of, any Share or Shares to which he, she, or they may be entitled therein, subject to the Rules and Conditions herein mentioned; the Conveyance of which Shares may be in the Form and Effect following; *videlicet*,

<p>‘ I the Sum of</p> <p>‘ do hereby sell, assign, convey, transfer,</p> <p>‘ and make over, to and in favour of the said</p> <p>‘ his Executors and Successors whomsoever, the Sum</p> <p>‘ of Capital Stock of and in the <i>In-</i></p> <p>‘ <i>verness</i> Gas and Water Company, being One Share [<i>or so many Shares</i></p> <p>‘ <i>as the Case may be</i>] in the said Undertaking, to be held by the said</p> <p>‘ and his foresaids, subject to</p> <p>‘ the same Rules, Orders, and Restrictions, and under the same Conditions</p> <p>‘ that I held the same immediately before the Execution hereof; and I</p> <p>‘ the said do hereby agree to take</p> <p>‘ and accept the said Capital Stock, subject to the same Rules, Orders,</p> <p>‘ Restrictions, and Conditions. In Witness whereof we have subscribed</p> <p>‘ these Presents, written upon Paper duly stamped by</p> <p>‘ at the Day of</p> <p>‘ before these Witnesses</p> <p>‘ and</p>	<p>in Consideration of</p> <p>paid to me by</p> <p>Form of</p> <p>Transfer or</p> <p>Conveyance.</p>
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Or in any other Form, General or Special, recognised by the Law of *Scotland* as sufficient for the Transmission of moveable Property; and on every such Sale, Conveyance, or Alienation, the said Deed of Conveyance being duly executed shall be kept by the Purchaser or Grantee for his, her, or their Security, after the Clerk to the said Company of Proprietors shall have entered in a proper Book or Books to be kept for the Purpose, a Copy, or Memorial, or Specification of such Sale or Transfer, and have testified the Entry of such Copy or Memorial on the said Deed of Conveyance or other Instrument by which a Sale or Transfer of Stock shall be effected, for which no more than Two Shillings and Sixpence shall be paid; and the said Clerk is hereby required to make such Entry of such Copy or Memorial or Specification, and grant such Certificate thereof, without any undue Delay, and at all Events within Six Days; and until such Copy, or Memorial, or Specification shall have been made and entered as above directed, such Purchaser or Purchasers shall have no Right to draw any Part or Share of the Profits of the Undertaking, nor have any Vote in respect thereof as a Proprietor or Proprietors: Provided always, and be it enacted, that the Date of Presentation to the Clerk for the Purpose of being registered as aforesaid, as the same shall be duly certified by him or otherwise legally proved, of any Deed or other legal Instrument by which any Share or Shares of the said Undertaking shall be transferred, shall regulate the Rights and Interests of Purchasers, Grantees, and Creditors.

XXIII. And

Persons selling after a Call to be liable for such Call.

XXIII. And be it further enacted, That after a Call of such Money shall have been made by such Committee as aforesaid, every Person and Persons selling or transferring any Share or Shares which he, she, or they shall possess in the said Undertaking, shall, as well as the Person or Persons to whom such Share shall be sold, be liable in the Payment of every such Call in the Manner directed by this Act, unless such Person or Persons so selling or transferring shall at the Time of such Sale or Transfer have paid and discharged to the Cashier of the said Company, or other Person or Persons authorised to receive the same, the whole and entire Sum of Money which shall have been previously called for upon such Share so sold and transferred.

Names of Proprietors to be entered.

XXIV. And be it further enacted, That the said Directors shall and they are hereby required to cause the Names and Designations of the several Persons who shall be entitled to Shares in the said Undertaking, with the Number of the Shares, to be fairly and distinctly entered in a Book to be kept by their Clerk, and to cause an accurate and correct List of such Names and Designations, and of the Shares held by each for the Time, to be made up and transcribed and duly authenticated at least Six Days preceding the General Meeting hereby appointed to be held annually on the Second *Monday* of *July*, a Certificate of every such Entry to be delivered to every Proprietor on demand, specifying the Share or Shares to which he, she, or they is or are entitled in the said Undertaking; and such Certificate shall be admitted in all Courts whatever as Evidence of the Title of such Proprietor, his, her, or their Executors, Administrators, and Assigns, to the Share or Shares therein specified; and which Certificate or Certificates the Clerk of the said Company is hereby required to grant and issue without Fee or Reward when thereunto required, and within Twenty-four Hours, under a Penalty of Two Pounds Sterling for each Neglect or Refusal, to be recovered as aforesaid, over and above any actual Loss and Damage duly proved by the Person or Persons aggrieved.

Persons whose Names stand in Company's Books as Proprietors to be deemed such.

XXV. And be it further enacted, That the Bodies Politic, Corporate, and Collegiate, and all and every Person and Persons whose Names shall at any Time hereafter stand in the Register Books or List of Proprietors of the said Company, either as a Proprietor or Proprietors of One or more Shares in the said Undertaking, whether as Subscribers, or as Successors, Executors, Administrators, or Assignees of Subscribers, shall be deemed and taken to be the Proprietors of the several Shares standing in the said Books in their respective Names, and shall be subject and liable to the Payment of every Call and Calls made and to be made thereon, and to all Actions, Suits, Forfeitures, and Penalties to which Original Proprietors of Shares in the said Undertaking are made subject and liable by this Act; and all Notices hereby required to be given previous to the Forfeiture of Shares to the Proprietors thereof, shall, if given to the Person appearing by the said Register Book of the said Company to be such Proprietor or Proprietors, or their Representatives, or left at his, her, or their last or most usual Place of Residence, be in all Respects good, sufficient, and conclusive; and all Payments of Interest and Dividends due and to grow due on such Shares shall be made to such Persons as by the said Books of the said Company shall appear to be Proprietors thereof; and no Assignment, Transfer, Bargain, or Sale of any Share or Shares,

or

or other Instrument giving Title to any Share or Shares, which shall not be registered or enrolled as directed by this Act, shall be admitted as Evidence either to defeat any Action or Suit brought or to be brought by the said Company of Proprietors, to receive the said Calls, or to entitle any Persons to recover the Price of any Share or Shares forfeited to the Company of Proprietors, or to make the said Company of Proprietors liable to the Payment of Dividends to any other Person or Persons than such as appear upon the said Book to be Proprietor or Proprietors of the said Shares, but that in all Cases the said Book shall be considered as Evidence of the Proprietorship of the said Share or Shares.

XXVI. And be it further enacted, That the Property of and in the said Undertaking, and Profits arising therefrom, is and are vested in the said Company, and the Members thereof shall severally and respectively be entitled thereto, in such Shares and Proportions, and in the Manner prescribed by this Act; and all Forfeitures and Penalties to be recovered under the Authority of this Act by the said Company shall be applied towards the Purposes of this Act, under the Deduction of the Expences incurred in recovering the same.

Property of Undertaking vested in Company of Proprietors.

XXVII. And be it further enacted, That in all Cases where it may be requisite and necessary for any Person or Persons to serve Notices, Citations, Summonses, or other legal Proceedings upon the said Company, the Service thereof upon any Two Directors for the Time personally, or left at their last or usual Places of Abode, or on the Clerk or Manager or other Officer of the said Company personally, or left at his last or usual Place of Abode, or at the Office or Place of Business of the said Company, shall be good and sufficient Service of the same on the said Company.

How Notices may be served on the Company.

XXVIII. And be it further enacted, That the said Directors or Committee of Management shall have Power and Authority, and they are hereby required to balance or cause to be balanced the Books of the said Company yearly, at least One Month previous to the General Annual Meeting of the Company appointed to be held on the Second *Monday* of *July* in each Year, the first Balance being made One Month previous to the Second *Monday* of *July* One thousand eight hundred and twenty-seven; and the same, being so balanced, shall be audited and examined by the said Directors, or a Quorum of them, or by any Person appointed by such Directors or Quorum, and a Balance Sheet shall be signed by the Chairman, whom failing, by Two of the Directors and the Clerk; and the same shall be left with the Clerk for the Inspection of all concerned, and be laid before the General Annual Meeting of Proprietors, and be engrossed as Part of the Proceedings of such Meeting; and the Books of the said Company shall be patent and open for the Inspection of all the Proprietors for One Calendar Month subsequent to the said General Annual Meeting in each Year as aforesaid.

Directors shall cause the Books of the Company to be balanced annually.

XXIX. Provided always, and be it enacted, That until the Second *Monday* of *July* in the Year One thousand eight hundred and forty-two, such Sum as the said Directors shall think proper, not less than One Fourth of the free

Contingencies and Divisions of Profits.

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free yearly Profits to arise from the said Undertaking, shall be set apart and accumulated as a Sum for answering Contingencies ; and the said Directors are hereby authorised and empowered, if they shall see Cause, to continue to set apart and augment the said Contingent Fund in Manner foresaid, until the same shall amount to any Sum not exceeding Six thousand Pounds Sterling ; and the Sum or Sums so set apart and accumulated as aforesaid shall be invested in Government Securities, or in the Purchase of the Stock of any chartered banking Company, or of this Company, or lent out at Interest on such good and sufficient heritable Security as may be approved of by the said Directors, or a Quorum of them, and till so invested or otherwise applied, such Contingent Fund shall be deposited in any chartered Bank at such Interest as can be obtained for it ; and the Dividends or Interest arising from the said Contingent Fund, as well as the whole remaining yearly Profits to arise from the said Undertaking on or before the said Second *Monday of July* One thousand eight hundred and forty-two, and thereafter the whole net yearly Profits which shall arise from the said Undertaking, shall be divided annually among the several Proprietors of the said Company, according to the Share or Shares which they severally hold in the said Undertaking : Provided always, that if from any Accident which may happen to the said Undertaking subsequent to the said Second *Monday of July* One thousand eight hundred and forty-two, the said Sum or Sums of Money, or any Part thereof so set apart as a Contingent Fund, shall be required for extraordinary Repairs, Alterations, or Contingencies, no Dividend to a greater Extent than Three Fourths of the said free yearly Profits shall be made to the several Members of the Company on their respective Shares, until the Part of such Contingent Fund so expended shall have been replaced by the remaining One Fourth of the Annual Profits to be set apart in Manner before directed.

Shares purchased by Company to be under the Control of Chairman and Directors.

XXX. And be it further enacted, That if any Part of the Guarantee Fund hereinbefore directed to be set apart, shall be invested in the Purchase of any Share or Shares of the Capital Stock of the said Company, such Share or Shares shall be managed or disposed of by the Chairman and Directors for Behoof of the Company ; and all Votes in respect of such Share or Shares shall be given by the Chairman for the Time being, and in his Absence by any Director named for that Purpose in the Proceedings of any Meeting of the Directors or their Quorum aforesaid.

Proceedings of General Meetings to be entered.

XXXI. And be it further enacted, That the Orders and Proceedings of every Meeting, as well of the General and Special General Meetings of the Company, shall be entered by the Clerk in a Book or Books to be provided and kept for that Purpose ; and no Business shall be transacted at any Special General Meeting or Adjourned Meeting besides the Business for which such Meeting shall have been respectively called or adjourned.

Directors to enter their Proceedings.

XXXII. And be it further enacted, That the Directors shall enter or cause to be entered in a Book or Books their Proceedings and Resolutions, as well as a full and true Account of all Money disbursed and Payments made by such Directors, and by all and every Person or Persons employed by or under them, and of all Monies that shall be paid to or received by them respectively for or on account of the said Company ; but that no Money

Money shall be issued or paid by the Cashier or other Person having charge thereof, for or on account of the said Company, otherwise than in such Manner as shall be ordered by the Directors or provided for by the Rules and Regulations adopted by the Company.

Money not to be issued but as directed.

XXXIII. And be it further enacted, That at the General Meeting to be held annually on the Second *Monday of July*, or at any Special General Meeting duly called by the Directors, it shall be lawful to make, pass, and confirm such Rules, Bye Laws, Orders, and Regulations, having Reference to the whole Business and Affairs of the Company, and for the good Government thereof, and regulating the Duties and Proceedings of Cashiers, Collectors, Clerks, Managers, Agents, Servants, Workmen, and others to be employed in and about the Affairs and Business of the said Company, and to repeal and alter such Rules, Orders, Bye Laws, and Regulations, and to make and pass such others as from Experience may be found more suitable and expedient, and to impose and inflict such reasonable Fines upon all such Persons employed by the said Company offending against any such Rules, Orders, or Bye Laws, not exceeding Five Pounds Sterling for any One Offence, as to the said Company shall seem fit: Provided always, that no Rule, Bye Law, Order, or Regulation made or passed at any General or Special General Meeting shall be repealed or altered, (except on the Recommendation of the Directors or their Quorum aforesaid,) unless Notice of the Intention to propose such Repeal or Alteration shall be lodged with the Clerk at least One Month previous to the Meeting at which the same is to be moved, and shall be mentioned in the Advertisement calling such Meeting: Provided also, that such Rules, Bye Laws, Orders, and Regulations shall not be repugnant to the Laws of *Scotland* or the Provisions of this Act, and shall be duly engrossed in the General Record or Minute Book of the said Company, along with the other Proceedings of General, Special General, and Adjourned Meetings, which Book shall be open at all reasonable Times in the Hands of the Clerk to the Inspection of all concerned.

General Meeting may make, revise, and alter Bye Laws.

XXXIV. And be it further enacted, That it shall and may be lawful to and for the Chairman and Directors of the Company of Proprietors, and for Behoof of the said Company, and they are hereby empowered, as often as it may be necessary, to contract and agree for the absolute Purchase or Feu of any Lands, Grounds, Tenements, or Heritages, within the said Burgh, Suburbs thereof, or Places adjacent thereto, with any Body Corporate or Collegiate, Kirk Sessions, Corporations Aggregate or Sole, Heirs of Entail, Husbands, Married Women, Trustees, Tutors and Curators, and all and every other Person or Persons whatsoever, though under any legal Disability or Incapacity, who is, are, or shall be seised or possessed of or interested in any such Lands and others aforesaid, for the Uses and Purposes of this Act: Provided always, that the Lands so to be acquired shall not altogether exceed Five Acres in Extent; and provided further, that the Land to be taken for the Purposes of the Gas Works hereby authorised to be made and erected, shall not be taken without the Consent in Writing of the Owner or Owners of such Lands first had and obtained thereto, any thing herein contained to the contrary notwithstanding.

Company may contract for the Purchase of Lands.

XXXV. And

Bodies Corporate, Kirk Sessions, &c. empowered to sell and convey.

XXXV. And be it further enacted, That it shall and may be lawful to and for all Bodies Politic, Corporate, or Collegiate, Kirk Sessions, Corporations Aggregate or Sole, Heirs of Entail, Husbands, Married Women, Trustees, Tutors and Curators, and all and every Person or Persons whatsoever, though under any legal Disability or Incapacity, who is, or are, or shall be seised or possessed of or interested in any Lands, Grounds, Tenements, or Heritages which shall be necessary for the Purposes aforesaid, to contract for, sell, and convey, or to feu or let the same and every Part thereof to the said Company of Proprietors; and all Bodies Politic, Corporate, or Collegiate, and all other Persons whomsoever, conveying, feuing, or letting as aforesaid, are hereby indemnified for what they shall respectively do in relation to any such Sale which he, she, or they or any of them shall make by virtue of and in pursuance of this Act; and all such Contracts, Agreements, Sales, Conveyances, Feus, and Assurances of any Lands, Tenements, or other Heritages, to the said Company of Proprietors, shall be made according to the legal Forms and established Practice of the Law of Scotland.

On Payment of Purchase Money, Premises vested in the Company.

XXXVI. And be it further enacted, That upon Payment of the Money which may be contracted or agreed to be paid by the said Company, or their Directors or Committee of Management aforesaid, for any Lands, Tenements, or Heritages, for the Uses and Purposes of the said Company, to the Party or Parties respectively entitled to the same or their Agents, and a Receipt or Receipts, Certificate or Certificates, obtained for such Payment or Payments, all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand in Law or Equity of the Party and Parties, and Person and Persons respectively, to whom or for whose Use the same shall be paid, in, to, or out of such Lands, Tenements, or Heritages, shall vest in the said Company and their Successors for ever, for the Uses and Purposes of this Act, who shall hold the same, and all Right or Interest therein purchased as aforesaid, without incurring or being subject to any of the Penalties or Forfeiture of the Statutes of Mortmain, or of any other Law or Statute whatsoever, and the said Company shall immediately thereupon be deemed in Law to be in the actual Right, Seisin, or Possession thereof, to all Intents and Purposes whatsoever, as fully and effectually as if every Person having any Estate, Right, Title, or Interest in the Premises had actually and formally made over, conveyed, and assigned the said Lands, Tenements, and Heritages to the said Company.

Amount of Satisfaction to be made, shall be ascertained by a Jury in case of Disagreement.

XXXVII. And be it further enacted, That if the said Company of Proprietors and the Proprietors or Parties interested in any Lands, Grounds, Tenements, Waters, or Heritages, which shall be required for any of the Purposes of this Act, or which shall be damaged in the Execution or by virtue of any of the Powers aforesaid, shall not agree touching the Amount of the Satisfaction to be made to such Proprietors or Parties within the Space of Ten Days after Application shall have been made for that Purpose by or on Behalf of the said Company of Proprietors to the respective Owners of and Persons interested as aforesaid, or by such Owners or Persons interested to the said Company, then the Amount of such Satisfaction shall be ascertained and awarded by a Jury of Twelve Persons summoned and chosen by the Sheriff Depute of *Inverness-shire*, or any of his Substitutes, in such Manner as Juries are or may be summoned

summoned and chosen by Sheriffs of Counties of *Scotland*, whose Determination is hereby declared to be final, without being subject to Suspension, Advocation, or Reduction; and it shall be competent to and in the Power of the said Owner or Owners, Occupier or Occupiers, or of the said Company, or both or either of them, immediately after the Expiration of the said Ten Days, to make Application to the said Sheriff Depute or his Substitutes to impanel the said Jury for the Purposes aforesaid; and all Questions of Law or Relevancy arising out of or connected with such Applications shall be conclusively and finally determined by the said Sheriff Depute or Substitute, and whose Determination therein shall not be subject to Review by Advocation, Suspension, Reduction, or any other Manner of Way whatever.

XXXVIII. And be it further enacted, That in every Case where a Verdict shall be given by any such Jury for more Money than shall have been previously offered for or on Behalf of the said Company of Proprietors as a Recompence or Satisfaction for any such Lands, Tenements, or Heritages as aforesaid, or for any such Estate, Right, or Interest therein, or for any Damages that may have been sustained by any Person or Persons as aforesaid, all the Costs and Charges incurred in summoning, impannelling, and returning such Jury, taking such Inquisition, and the Attendance of Witnesses, and recording the Verdict or Judgment thereon, shall be borne by the said Company of Proprietors out of the Monies to be raised by virtue of this Act; and in case such Costs and Expences shall not be paid to the Party or Person entitled to receive the same within Thirty Days after Demand made thereof from the said Company, then the same shall and may be levied and recovered by Distress and Sale of any Goods or Chattels vested in the said Company, under a Warrant to be issued for that Purpose by the said Sheriff Depute or Substitute for the said County of *Inverness*, which Warrant any such Sheriff Depute or Substitute is hereby authorised and required to issue under his Hand and Seal, on Application made to him for that Purpose by the Party or Person entitled to receive such Costs and Expences; and in every Case where a Verdict shall be given by any such Jury for no more or for less Money than shall have been previously offered by or on Behalf of the said Company as such Recompence or Satisfaction as aforesaid, all the Costs and Charges incurred as aforesaid shall be borne in equal Proportions by the Party or Parties refusing or neglecting to treat or agree before mentioned, and by the said Company; but in Cases where any Person or Persons, Party or Parties, shall have been prevented by Absence from entering into any Treaty with the said Company, the Costs and Charges so incurred shall be borne by the said Company in Manner foresaid; and in all Cases where any Difference shall arise touching the Amount of the said Costs and Charges, the same shall be settled and ascertained by the said Sheriff Depute or Substitute, who is hereby authorised and required to examine into and settle the same, and to appoint a Time and Place for Payment thereof; and where the Costs shall be payable by the Party or Parties having had any such Disagreement or Dispute with the said Company as aforesaid, the Amount thereof, being first paid by the said Company, may be deducted by them out of the Monies awarded to be paid to such Party or Parties, as so much Money advanced for his, her, or their Use, and the Payment

By whom  
Expences of  
Juries shall  
be paid.

[Local.]

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or

or Tender of the Balance of such Money shall be deemed and taken, to all Intents and Purposes whatsoever, to be a Payment or Tender of the whole Money awarded and adjudged to such Party or Parties; or otherwise, if such Costs and Charges be not paid upon Demand, after being so ascertained as aforesaid, the same may be recovered by the said Company from the Party or Parties liable to the Payment thereof, by Action in any competent Court in *Scotland*, together with full Costs of Suit.

Power to enter on Payment or Consignation of the Purchase Monies.

XXXIX. And be it further enacted, That upon Payment of such Sum or Sums of Money so to be settled and ascertained as aforesaid within One Calendar Month after the same shall have been so settled or determined, to the lawful Owners and Proprietors of the said Lands, Houses, Tenements, or other Heritages; or upon judicial Tender thereof made to him, her, or them respectively by a Minute in the said Process before the Sheriff for ascertaining the said Value, whether Appearance be made in the Process for the Party or Parties interested or not; or in case he, she, or they shall not be found, or shall not be able to evince a Title to the Premises to the Satisfaction of the said Sheriff Depute or Substitute; or that the Subjects are encumbered or entailed, so that the Price of the same cannot be legally paid to the Parties interested; then upon Payment and Consignation thereof, with the Approbation and Warrant of the said Sheriff Depute or Substitute, into the Royal Bank of *Scotland*, or Bank of *Scotland*, or *British Linen Company*, for the Use of the Parties interested, there to remain till it shall be issued in Manner by this Act directed; and upon Notice of such Payment or Consignation, if the Party or Parties interested have made Appearance in the said Process, by proper Evidence being adduced of the said Payment or Consignation; or if the Party or Parties interested have not made such Appearance, and resided within the County of *Inverness*, then upon such Notice being made to them personally, or at their Dwelling Houses; but if they reside without the said County, or cannot be found, then upon such Notice being given at the Dwelling House of some Tenant or Occupier of the Premises by a Notary Public and Witnesses, and the Evidence being adduced of the said Payment or Consignation; then and in any of these Cases it shall be lawful for the said Sheriff Depute or Substitute to decern and adjudge the full Right and Property of the Lands, Houses, Tenements, Water, and other Heritages respectively, to belong to the said Company of Proprietors, as fully and effectually as if the respective Proprietors had disposed and conveyed, or had resigned the same to and in favour of the said Company of Proprietors, and it shall then, and not before, or otherwise, be lawful to and for the said Company of Proprietors to enter upon the Premises, and to convert and dispose of the same for the Purposes of this Act.

Application of Compensation Money when exceeding 200*l.*

XL. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Heritages purchased, taken, or used by virtue of the Powers of this Act for the Purposes thereof, which are held under Entail, or are subject to Life Rents, Annuities, or other Incumbrances, or shall belong to any Corporation, Married Woman, Infant, Minor, Lunatic, or Person or Persons not resident within the United Kingdom, or under any Disability or Incapacity, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds, under

under the Direction and by the Authority of the Court of Session, be with all convenient Speed paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, or *British* Linen Company, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Heritages, in the Purchase or Redemption of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorise to be paid, affecting the said Lands, Tenements, or Heritages, or affecting other Lands, Tenements, or Heritages, standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Heritages, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes; and in the same Manner as the Lands, Tenements, or Heritages which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the meantime, and until such Purchase shall be made, the Interest or Annual Produce of such Money shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Heritages so hereby directed to be purchased, in case such Purchase or Settlement were made.

XLI. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Heritages purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or be equal to the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Heritages so purchased, taken, or used, or of his, her, or their Tutors or Curators in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, under the like Direction and Authority, be paid into any of the said Banks, and be placed to his, her, or their Account as aforesaid, in order to be applied in Manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Three or more of the said Directors (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money, and the Interest arising thereon, may be applied in any Manner herein-before directed, so far as the Case may be applicable.

If under  
200*l.* and  
amounting  
to 20*l.*

XLII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as last before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being

Where less  
than 20*l.*

being have been entitled to the Rents and Profits of the Lands, Tenements, or Heritages so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Committee of Management or any Three or more of them shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Tutors or Curators, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out Titles, or if Persons cannot be found, Purchase Money to be paid into the Bank.

XLIII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Heritages, or Privileges and Servitudes therein, to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Company of Proprietors, or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Heritages be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Directors, or any Three or more of them, to order the said Sum or Sums of Money so awarded as aforesaid, to be paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, or *British* Linen Company, to the Credit of the Parties interested in the said Lands, Tenements, or Heritages (describing them), subject to the Order, Controul, and Disposition of the Court of Session; which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers or other Officers of the Bank of *Scotland*, or Royal Bank of *Scotland*, or *British* Linen Company, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid; and such Voucher of Payment, together with the Application to the Sheriff, the Verdict of the Jury, and any Judgment of the Sheriff following thereon, being registered in the Sheriff Court Books of the County of *Inverness*, the said Company of Proprietors shall be, to all Intents and Purposes, as fully exonerated and discharged of the said Price, and effectually vested in the Subjects so paid for, as if such Payment had been made to the Proprietor thereof, and as if the said Company had been vested therein upon a Conveyance from such Proprietor according to the ordinary legal Forms of *Scotland*.

In case of questionable Title.

XLIV. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, or *British* Linen Company, under the Direction and by the Authority of the Court of Session in pursuance of this Act, for the Purchase of any Lands, Tenements,

ments, or Heritages, or any Estate, Right, or Interest in any Lands, Tenements, or Heritages to be purchased in pursuance of this Act, or to any Lands, Tenements, or Heritages to be purchased with any such Money, or to the Rents or Profits thereof, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Heritages at the Time of such Purchase, and all Persons claiming under such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Heritages, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court; and the Rents and Profits of the Lands, Tenements, and Heritages to be purchased with such Money, and also the Lands, Tenements, and Heritages so purchased, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Heritages, or to some Estate or Interest therein.

XLV. Provided always, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Heritages to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court, and to be applied to the Purchase of other Lands, Tenements, or Heritages, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the Court shall deem reasonable, to be paid by the said Company of Proprietors, who shall from Time to Time pay such Sums of Money for such Purchases as the said Court shall direct.

Court may order the Expences of Purchases to be paid by the Company.

XLVI. Provided nevertheless, and be it hereby further enacted and declared, That in case the said Company shall purchase such Land or Ground of or from any Body or Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Heirs of Entail, Life Renters, Husbands, Tutors or Curators, or other Persons to whom or for whose Benefit Lands are limited in strict Settlement, and other Persons being under legal Disability or Incapacity, and shall at any Time afterwards sell the Whole or any Part of such Land or Ground so purchased from any such incapacitated Parties or Persons, it shall not be lawful for the said Company again to purchase any Land or Ground in lieu of the Land or Ground so sold as last aforesaid of or from the same, or of or from any other Body or Bodies Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Heirs of Entail, Life Renters, Husbands, Tutors or Curators, or other Persons to whom or for whose Benefit Lands are limited in strict Settlement, and other Persons being under legal Disability or Incapacity; nor shall it be lawful for the said Company to purchase, or for the same or any other Body or Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Heirs of Entail, Life Renters, Husbands, Tutors or Curators, or other Persons to whom or for whose Benefit Lands are limited in strict Settlement, and other Persons being under legal Disability or Incapacity, to sell to the said Company any other Lands in lieu or instead of such Land or Ground, or any Part thereof, so sold or disposed of by the said Company.

Limiting the Quantity of additional Land to be purchased from or sold by incapacitated Persons.

Power to  
break up the  
Soil and the  
Pavement of  
the Streets.

XLVII. And be it further enacted, That it shall be lawful to the said Company, and they are hereby authorised and empowered, (subject to the Provisions and Restrictions herein mentioned,) by their Servants, Agents, Workmen, and others, from Time to Time to make and erect such Retorts, Gasometers, Receivers, and other Buildings, Cisterns, Engines, Pumps, Machines, and other Apparatus, Cuts, Drains, Sewers, Water-courses, Reservoirs, and other Works, and to sink and lay Pipes of such Construction and in such Manner as the said Company shall think necessary or proper for carrying the Purposes of this Act into execution; and also in a careful and workmanlike Manner, doing thereby as little Damage as may be, to break up the Soil, Pitchings, Causeways, and Side Pavements of any Streets, Squares, Highways, Roads, Ways, Footpaths, Lanes, Passages, and Places within the said Burgh of *Inverness*, Suburbs thereof, or Places adjacent thereto, as aforesaid, and to dig and sink Trenches and Drains, and lay Mains or Pipes, and put Stop Cocks, Syphons, Plugs, or Branches from such Pipes, in, under, across, and along such Streets, Squares, Highways, Roads, Ways, Footpaths, Lanes, Passages, and Places, and in such Manner as shall be necessary for the Purpose of carrying this Act into Execution; and from Time to Time to alter the Position of, and to repair, relay, and maintain, enlarge or add to such Pipes, Stop Cocks, Syphons, and Plugs or Branches, and also to carry, fit up, and furnish any Pipe or Pipes, Cocks or Branches, or other necessary Apparatus, from any Main or Pipe laid in any Street, Square, Highway, Road, Way, Lane, Footpath, Passage, or Place by the said Company, by virtue of this Act, into any Dwelling House or Houses, Shops, Manufactories, public or private Buildings, for the Purpose of lighting the same from any such Mains or Pipes, or for the supplying the same with Water; and to fix, place, and maintain any Apparatus or Convenience necessary or requisite or deemed advisable for securing to any Dwelling House or Houses, Shop, Manufactories, public or private Buildings, a proper and competent Supply of Gas and Water, or of either Gas or Water, or for measuring and ascertaining the Extent of such Supply; and also to alter, or amend, or enlarge, or add to any Work which shall have been placed, when the same shall be bad or imperfect, or which shall be injured or damaged, in such Dwelling House or Houses, Shops, Manufactories, public or private Buildings; and to do all such other Acts, Matters, and Things of the same or the like Nature, as shall from Time to Time be necessary and convenient for the Purpose of carrying this Act into Execution, according to the true Intent and Meaning of the same: Provided always, that a proper Compensation be made by the said Company of Proprietors for any Damage to be done by the said Operations respectively; and provided also, that nothing herein contained shall extend, or be construed to extend, to authorise or empower the said Company or their Successors to carry or lay any Pipe or Pipes, Cocks or Branches, from any Main or Pipe into or against any Dwelling House or Dwelling Houses, Shops, Manufactories, public or private Buildings as aforesaid, or to continue the same when so carried or laid, without the Consent of the Owner and Owners and Occupier and Occupiers for the Time being of every such Dwelling House or Dwelling Houses, Shops, Manufactories, public or private Buildings as aforesaid: Provided always, that it shall not be lawful for the said Company to break up any Causeway, or Side Pavement of any Streets, Highways,

Highways, Roads, Ways, Footpaths, or Lanes, and Passages, within the said Burgh of *Inverness* and Suburbs thereof, for laying any Pipe or Pipes for supplying the said Burgh and Suburbs and Inhabitants thereof with Gas Light, without the Consent of the Magistrates, Commissioners of Police, Road Trustees, or others under whose Care and Superintendence respectively such Streets and others are or may be.

XLVIII. And in order that the said Burgh of *Inverness*, Suburbs thereof, and Places adjacent, may be sufficiently supplied with good and wholesome Water, be it enacted, That it shall and may be lawful to the said Company, and they are hereby authorised and empowered to raise and convey Water from the River *Ness*, at any Part or Parts thereof most convenient between the old Bridge across the River *Ness* and the Point opposite to the extreme or upper End of what is called the *Big Island*, and for that Purpose to open the Ground on the Banks of the said River *Ness*, and to lay down a Pipe or Pipes, and to make a Drain or Drains into or from the said River *Ness*, for the Purpose of conveying from thence the said Water for supplying the said Burgh, Suburbs thereof, and Places adjacent, and also for the Supply of any Water Wheels, Steam Engine or Engines, which the said Company of Proprietors may use or erect, and which they are hereby authorised and empowered to erect, and to make or erect a Coffor or other Dam or Dams, for protecting the said Pipe or Pipes, Drain or Drains, during the Time that the same are making or laying down, and to do or perform every other Matter and Thing necessary for raising such Water, and to convey the same to the said Burgh of *Inverness*, Suburbs thereof, and Places adjacent, and by Pipes of such Diameter as may be best suited for the Purpose of supplying the said Burgh and Suburbs and Places adjacent with Water. Power to raise Water.

XLIX. And be it further enacted, That it shall and may be lawful for the said Company of Proprietors, and they are hereby authorised to pump or raise Water from their Works to be established and erected at or near to the said Banks of the River *Ness* as aforesaid, and to convey the same in Pipes through the Lands of *Haugh* or *Willowbank*, belonging to *John M'Andrew* Esquire, the Lands of *Haugh* or *Bellfield*, belonging to *Lewis Corbett* Esquire, the Lands belonging to *James Robertson* Esquire, of *Aulnaskioch*, along the Public Roads leading from *Strathnairn* to *Inverness*, the Grounds belonging to the Community of *Inverness* along or near the said River *Ness*, or the Public Road leading from *Inverness* through the Village of *Haugh*, in the Vicinity of the said Burgh of *Inverness*, to a Reservoir to be made or erected by them on or near to a Park called *Crotterton*, belonging to the Kirk Session of the Parish of *Inverness*, and from thence to distribute the same through the said Burgh, Suburbs, and Places adjacent; with Power to the said Company to purchase or feu all Grounds, Privileges, or Servitudes necessary for making any Reservoir or Reservoirs, and for erecting Water Wheels, Forcing Pumps, Steam Engines, laying Pipes, and making and constructing such other Works, Buildings, and Erections, and other Conveniences, and for doing every other Matter and Thing necessary for the Purposes of this Act, and to make and construct such Reservoirs, And to convey it to Reservoirs.  
and

and to erect Forcing Pumps, Water Wheels, Steam Engines, and to lay Pipes, and make and construct such other Works, Buildings, and Erections, and other Conveniences, and to do every other Matter and Thing necessary to the conveying Water from the said River *Ness*, at the Place or Places foresaid, into the said Burgh, Suburbs thereof, and Places adjacent, or necessary for supplying the Inhabitants of the said Burgh, Suburbs thereof, and Places adjacent therewith.

Map deposited with the Clerk of the Peace.

L. And whereas a Map or Plan describing the Place from whence and the Manner in which Water is to be conveyed into the said Burgh, with a Book of Reference containing the Names of all the Owners and Occupiers of the Lands, Tenements, or Heritages to be taken or used for the Purposes of this Act, have been deposited with the Clerk of the Peace of the County of *Inverness*; be it enacted, That such Map or Plan, and Book of Reference, shall remain in the Custody of the said Clerk of the Peace for the Time being, or his Deputy, and all Persons interested therein shall, at all reasonable Times, have Liberty to inspect and peruse the same, and take a Copy thereof, or any Part thereof, paying the Sum of One Shilling to the Clerk or his Deputy for every such Inspection; and the said Company and their Successors shall not, in making such Reservoirs, and bringing Water into the said Burgh as aforesaid, deviate more than One hundred Yards each from the Course in which the Water is to be conveyed into the said Burgh aforesaid, as described in the said Map or Plan, without the Consent and Approbation in Writing of the Person or Persons, Body Politic or Corporate, through whose Lands or Grounds such Deviation shall be made.

Company not to be prejudiced by unintentional Error or Omission in the Book of Reference.

LI. Provided always, and be it further enacted, That no Advantage shall be taken of or against the said Company hereby incorporated, or any Interruption be given to the carrying on the Operations hereby authorised, on account of any Error or Omission in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace acting in and for the said County of *Inverness*, and be certified in Writing under their Hands, that such Error or Omission proceeded from Mistake.

Houses already erected, and Garden Ground not to be injured.

LII. Provided always, and be it enacted, That nothing herein contained shall authorise and empower the said Company, or any Person or Persons acting by and under their Authority, to take, use, injure, or damage any House or other Building which was erected or built on or before the passing of this Act, or any Land or Ground which, on or before the passing of this Act, was set apart and used as or for a Yard, Park, Paddock, Garden, planted Walk, or Avenue to a House, without the Consent of the Owner or Owners thereof for the Time being.

Property must be purchased within Five Years.

LIII. And be it further enacted, That all the Powers and Authorities hereby granted for enabling the said Company to take and use any Houses, Grounds, or other Heritages for the Purposes of this Act shall cease and determine at the Expiration of the Space of Five Years from the passing of this Act, except only as to such Grounds, Houses and other Buildings, and

and other Property, as the said Company may have purchased and acquired before the Expiration of the said Term of Years, save with the Consent in Writing of the Owner or Owners thereof.

LIV. And be it further enacted, That the said Directors or Committee of Management shall be obliged, Twenty-four Hours before commencing Operations, either for laying or relaying, repairing or enlarging, such Pipes and other Works for supplying the said Burgh and Suburbs with Gas, to give Intimation to the Provost and Magistrates of the said Burgh of *Inverness*, by Notice in Writing, if such Pipes are intended to be laid within the ancient or extended Royalty of the said Burgh, or to the Secretary or Clerk appointed by the Commissioners of Police if within the Bounds of Police, or to the Convener of the Road Trustees if without the Burgh and Bounds of Police, of any Part or District through which Pipes for supplying Gas as aforesaid shall be laid, or the Operations be carried on; and in like Manner to the Owner or Owners, Occupier or Occupiers, of all other Places whatever, where such Operations are intended to be effected; and provided also, that no public Streets, Roads, or Highways shall be broken up for laying such Gas Pipes as aforesaid, without the Consent of the Commissioners, Trustees, or other Persons under whose Care the same may be.

Notice of  
Operation to  
be given.

LV. Provided always, and be it enacted, That in all Cases where any Consent is required to be, and shall be or have been obtained by the said Company, to break up or take up or remove any Soil, Pitchings, Causeways, or Side Pavements, in or of any Streets, Squares, Highways, Roads, Bridges, Ways, Footpaths, Lanes, Passages, and Grounds in the said Burgh or Places adjacent thereto, in order to lay down any Pipes to convey Gas, or for any other Purpose which may be required under this Act, nothing in this Act contained shall, after such Consent obtained and Notice given as aforesaid (or in case of Emergency after Three Hours previous Notice) in Writing from the said Company or their Clerk to such Magistrates, Trustees, Commissioners, or the Person or Persons having the Property of such Soil, Causeway, or Pavement, be deemed or construed to extend to prevent the said Company from repairing such Main or Pipes, or for breaking or taking up or removing any Pavement, Soil, or Ground as aforesaid, for the Purpose of laying down or repairing any such Main or Pipes whatever, or for any other Purpose which may be required under this Act.

After Con-  
sent allowed  
for Company  
to break  
Pavements,  
no further  
Consent ne-  
cessary.

LVI. And be it further enacted, That it shall be lawful to and in the Power of the said Company, or their Directors, or Committee of Management, or those empowered by them, in the Event of any of the said Pipes or Works bursting or giving way, or any other Accident taking place whereby the Gas or Water may escape, immediately and without such previous Notice as aforesaid to repair such Injury, the said Company of Proprietors making Satisfaction to the Owner or Occupier of or any other Person interested in the Lands, Tenements, and Heritages which shall be used for the Purposes of this Act, or which shall sustain Injury or Damage by reason of all or any of the Powers of the same; and this Act shall be sufficient to indemnify the said Company of Proprietors, and their Directors or Committee of Management, and their Deputies, Servants,

Power to  
repair Pipes  
in case of  
Accidents.

[*Local.*]

37 H

Agents,

Agents, and Workmen, and all other Persons whomsoever, for what they or any of them shall do by virtue hereof, subject nevertheless to such Provisions or Restrictions as are herein contained.

Houses not  
to be injured.

LVII. Provided always, and be it enacted, That nothing herein contained shall authorise and empower the said Company of Proprietors, or their Directors or Committee of Management, or any Person or Persons acting by and under their Authority, to take, injure, or damage, in the making of the said Gasometers, Reservoirs, laying the said Pipes, or to take or use for any of the Purposes aforesaid, any House or other Building erected or built or to be erected or built, without the Consent of the Owner or Owners thereof.

Power to  
contract for  
supplying  
Gas.

LVIII. And be it further enacted, That the said Company, or their Committee, may, and are hereby authorised and empowered to enter into Agreements or Contracts with the Provost and Magistrates of the said Burgh of *Inverness*, or with any Commissioners or other Persons that are or may be appointed for regulating the Police of the said Burgh, Suburbs, and Places adjacent, or lighting the Streets, Ways, and Passages within their respective Bounds, for the lighting thereof, or for supplying the same with Gas; and also to contract with any Persons, Bodies Politic, Corporate, or Collegiate, Aggregate or Sole, for the lighting or supplying with Gas any such Persons or Bodies, or any Streets, Ways, Lanes, or Passages, Manufactories, Shops, Warehouses, public or private Houses or Buildings belonging to them or any of them, or in which they or any of them are interested, or over which they or any of them have the Direction or Controul; and also to contract with any Person or Persons whomsoever for lighting and supplying with Gas any Shops, Warehouses, public or private Buildings, or Places whatsoever, within the Limits of this Act, in such Manner and under such Stipulations as the said Company shall think proper consistent with the Powers and Authorities hereby granted.

Gas to be  
supplied  
cheaper than  
Oil.

LIX. Provided always, and be it further enacted, That the said Company shall and they are hereby directed and required to supply public Roads, Streets, Ways, Lanes, and other Passages and Places with Gas of such Quality as shall at all Times afford a cheaper and better Light than could be obtained from Oil Lamps, and whenever the said Company shall fail to do so, the Power and Authority hereby given to them further to break up the Soil or Pavement of any such Road, Street, Way, Lane, or other public Passage or Place within the Limits of this Act, where such Lamps shall be situated, shall from thenceforth during such Failure cease and determine; and every Contract or Agreement which shall be entered into for lighting with Gas such public Lamps by the said Company shall contain a Clause or Covenant providing that it shall be obligatory on the said Company that such public Lamps shall at all Times be cheaper and better lighted by the said Company than can be done by Oil Lamps.

Service  
Pipes to be  
fully charged  
with Gas.

LX. And be it further enacted, That the Branch or Service Pipes which shall be put down for lighting the said Streets, Lanes, Passages, and other Places, shall be kept fully charged with Gas, and the Stop  
Cocks

Cocks shall be so turned as not to impede or prevent the said Branch or Service Pipes being completely filled with Gas during the Time the same shall be lighted.

LXI. Provided also, and be it further enacted, That nothing herein contained shall extend or be construed to extend to prevent any Person or Persons from proceeding against the said Company of Proprietors, or against any of their Deputies, Agents, Officers, Servants, or Workmen, in respect of any Work of the said Company of Proprietors, or the Method which shall be employed by them for furnishing such Light as aforesaid, as a public or private Nuisance, or from bringing any Action against the said Company of Proprietors, or any of their Deputies, Agents, Officers, Servants, or Workmen, for any Injury sustained by reason of any such Works or Method of Lighting, whether such Injury shall proceed from the Nature of such Method of Lighting or the Carelessness or Want of Skill of the Persons who may be employed therein.

Company  
may be pro-  
secuted for  
a Nuisance.

LXII. And be it further enacted, That it shall and may be lawful for the said Company, and they are hereby authorised and empowered, to enter into Agreements or Contracts with the Provost and Magistrates of the said Burgh of *Inverness*, or with any Commissioners or other Persons who are or may be appointed for regulating the Police of the said Burgh, Suburbs, and Places adjacent, for bringing Water within the said Burgh, Suburbs, and Places adjacent, for such Sum or Sums as may be agreed upon between the Company and the said Parties: Provided always, that in no Case shall the Inhabitants of the said Burgh, Suburbs, and Places adjacent, be charged a higher Rate for the Water to be so supplied than the Rates hereinafter mentioned.

Company  
may con-  
tract for the  
Supply of  
Water.

LXIII. And be it further enacted, That such of the Owners or Occupiers of Houses, Buildings, or other Heritages, within the said Burgh of *Inverness*, and Places adjacent, or Inhabitants thereof, as shall be desirous of having Water conveyed in Pipes into their Houses, Factories, Warehouses, Workshops, or other Buildings and Premises, may and are hereby authorised and empowered at their own Expence, having first given Six Days previous Notice in Writing to the said Company of his, her, or their Intention so to do, and having first obtained the Consent of the Owner or Owners, Occupier or Occupiers of any inclosed Lands or Grounds in which such Pipes shall be laid, to open the Ground between the said Company's Main Pipes or Aqueducts and the respective Houses, Buildings, Brewhouses, Manufactories, Offices, Yards, and other Premises of such Owners or Inhabitants, and to lay any Leaden or other Pipe or Pipes, the Bore thereof to be of the Dimensions of Three Quarters of an Inch, without the Consent of the said Company or the Directors thereof, or of a greater Bore if the said Directors shall consent thereto, from such respective Houses, Buildings, or other Premises, to communicate with the said Aqueducts or Main Pipes, such respective Owners of Buildings or Inhabitants paying to or for Behoof of the said Company the Rates hereinafter mentioned; and in case of Default in Payment of any such Rate or Rates, or Sum or Sums of Money so to be paid, it shall be lawful for the said Company to cause the Pipe or Pipes belonging to the Person or Persons making such Default to be separated from the said Aqueducts or

Owners and  
Inhabitants  
of Houses,  
&c. may lay  
Pipes.

Main

Main Pipes, and to cause the Water to be stopped from issuing or running into the said Houses, Manufactories, Buildings, or other Premises, and the Rate or Rates, Sum or Sums of Money which shall be due and in Arrear from such Person or Persons to the said Company, shall and may be recovered as hereby authorised in regard to Rates and Penalties: Provided always, that all and every Person and Persons who shall have laid any Leaden Pipe or Pipes as aforesaid, shall be at liberty to remove and take away such Pipe and Pipes, and the Cock and Cocks belonging thereto, doing no Injury or Damage to the Pipes of the said Company.

Penalty for  
not supply-  
ing Water to  
Inhabitants.

LXIV. And be it further enacted, That in case the said Company shall neglect or refuse to supply any of the said Inhabitants who shall have laid Pipes as aforesaid, and occupying any private Dwelling House in any Square, Street, Close, or Lane where the Pipes of the said Company shall be laid, with Water for the Use of his or her own Family at the Rate hereinafter mentioned, for the Space of Five Days after Demand in Writing shall have been made by such Inhabitant to the said Company for such Supply of Water, and Tender made to the said Company of the Amount of the Rate for One Year for such Supply, the said Company shall forfeit and pay to such Inhabitant treble the Amount of the Rate so tendered, and also the further Sum of One Pound for every Day the said Company shall continue to refuse such Supply, to be recovered as any other Penalty is herein directed to be recovered.

Limiting the  
Rates to be  
paid for  
Water, &c.

LXV. Provided always, and be it further enacted, That the said Company shall be obliged, in the Manner before directed, to furnish a sufficient Supply of Water to every Inhabitant occupying a private Dwelling House or Part of a Dwelling House in any Street, Square, Close, Lane, or Passage of the said Burgh where the Pipes of the said Company shall be laid for conveying Water as aforesaid, for the Use of such Inhabitant's own Family, at the following Rates *per Annum*; that is to say, where the Annual Rack Rent or Value of such Dwelling House or Part of a Dwelling House shall not exceed Ten Pounds, at and after the Rate of Twenty Shillings *per Year*; and where the Annual Rack Rent or Value shall not exceed Twenty Pounds, at and after the Rate of Two Pounds *per Year*; where the actual Rack Rent or Value shall be above Twenty Pounds and shall not exceed Thirty Pounds, at and after the Rate of Two Pounds Sixteen Shillings *per Year*; and where the Annual Rack Rent or Value shall be above Thirty Pounds and shall not exceed Forty Pounds, at and after the Rate of Three Pounds Fifteen Shillings *per Year*; and where the Annual Rack Rent or Value shall be above Forty Pounds and shall not exceed Sixty Pounds, at and after the Rate of Five Pounds *per Year*; and where the Annual Rack Rent or Value shall be above Sixty Pounds and shall not exceed Eighty Pounds, at and after the Rate of Five Pounds Twelve Shillings *per Year*; and where the Annual Rack Rent or Value shall be above Eighty Pounds and shall not exceed One hundred Pounds, at and after the Rate of Six Pounds Five Shillings *per Year*, and where the Annual Rack Rent or Value shall be above One hundred Pounds, at and after the Rate of Seven Pounds *per Year*; and every such Rate shall be payable according to the actual Amount of the Rent where the same can be ascertained, and where the same cannot be ascertained, according to the Rate at which such Rents shall be assessed

assessed by the Stentmasters for levying the Cess or Land Tax; and provided, that in the Case of Spinners, Manufacturers, Dyers, Printers, Bleachers, Hatters, Maltsters, Brewers, Distillers, Innkeepers, Alehousekeepers, Vintners, or other Person or Persons requiring a Supply of Water for other Purposes than those of his or her own Family's Consumption, or Persons requiring a Supply of Water for Baths, Ponds, Pools, or Closets, or for washing Carriages, or for Cows or Horses, or for the Purposes of any Trade or Business whatsoever, such Supply shall be furnished by the said Company in such Cases at such Rate as shall be settled and agreed upon by the said Company and such Person or Persons respectively.

LXVI. And be it further enacted, That the Rents payable to the said Company under and by virtue of this Act shall and may be payable and become due in advance immediately upon the Commencement of the Period for which the Person or Persons using the said Water may contract with the said Company.

Rents payable in advance.

LXVII. And be it further enacted, That it shall be lawful for the Engineer, or other Person or Persons acting by or under the Authority of the said Company, in the Day-time, between the Hours of Ten o'Clock in the Forenoon and Four in the Afternoon, upon giving Twenty-four Hours previous Notice of his or their Intention, to enter into any House, Building, or other Premises supplied with Water by virtue of this Act, in order to inspect and examine if there be any Waste, undue Diversion, or improper Appropriation of the Water so supplied by the said Company, or if the Pipes or Cocks for supplying such House, Buildings, or other Premises, be in good and proper Repair; and if such Engineer, or other Person acting by or under the Authority of the said Company, shall at any such Time or Times be refused Admittance or Entrance into any such Dwelling House, Building, or other Premises, for the Purpose of making such Inspection and Examination as aforesaid, or on being admitted shall be obstructed or prevented from making such Inspection and Examination as aforesaid; then and in every such Case it shall be lawful for the said Company to cut and turn off or cause to be cut and turned off the Water so supplied by the said Company from such House, Building, or other Premises.

For preventing undue Waste in Water.

LXVIII. And be it further enacted, That every Person or Persons supplied with Water by virtue of this Act, shall, upon having One Calendar Month's Notice in Writing from the said Company for such Purpose, have a Cistern for receiving Water, and in such Cistern or Receptacle for Water shall attach and fix a Ball Cock or other self-acting Cock to the Pipe conveying Water from the Reservoir or Pipes belonging to the said Company into such Cistern or other Receptacle, and shall repair and renew the same as often as shall be necessary, in order to prevent the Water running to Waste when such Cistern and other Receptacle shall be full; and the Person or Persons neglecting to attach and fix, and repair or renew, such Ball Cock or self-acting Cock, shall forfeit to the said Company any Sum not exceeding Five Pounds for every Offence; and any Person specially authorised by the said Company shall have free Access in the Day-time, after having given

Cisterns and Stop Cocks to be provided if required by Company.

[*Local.*]

37 I

Twenty-

Twenty-four Hours Notice of his Intention to view the Premises to be supplied as aforesaid, to see that such Ball Cocks or other self-acting Cocks are kept in proper and sufficient Repair and Condition.

Power to cut  
off the Water  
in certain  
Cases.

LXIX. And be it further enacted, That if any Person or Persons shall negligently suffer any of his, her, or their Pipe or Pipes, Drains or Aqueducts, which shall communicate with any of the Reservoirs, Pipes, or Aqueducts of the said Company, or the Cocks belonging thereto, to be out of repair, so as to let the Water run waste and useless, or shall neglect to repair the same within Twenty-four Hours after being required so to do by any of the Agents or Workmen of the said Company, or if any Person or Persons shall make Default in Payment of the Water Rent agreed or fixed to be paid by such Person or Persons by the Space of Ten Days after the same shall be lawfully demanded, or in case it shall at any Time be found necessary for the Alteration or Amendment of the Pipes or Works of the said Company, it shall be lawful for the said Company to cause any such Pipes, Drains, or Aqueducts so communicating with any of the Reservoirs, Pipes, or Aqueducts of the said Company, to be separated from the Reservoirs, Aqueducts, and Pipes of the said Company, and the Water to be stopped from issuing or running therefrom into such Pipes, Drains, or Aqueducts so authorised to be separated: Provided always, that whenever the said Company shall cause any such Pipes, Drains, or Aqueducts, which shall communicate with any of the Reservoirs, Pipes, or Aqueducts of the said Company, to be separated and the Water to be stopped from issuing or running therefrom into such Pipes, Drains, or Aqueducts, by reason of any Alteration or Amendment of the Pipes or Works of the said Company being necessary, the said Company shall make such Alteration or Amendment, and at their Expence restore the Communication of such Pipes, Drains, or Aqueducts with the Reservoirs, Aqueducts, and Pipes of the said Company, and permit the Water to issue therefrom and run again into such Pipes, Drains, or Aqueducts, as soon as conveniently may be.

Water may  
be used for  
extinguish-  
ing Fires.

LXX. And be it further enacted, That nothing in this Act contained shall prevent or be construed to extend to prevent any of the Water supplied or collected under the Authority of this Act from being used to extinguish any Fire or Fires whatsoever that may have communicated to any Building or Buildings, Rick or Ricks, Stack or Stacks of Hay, Corn, or other Produce, or any Waggon, Cart, or other Carriage, or any Matter or Thing therein contained, or shall be in Danger of so communicating, and no Person supplied with Water under the Consent of an Agreement with the said Company shall be liable to any Penalty or Payment for supplying any other Person or Persons with Water for the Purposes last aforesaid.

Fire Plugs  
to be placed  
in the  
Streets, &c.

LXXI. And be it further enacted, That the said Company shall and they are hereby required, upon the carrying into and laying down any Main Pipe in any Street, Passage, or Place for the supplying the same with Water, to fix and place or cause to be fixed and placed, at the Time of laying down such Main Pipe, One or more proper and sufficient Fire Plug or Fire Plugs in each Street, Passage, or Place supplied with Water from such Main or Mains, for the Supply of Water for the extinguishing of Fires, and

and when and so soon as any such Fire Plugs shall be finished, the said Company shall immediately deliver a Key or Keys of such Fire Plug or Fire Plugs at each and every House or Place in the Parish in which such Fire Plug shall be, wherein any Engine shall be kept for the Purpose of extinguishing Fires.

LXXII. Provided always, and be it enacted, That nothing herein contained shall extend to subject any Person or Persons whatsoever supplied with Water by virtue of this Act, to any Penalty or Forfeiture for supplying any other Person also supplied with Water by virtue of this Act, with any Quantity of such Water, during such Time as the Pipes, Cocks, or Cisterns of such last-mentioned Persons shall or may happen to be out of Repair; provided that such Pipes, Cocks, or Cisterns shall nevertheless be repaired as soon as possible after any Damage shall happen thereto; and that Notice in Writing be given, either by the Person supplying or supplied, to the said Company, within Twenty-four Hours after the Commencement of such Supply.

Persons taking Water from Company may supply each other while their Pipes or Cisterns are under Repair.

LXXIII. And be it further enacted, That it shall and may be lawful to and for the said Company, and the said Directors, and Committee of Management, to treat, contract, and agree with the Magistrates and Town Council of the said Burgh, or any other Person or Persons having the Charge and Management of the Police of the said Burgh, or with the Inhabitants of any District or Place within the same, to water the Streets of the said Burgh, or any Street, District, or Place within the same, and for the Recompence to be paid therefor, and such Recompence shall and may be recovered as any other Rates and Duties due to the Company are hereby authorised to be recovered: And providing always, that Water shall not be so supplied until the Inhabitants are first furnished with a sufficient Supply of Water.

Company may contract to water the Streets.

LXXIV. And be it further enacted, That in case any Person or Persons shall think himself, herself, or themselves aggrieved by a short or deficient Supply of Water, or by a partial Distribution of the Supply of Water of the said Company, it shall be lawful for any such Person to apply by Petition and Complaint to the Sheriff Depute of *Inverness-shire*, or his Substitute, for Redress, and such Sheriff Depute or Sheriff Substitute shall thereupon make Enquiry into the Nature of the Complaint, and shall make such Order therein binding on the said Company for the Time during which such Company shall have contracted and agreed to supply with Water the Person or Persons making such Complaint, and shall award such Costs and Expences to such Person or Persons making such Complaint, or to the said Company, as to the said Sheriff Depute or Substitute shall seem just; and the Judgment or Determination of such Sheriff Depute or Substitute shall be conclusive and final, and not subject to Review.

In case of short Supply of Water, complaint to be made to the Sheriff.

LXXV. And be it further enacted, That if any Person shall wantonly or maliciously hinder or interrupt the said Company of Proprietors, or their Deputies, Agents, Workmen, or Servants, or any of them, in doing and performing any of the Works, or in exercise of any of the Powers and Authorities by this Act granted, or shall in anywise cause

Penalty for interrupting Company's Workmen.

cause or procure the same to be done, every Person so offending shall for every such Offence forfeit and pay to the said Company of Proprietors, or to any other Person or Persons by them authorised in that Behalf, any Sum not exceeding Ten Pounds, and also the full Amount of the Damage which shall be sustained by such Hindrance or Interruption.

Penalty for  
injuring  
Works.

LXXVI. And be it further enacted, That if any Person shall wilfully or maliciously break, throw down, damage, or destroy any Works erected or to be erected in virtue of this Act, or destroy, damage, or injure any Engine, Pipe, Plug, or Gas Pipe, Pond, Reservoir, Wheels, Pumps, Aqueducts, Pipes, Plugs, or other Matter or Thing already made, or which shall be made, constructed, provided, or procured for the Purposes of this Act, or the Materials used or provided for the same, every such Person shall forfeit and pay to the said Company any Sum not exceeding Ten Pounds, and also the full Amount of the Damage done.

Penalty for  
injuring the  
Water.

LXXVII. And in order to preserve the Water, to be conveyed to the said Burgh, Suburbs, and Places adjacent, pure, be it enacted, That no Person or Persons shall bathe in any Reservoir, Public Well, Cistern, or Basin to be constructed under the Authority of this Act, nor wash any Dog or any Animal therein, or cast, put, or throw any Dog or other Animal, or any Filth, Dirt, or noisome or offensive Thing, or wash or cleanse any Cloth or any other Thing in any of the said Reservoirs or Basins, or suffer any Water of any Sink, Reservoir, or Drain to run or be conveyed into the same, or into any of the said Pipes, or cause any other Annoyance to be done to the said Water; nor shall any Person or Persons supplied with Water by virtue of this Act wilfully permit any other Person or Persons, not being so supplied, to take any Water at the Pipes or Reservoirs of the said Company, or supply any such other Person or Persons with any Water from such Pipes or Reservoirs; nor shall any Person not paying for or having agreed to pay for a Supply of Water from the said Works, take or use any of the Water supplied by Means of the Works of the said Company; under a Penalty not exceeding Ten Pounds for every such Offence, according to the Discretion and Decision of the Sheriff Depute or Substitute, or Judge, before whom the same shall be recovered, besides the full Amount of the Damage sustained by the said Company by the Acts or Means in respect of which such respective Penalties shall be incurred in Addition thereto.

Requiring  
the Company  
to deliver  
Keys of  
Pipes, &c.

LXXVIII. And be it further enacted, That in case any of the Inhabitants of the said Burgh shall be desirous of, and shall apply to the said Company of Proprietors for a Key or Keys of the Water Mains, Plugs, or Services belonging to the said Company, in order that such Key or Keys may be kept in some proper Place to be agreed upon by the Magistrates of the said Burgh, to the End that thereby in Cases of Fire the Supply of Water from the said Works may be more easily and readily obtained, the said Company of Proprietors shall be bound and obliged to furnish such Key or Keys to the Persons applying, in order to their being so kept; and in case the said Company of Proprietors shall refuse such Key or Keys to the Persons so applying, they shall forfeit for every such Refusal a Sum not exceeding Ten Pounds.

LXXIX. And be it further enacted, That if the said Company, or any Body Politic or Corporate, or any Person or Persons whomsoever, shall at any Time drain or convey, or suffer to be drained or conveyed, or to run or flow, any Washings or other Waste Liquids, Substances, or Things whatsoever, which shall arise or be produced in the Manufacture or Process of making or procuring Gas, into any River, Brook, or running Stream, Canal, Reservoir, Aqueduct, Feeder, Pond, Pool, Spring Head, or Well, situate, arising, or being in or adjoining to the said Burgh, or into any Drain, Sewer, or Ditch communicating therewith, or do or cause to be done any Annoyance, Act, or Thing to the Water contained in any such River, Brook, or running Stream, Canal, Reservoir, Aqueduct, Feeder, Pond, Pool, or Spring Head, Well, Drain, Sewer, or Ditch, whereby the said Water or any Part thereof shall or may be soiled, fouled, or corrupted, then and in every such Case the said Company, or Body Politic or Corporate, or Person or Persons whosoever, as the Case may be, shall forfeit and pay for every such Offence the Sum of Two hundred Pounds, to be sued for and recovered with full Costs of Suit in Manner hereinafter mentioned; and the Whole thereof shall be paid to the Person or Persons who shall inform or sue for the same: Provided always, that no such Penalty or Forfeiture shall be recoverable unless the same is sued for during the Existence of such Annoyance, Nuisance, Injury, or Damage, Act or Thing, or within Twelve Calendar Months after the same shall have ceased and determined: Provided also, that over and above and in addition to the said Penalty of Two hundred Pounds, (and whether such Penalty shall have been sued for or recovered or not,) in case any of the said Washings or other Waste Liquids, Substances, or Things, shall be drained, conducted, or conveyed, or caused or suffered to run or flow in Manner aforesaid, into any River, Brook, running Stream, Reservoir, Aqueduct, Feeder, Pond, Pool, Spring Head, or Well, or into any Drain, Sewer, or Ditch communicating therewith, or any such Annoyance, Nuisance, Act, or Thing shall be done or caused to be done as aforesaid, and Notice thereof in Writing shall have been given by any Person or Persons to whom the same shall belong, or by any other Person or Persons whomsoever, to the said Company, Body Politic or Corporate, or other Person or Persons as aforesaid, and the said Company, Body Politic or Corporate, or Person or Persons as aforesaid, shall refuse or neglect within Twenty-four Hours after such Notice shall have been given to stop, hinder, or prevent all and every such Washings, Waste Liquids, Substances, or Things, from being drained, conducted, or conveyed, or from running or flowing, and every such Annoyance, Nuisance, Act, or Thing from being done or continued as aforesaid; then and in every such Case the said Company, Body Politic or Corporate, or other Person or Persons as aforesaid, as the Case may be, so refusing or neglecting, shall forfeit and pay the Sum of Two Pounds for each and every Day such Washings, Waste Liquids, Substances, or Things shall be so drained, conducted or conveyed, or caused or suffered to run or flow, or such other Annoyance, Act, or Thing shall be done or caused to be done as aforesaid.

Penalty for conveying Washings into any River, Stream, &c.

To be sued for within Twelve Months after the Nuisance has ceased.

Penalty per Day for continuing the Nuisance after Notice.

LXXX. And be it further enacted, That whenever any Gas shall be found to escape from any Pipes laid down or set up by the said Company,  
 [Local.] 37 K For stopping the Escape of Gas.

or any Body Politic or Corporate, or other Person or Persons whomsoever, the said Company, or Body Politic or Corporate, or other Person or Persons, shall at their own Expence, immediately after receiving Notice of any such Escape, from any Inhabitant of the said Burgh or any other Person, cause the most speedy and effectual Measures to be taken to stop and prevent such Gas from escaping; and in case the said Company, Body Politic or Corporate, or other Person or Persons as aforesaid, shall not, within Forty-eight Hours after such Notice, effectually stop and prevent the Gas from escaping from such Pipes, and wholly and satisfactorily remove the Cause of Complaint, then and in every such Case the said Company, Body Politic or Corporate, or other Person or Persons, shall forfeit and pay the Sum of Five Pounds for each and every Day, after the Expiration of Forty-eight Hours from the Time of giving any such Notice, during which Gas shall be suffered to escape as aforesaid.

Gas Pipes to  
be laid  
Three Feet  
from Water  
Pipes, and in  
a particular  
Manner.

LXXXI. And be it further enacted, That all the Pipes or other Conduits to be laid or used by the said Company, or by any Body Politic or Corporate, or Persons whomsoever, for the Conveyance of Gas in, under, through, along, across, or round any Street, Lane, Passage, or other public Place within the said Burgh, shall be so laid at the greatest practicable Distance, and whenever the Width of the Carriageway will allow thereof, at the Distance of Three Feet at least from the nearest Part of any Water Pipe already or hereafter to be laid down for the Conveyance of Water by any Company of Proprietors of Waterworks, except in Cases where it shall be unavoidably necessary to lay Gas Pipes across such Water Pipes, and in those Cases the same shall be laid over the Water Pipes at the greatest practicable Distance therefrom, and shall form therewith a right Angle; and the said Gas Pipes so crossing the said Water Pipes shall be at least Nine Feet in Length, so that no Joint shall be nearer to any Part of the said Water Pipes than Three Feet; and that Two or more Gas Pipes be not joined together previous to their being laid in the Trench, but each Pipe laid as near as may be in its Place therein, and then joined to or with the other Pipes, with proper and sufficient Materials; and shall also make and keep all and every such Pipes, and all Pipes communicating therewith, and all Screw Joints, Inlets, Apertures, and Openings therein respectively airtight, and in all and every Respect prevent the said Gas from escaping therefrom, upon Pain of forfeiting for every such Offence the Sum of Ten Pounds.

Company to  
prevent Con-  
tamination  
of Water un-  
der Penalty.

LXXXII. And be it further enacted, That whenever the Water of any Company of Proprietors of Waterworks shall be contaminated or affected by the Gas of the said Company, or Body Politic or Corporate, or Person or Persons as aforesaid, they shall forfeit for every such Offence a Sum not exceeding Twenty Pounds, and shall also, within Twenty-four Hours next after Notice thereof in Writing, (signed by the Manager or Chief Clerk for the Time being of and for such Waterworks Company, and left at the usual Office or Place of transacting the Business of the said Company, or Body Politic or Corporate, or Person or Persons as aforesaid,) cause the most proper and speedy Methods to be taken effectually to stop and prevent Gas from contaminating or affecting such

Water ; and in case the said Company, or Body Politic or Corporate, or Person or Persons as aforesaid, shall not within Twenty-four Hours after each such Notice left as aforesaid, effectually, wholly, and satisfactorily remove the Cause of every such Complaint, and prevent all such Contamination whereof Notice shall be given as aforesaid, the said Company, or Body Politic or Corporate, or Person or Persons as aforesaid, shall forfeit and pay, over and above the before-mentioned Penalty of Twenty Pounds, the Sum of Ten Pounds for each and every Day during which the Water of the said Company shall be and remain contaminated, tainted, or affected by the Gas of the said Company, or Body Politic or Corporate, or Person or Persons as aforesaid.

LXXXIII. And whereas it may be or become a Question whether the said Water be contaminated or affected by the said Gas ; be it therefore enacted, That in every such Case it shall be lawful for the said Company of Proprietors of Waterworks, to dig to or about and search and examine the Mains, Pipes, Conduits, and Apparatus of the said Company, or Body Politic or Corporate, or Person or Persons as aforesaid, for the Purpose of ascertaining whether such Contamination proceed or be occasioned by the Gas of the said Company, or Body Politic or Corporate, or Person or Persons as aforesaid ; and if it shall appear that the said Water has been contaminated by the Gas of the said Company, or Body Politic or Corporate, or Person or Persons as aforesaid, the Expences of the said Digging, Search, Examination, and Repair of the Pavement of the Street or Streets which shall be taken up or disturbed, shall be borne and paid by the said Company, or Body Politic or Corporate, or Person or Persons as aforesaid ; which Costs and Expences shall be ascertained, if necessary, by any One Justice of the Peace for the said County of *Inverness*, and recovered in like Manner as any Penalty hereby inflicted is directed to be recovered ; but if it shall appear that such Contamination has not proceeded or arisen from the Gas of the said Company, or Body Politic or Corporate, or Person or Persons as aforesaid, then and in such Case the said Waterworks Company shall bear and pay all the Costs and Expences of such Digging, Search, Examination, and Repair, and shall also make good to the said Company, or Body Politic or Corporate, or Person or Persons as aforesaid, any Loss, Injury, or Damage which may be occasioned to their Mains, Pipes, Conduits, or Apparatus in and by such Search and Examination, and also to the Pavements of the said Street or Streets so broken or disturbed, and all other Expences incurred by Search or Examination ; the Amount of such Injury, Damage, and Expences to be ascertained, determined, and recovered in Manner aforesaid.

For ascertaining if the Water is contaminated.

LXXXIV. And be it further enacted, That it shall be lawful for the said Company and the Directors thereof, to recover the said Rates and Duties, and all Penalties incurred in virtue of this Act, before any competent Court, in the same Way and Manner as any Debt or lawful Claim can for the Time be recovered by the Laws of the Realm.

Recovery of Rates.

LXXXV. And be it further enacted, That the Directors shall cause to be laid before the said General Meeting to be held on the Second *Monday* of *July* yearly, a concise Report of their Proceedings and Management.

Directors to lay a Report of their Proceedings before

fore the General Annual Meeting.

for the preceding Year, which shall be engrossed in the General Record or Minute Book of the said Company, along with the Balance Sheet above mentioned and other Proceedings of such Meeting; and the Clerk shall cause to be engrossed, to be signed by the Chairman of such Meeting, a true and correct Account or Report of the Proceedings of every General, Special General, and Adjourned Meeting of Proprietors; and an Extract or Copy taken from the said Book, and duly certified by the Clerk, shall be received as Evidence of the Matters therein set forth and contained, to the same Effect as the Original; and the Clerk, Cashier, and all other Officers and Servants of the said Company, shall, when thereto required by the Chairman, or any other Director, give Access to all Books, Papers, Accounts, Vouchers, or Documents in his or their respective Keepings; and any Clerk, Cashier, Collector, or other Officer or Servant, who shall refuse so to do, shall for every such Offence forfeit and pay the Sum of Two Pounds Sterling, to be recovered in the same Manner as any other Penalty or Forfeiture inflicted or imposed by this Act.

Mode of Recovery of Fines and Forfeitures.

LXXXVI. And be it further enacted, That all Fines, Penalties, and Forfeitures inflicted or imposed by this Act (the Manner of levying and recovering whereof is not hereby particularly directed), may in case of Non-payment thereof be recovered in a summary Way before the Sheriff Depute or Substitute of the said County of *Inverness*, on Complaint to him for that Purpose exhibited, and afterwards be levied, as well as the Costs of such Proceedings, on Nonpayment, by Distress and Sale of the Goods and Chattels of the Offender or respective Offenders, or Person or Persons liable to pay the same, by Warrant of such Sheriff, who is hereby authorised and required to summon and examine any Witness or Witnesses upon Oath of and concerning such Offences, Matters, and Things, and hear and determine the same, and to fix and mitigate the said Penalties and Forfeitures according to his Discretion, and the Provisions in that respect hereinbefore contained; and the Overplus (if any) of the Money so raised or recovered, after discharging the Fine, Penalty, or Forfeiture for which such Warrant shall be issued, and the Costs and Expences of recovering and levying the same, shall be rendered to the Owner or Owners of the Goods or Chattels so seized and distrained; and in case sufficient Distress cannot be found, or such Penalties and Forfeitures shall not be paid, it shall be lawful for such Sheriff to order the Offender or Offenders so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant of Distress, unless the said Offender or Offenders shall give sufficient Security to the Satisfaction of such Sheriff for his or their Appearance before him on such Day or Days as shall be appointed for the Return of such Warrant or Warrants of Distress, such Day or Days not being more than Ten Days from the Time of taking any such Security, (and which Security the said Sheriff is hereby empowered to take by way of Recognizance or otherwise); but if upon Return of such Warrant or Warrants it shall appear that no sufficient Distress can be had thereupon, or in case it shall appear to the Satisfaction of such Sheriff, either by the Confession of the Offender or Offenders or otherwise, that such Offender or Offenders hath or have not sufficient Goods and Chattels whereon such Penalties, Forfeitures, Fines, Costs, and Charges may be levied if a Warrant of Distress were issued, such Sheriff

Sheriff shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for any such Sheriff, and he is hereby authorised and required, by Warrant under his Hand and Seal to commit such Offender or Offenders to the Gaol, Bridewell, or House of Correction for the County or Place wherein the Offence shall be committed, for any Time not exceeding Three Calendar Months, unless such Fines, Penalties, or Forfeitures, Costs and Expences, shall be sooner paid and satisfied; and One Moiety of such Fines, Penalties, or Forfeitures shall be paid to the Informer, and the other Moiety thereof shall be paid to the Poor of the Parish wherein such Offence shall be committed, to be applied towards the Relief of the Poor of such Parish.

LXXXVII. Provided always, and be it further enacted, That in case the said intended Works for supplying the said Burgh with Water shall not have been completed and made within the Space of Three Years to be computed from the passing of this Act, then from and after the Expiration of the said Term of Three Years, all the Powers, Authorities, and Privileges given by this Act shall cease and determine, save only and except as to so much, if any, of the said intended Works as shall have been declared and certified to have been completed within the said Term by the Justices of the Peace of the said County of *Inverness* assembled at any Quarter Sessions of the Peace to be holden in and for the said County, at any Time before the Expiration of the said Term of Three Years, or within Six Calendar Months next after the Expiration thereof, upon the Evidence of One Witness or Witnesses upon Oath, to be produced before them for that Purpose.

If Works not completed within Three Years, Powers to cease, except as to such Part as shall be completed.

LXXXVIII. And whereas the probable Expence of making the Cuts and Reservoirs required for supplying Water as aforesaid and Works connected therewith, and completing the same, will, according to an Estimate made thereof, amount to the Sum of Seven thousand two hundred Pounds, and Four Fifth Parts of such Expences have been already subscribed for defraying such Expences, under a Contract binding the Subscribers, their Heirs, Executors, and Administrators, for Payment of the several Sums of Money so subscribed by them respectively; be it enacted, That the Whole of the said Sum of Seven thousand two hundred Pounds shall be subscribed in like Manner before any of the Powers given by this Act shall be put in force.

All the Money to be subscribed before the Act be put into Execution.

LXXXIX. And be it further enacted, That no Action, Suit, or legal Process shall be brought against the said Company, or any Person or Persons employed by them, for any Thing done in pursuance of this Act, or in relation to the Matters herein contained, after Six Calendar Months from the Fact committed or complained of, save and except as may be herein excepted, or until a Notice of Twenty Days of the Intention to bring such Action, Suit, or legal Process shall first have been given, specifying the Grounds of Cause of Complaint; and every such Action, Suit, or legal Process shall be brought and tried before the Sheriff Court of the County of *Inverness*, and not elsewhere; and the Decision of such Court shall be final, and not subject to Review in any Court or in any Manner whatsoever: Provided always, that the Sheriff Depute or Substitute of the said County shall, if he shall see Cause, have full

Limitation of Actions.

[*Local.*]

37 L

Power

Power to order the Facts and Matters complained of, and the Amount or Quantum of Damages or Compensation, to be ascertained by the Verdict of a Jury or Juries, to be summoned and chosen in Manner hereinbefore provided.

Public Act. XC. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others, without being specially pleaded.

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