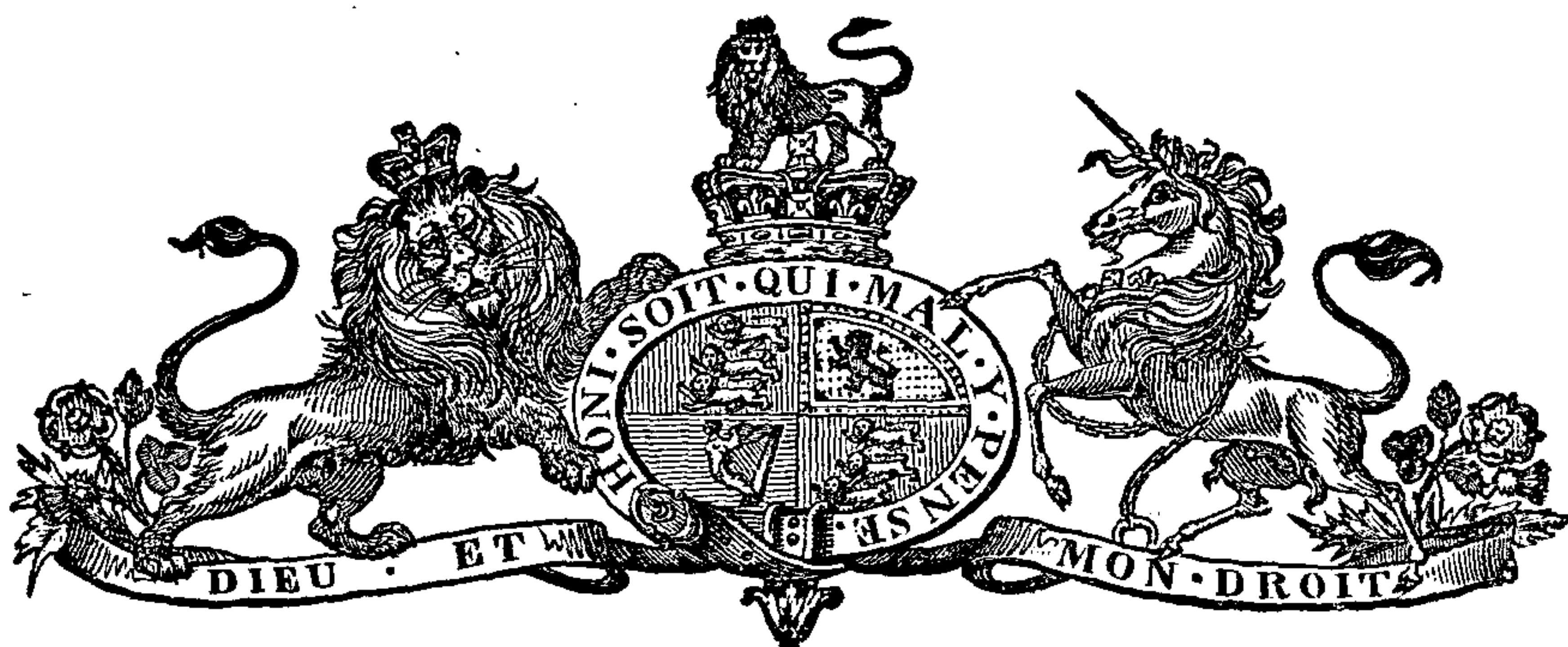




ANNO DECIMO SEXTO & DECIMO SEPTIMO

VICTORIÆ REGINÆ.

Cap. xcvi.

An Act to amend the *Gorbals* Gravitation Water Company's Acts, to authorize the Extension of their Works to supply the Royal Burgh of *Renfrew* and Suburbs and other Places with Water, and for other Purposes.

[8th July 1853.]

WHEREAS an Act was passed in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled "The *Gorbals* Gravitation Water Company Act, 1846," whereby certain Persons were incorporated by the Name of "The *Gorbals* Gravitation Water Company," and were empowered to supply with Water the Barony or Regality of *Gorbals*, and other Places included within the Limits of the said Act: And whereas another Act was passed in the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, intituled "The *Gorbals* Gravitation Water Company Act, 1850," whereby the said Company were empowered to extend their Works, and to construct new Works, to supply with Water the Royal Burgh of *Rutherglen* and other Places included within the Limits of the said Act: And whereas in the Exercise of the Powers contained in the said Acts the said Company have constructed and

[Local.] 17 X are

9 & 10 Vict.
c. ccxlvii.

13 & 14 Vict.
c. xcii.

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are constructing extensive Works, and have obtained and are now distributing a copious and continuous Supply of pure Water, greatly to the Advantage and Comfort of the said District of *Gorbals* and other Places : And whereas the Royal Burgh of *Renfrew* and Suburbs thereof, and Places intermediate and adjacent, and the Population, Trade, and Commerce thereof, have of late Years increased and are increasing : And whereas the present Supply of Water to the said Burgh and Places is inadequate, and it would promote the Health, Comfort, and Cleanliness of the Inhabitants thereof, and would also be advantageous to the Trade, Commerce, and Manufacture of the said Burgh, Suburbs, and Places, if a plentiful and continuous Supply of pure and wholesome Water were provided for domestic, manufacturing, and other Purposes : And whereas the said Company can afford such Supply of Water, and it would be attended with public and local Advantage and Convenience if the Company were authorized so to do : And whereas it is expedient that Powers should be granted to the Company to raise further Sums of Money for the Purposes of the said second-recited Act and of this Act, and also that some of the Provisions of the said recited Acts should be altered, amended, and enlarged : But the Objects aforesaid cannot be effected without the Aid and Authority of Parliament : May it therefore please Your Majesty that it may be enacted ; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

10 & 11 Vict.
c. 17. and
8 & 9 Vict.
c. 19. in-
corporated
with this
Act.

I. That " The Waterworks Clauses Act, 1847," except the Provisions thereof with respect to the Payment and Recovery of the Water Rates, and with respect to the Amount of Profit to be received by the Undertakers, and " The Lands Clauses Consolidation (*Scotland*) Act, 1845," shall for the Purposes of the new Works by this Act authorized be incorporated with and form Part of this Act.

Short Title.

II. That in citing this Act for any Purpose whatsoever it shall be sufficient to use the Expression " The *Gorbals* Gravitation Water Company Act, 1853."

Interpreta-
tion of
Terms.

III. That the Expression " the Company " in this Act shall mean " The *Gorbals* Gravitation Water Company."

Power to
raise addi-
tional Capi-
tal for Works
by this Act
authorized.

IV. That whereas the estimated Expense of the new Works by this Act authorized is Ten thousand Pounds : It shall be lawful for the Company to raise for the Purposes of such Works, in addition to the Sums which they are by the said recited Acts and herein-after authorised to raise, any further Sum of Money not exceeding in the whole the said Sum of Ten thousand Pounds, by the Creation of new Shares or Stock of the Company.

V. That

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V. That whereas, in addition to the Capital authorized to be raised by "The Gorbals Gravitation Water Company Act, 1850," for the Purposes of such Act, the Sum of Twenty thousand Pounds will be necessary to complete the Works thereby authorized: It shall be lawful for the Company to raise for the Purposes of the said last-mentioned Act, in addition to the Sums which they are by the said recited Acts and herein-before authorized to raise, any further Sum of Money not exceeding in the whole the said Sum of Twenty thousand Pounds, by the Creation of new Shares or Stock of the Company.

Power to raise additional Capital to complete Works of 1850.

VI. That the said Two Sums of Capital so to be raised by the Creation of new Shares or Stock shall respectively be divided into Shares of such Amount as may conveniently be apportioned according to the Order of and subject to the Conditions and the Dividends to be fixed by any General Meeting or Extraordinary General Meeting of the Company, and shall be considered as Part of the general Capital of the Company, and shall be subject to and have the same Provisions, Rights, and Privileges in all other respects as if such Capital had been Part of the original Capital of the Company, and as are provided by the said recited Acts and "The Company's Clauses Consolidation (*Scotland*) Act, 1845," and the Provisions of such Acts for the Purposes aforesaid shall be incorporated with and be applicable to the Purposes of this Act, except as to the Conditions and Dividends respectively to be fixed as aforesaid, and except also as to the Times of making Calls, and the Amount of such Calls, which the Directors of the said Company shall fix from Time to Time as they shall think fit.

Provisions as to new Shares.

VII. That after the whole of the Sums by this and the recited Acts authorized to be raised by Shares shall have been subscribed for, and One Half thereof paid up, it shall be lawful for the Company to borrow on Mortgage or Bond, in addition to the Sums authorized to be borrowed by the said recited Acts, and if subsequently paid off again to borrow, any Sums of Money, so that the Amount borrowed by the Company at any One Time shall not exceed in the whole One Third of and in addition to the Capital so authorized to be raised by Shares, and that in the Form and Manner provided by the said recited Acts.

Power to borrow Money on Mortgage.

VIII. Provided always, That all Mortgages or Bonds made or granted by the Company before the passing of this Act, and which shall be in force at the Time of the passing of this Act, shall during the Continuance thereof have Priority over any Mortgages or Bonds to be made or granted in virtue of this Act.

Former Mortgages to have Priority.

IX. That

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Application
of Money to
be raised.

IX. That the Money herein-before authorized to be raised, either by the Creation of Shares or Stock, or by borrowing, shall be applicable only to the Objects and Purposes by this Act authorized.

Power to
construct
Works ac-
cording to
deposited
Plans.

X. That whereas a Plan and Section describing the Line and Levels of the intended Mainpipe Track, and describing also the Situation of the intended Works, and the Lands or Road on, under, or along which the same is to be made and maintained, and a Book of Reference to the said Plan containing the Names of the Owners, Lessees, and Occupiers of such Lands or Road respectively, have been deposited at the Office at *Glasgow* of the Principal Sheriff Clerk for the County of *Lanark*, and at the Office at *Paisley* of the Principal Sheriff Clerk of the County of *Renfrew*: It shall be lawful for the Company, subject to the Provisions and Restrictions contained in this Act and in the Acts incorporated herewith, to make and maintain the Works herein-after described and such other Works in relation thereto as may be necessary for the Purpose of conveying and distributing a Supply of Water from the Works of the Company to the said Royal Burgh of *Renfrew*, Suburbs thereof, and Places intermediate and adjacent, according to and in the Line and Situation, and upon the Lands or Road delineated on the said Plan and described in the said Book of Reference, and according to the Levels defined on the said Section, and to enter upon and use such Part of the said Lands or Road as shall be necessary for that Purpose.

Mainpipe
Track to be
constructed.

XI. That it shall be lawful for the Company to lay down, construct, maintain, and uphold a Pipe or Main Track in connexion with the existing Pipes of the Company, commencing at a Point at or near *Pollock Street* in that Part of the City or Municipality of *Glasgow* on the Turnpike Road from *Glasgow* to *Govan* and *Renfrew*, and proceeding on, under, or along the said Road, and terminating at or near the Cross or Market Place of the said Royal Burgh of *Renfrew*, and also to construct, make, and maintain all such further and other Works, and to lay all such Main, Branch, and Service Pipes as may be necessary for the Purposes of this Act.

Period for
opening up
Road limited.

XII. That the Powers of the Company to open up the said Lands or Turnpike Road for the Purpose of laying down the said Pipe or Main Track shall not be exercised after the Expiration of Two Years from the passing of this Act.

Period for
Completion
of Works.

XIII. That the Works by this Act authorized to be made shall be completed within Two Years from the passing of this Act, and on the Expiration of such Period the Powers granted by this Act and the Acts incorporated herewith for executing such Works, or otherwise in relation

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relation thereto, shall cease to be exercised, except as to so much of the said Works as shall then be completed: Provided always, that nothing herein contained shall extend or be construed to extend so as to restrain the Company from extending their Mains and Pipes, from Time to Time, whenever it shall be necessary, for the Purpose of supplying the Inhabitants and Works within the Limits of this Act with Water.

XIV. That the Company, in conducting their Operations under this Act, on, under, or along the said Turnpike Road within the Limits of this Act, shall be subject and liable to the Provisions specified and contained in the Hundredth Section of the Act passed in the First and Second Years of His late Majesty *William* the Fourth, Chapter Forty-three, intituled *An Act for amending and making more effectual the Laws concerning Turnpike Roads in Scotland*: Provided always, that in the event of any Difference between the Company and the Trustees of the said Turnpike Road as to the Amount of Expense incurred by the Trustees under the said last-mentioned Act, the same shall be determined summarily by the Sheriff of the County of *Lanark*, whose Decision shall be final, and who shall find Costs due to either Party, as may appear to be just.

Company, in conducting their Operations, to be subject to Provisions of 1 & 2 W. 4 c. 43.

XV. That in case the said Trustees shall at any Time hereafter alter the Lines or Levels of any Portion of the said Road on, under, or along which the said Pipe or Main Track is laid, the Company shall from Time to Time be bound, on receiving Two Months Notice of such Alteration, and at their own Expense, to lift and relay such Pipe or Main Track to the Satisfaction of the said Trustees or their Surveyor, or in case of Difference to the Satisfaction of the Sheriff of the County of *Lanark*, and who shall find Costs due to either Party as may appear to be just.

Company to lift and re-lay Pipes on Turnpike Road, if Levels altered.

XVI. That it shall be lawful for the Company to open and break up all Streets, Roads, Wharfs, Quays, Lanes, Closes, and Thoroughfares within the said Burgh, Suburbs, and Places, and to lay down Pipes therein for the Purpose of distributing the Water under the Provisions of this Act.

Power to open and break up Streets, &c.

XVII. That it shall be lawful for the Company to demand and receive, for and in respect of any Water supplied under the Provisions of this Act, the same Rates as the Company are by the said first-recited Act authorized to demand and receive for and in respect of Water supplied under the Provisions of such Act, and the same Parties shall be liable for such Rates, and the Company shall have the same Remedies in respect to the Payment and Recovery thereof, as are provided by that Act; and the Provisions of such Act for the

Same Rates to be taken as in first-recited Act.

[*Local.*]

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Purposes

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Purposes aforesaid shall be applicable to the Purposes of this Act, and the Profits of the Company in respect of the Capital by this Act authorized shall be subject to the same Limit as is provided by the said first-recited Act.

Limits of
Act.

XVIII. That the Limits of this Act shall comprehend the said Royal Burgh of *Renfrew* and Suburbs thereof, and Places intermediate and adjacent, all situate in the Parishes of *Renfrew* and *Govan* and Counties of *Renfrew* and *Lanark*; but the Provisions of this Act shall not confer Power on the Company to extend their Supply to any Place or Party within the Parliamentary Boundary of the Burgh of *Paisley*.

Power to
erect Foun-
tains.

XIX. That it shall be lawful for the Company to erect Wells or Fountains on the Streets or other convenient Places where the Company may find it convenient to do so within the Limits of this Act for supplying the Inhabitants with Water, and afterwards to remove the same when and as often as they see Cause; and all Persons, other than Persons receiving Parochial Relief, who shall draw Water from such Wells or Fountains for domestic or manufacturing Purposes, or for the Use of Cattle, or for any other Purpose requiring a regular Supply of Water, shall be liable to pay the Water Rates, according to the actual Amount of the annual Rent or Value of their Possessions, in the same Way as is provided in the Case of Persons who draw Water from Pipes within their Premises; and any Person who shall improperly interfere with, break, or injure in any way such Wells or Fountains, or the Apparatus therewith connected, or any other Part of the Works or Property of the Company, or who shall flush or draw off the Water of the Company so that it shall be unnecessarily wasted, shall be liable to pay the Company a Penalty not exceeding Five Pounds for each Offence, besides being liable for all the Loss, Damage, and Expense which may be occasioned thereby, to be recovered, with Costs of Suit, in a summary Manner before any competent Court.

Parties liable
in Rates in
Absence of
written
Agreement.

XX. That, in the Absence of a written Agreement to the contrary, the Occupier of any Buildings or Premises to or for the Use of which a Supply of Water by the Company has been furnished or taken, and all Persons who shall, by themselves, their Servants or Members of their Families, or otherwise, draw Water from the Wells or Fountains of the Company, shall (except in Cases where the Company may charge the Owners of Property in Terms of the said "*Gorbals Gravitation Water Company Act, 1846*,") be deemed to be the Persons with whom the Company have contracted, and who are liable in the Payment of the Charge for the same; and in the event of any Dispute arising as to the Liability of any Person charged with Rates, it shall be sufficient to prove by the Oath of One credible Witness that such Person

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Person has been furnished with or has drawn Water as aforesaid from the Pipes or Fountains of the Company, or the Service or other Pipes therewith connected.

XXI. That it shall be lawful for the Company to supply any Person with Water for other than domestic Purposes at such Rates and upon such Terms and Conditions as shall be agreed upon between the Company and the Person desirous of having such Supply of Water.

Water for other than domestic Purposes to be supplied by Agreement.

XXII. That it shall not be lawful for any Person to disconnect or otherwise separate from the Pipes of the Company any Service or other Pipe which may be connected therewith, unless with the previous written Permission of all the Occupiers and Inhabitants receiving a Supply of Water by means of such Service or other Pipe, and until the Lapse of Seven Days after a written Notice signed by him of his Intention to disconnect such Pipe (which shall specify the Time and Place of the intended Operations) shall have been left at the Office of the Company; and in the event of any Person disconnecting such Service or other Pipe without such Permission, or previously to the Lapse of Seven Days after such Notice, he shall be liable in and pay to the Company a Penalty not exceeding Five Pounds Sterling, besides all Loss, Damages, and Expenses that may be thereby occasioned, to be recovered, with the Costs of Suit, in a summary Manner, before any competent Court.

Penalty for injuring Pipes and Works

XXIII. That whereas it is expedient that a better Supply of Water should be provided for sanitary Purposes within the Royal Burgh of *Renfrew*: It shall be lawful for the Company to contract with the Town Council of the said Royal Burgh, for any Period not exceeding Three Years at One Time, for a Supply of Water for sanitary Purposes and for public Bathing Places and public Wash-houses, under the Charge of or belonging to the said Town Council, and that under such Terms and Conditions as may be mutually agreed upon: Provided always, that such Supply shall not be inconsistent with the Supplies required for the other Purposes of this Act.

Supply of Water for sanitary and public Purposes.

XXIV. That if the Company and the said Town Council shall not agree as to the Price to be paid by the said Town Council to the Company for such Supply, then such Price may be settled by Arbitration, in the Manner provided by "The Companies Clauses Consolidation (*Scotland*) Act, 1845," in regard to Matters to be settled by Arbitration under that Act.

Price of such Supply, how to be fixed.

XXV. Provided always, That nothing herein contained shall prejudice or affect any Agreement already existing between the Company and

Any existing Agreement not to be affected.

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and the said Town Council, in regard to the Supply of Water to the said Royal Burgh.

Undertaking
not exempt
from Pro-
visions of
any Act
relating to
11 & 12 Vict.
c. 63.

Expenses of
Act.

XXVI. That nothing herein contained shall be deemed or construed to exempt the Company from the Provisions of any General Act relating to the Public Health in *Scotland* which may pass during the present or any future Session of Parliament.

XXVII. That all Costs, Charges and Expenses incurred preparatory to and in applying for, obtaining, and passing this Act shall be paid by the Company.

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