



CHAP. cxliv.

An Act to create and incorporate a Public Trust for supplying Water to the city of Edinburgh, town and port of Leith, town of Portobello, and districts and places adjacent; to transfer to the Trust the undertaking and powers of the Edinburgh Water Company; and for other purposes. A.D. 1869.

[26th July 1869.]

WHEREAS an Act was passed in the fifty-ninth year of the reign of His Majesty King George the Third, intituled “An Act for more effectually supplying the city of Edinburgh and places adjacent with water,” whereby the persons therein named and referred to were incorporated under the name of “The Edinburgh Joint Stock Water Company,” to carry into effect the purposes of the said Act; and another Act was passed in the seventh year of the reign of His Majesty King George the Fourth, intituled “An Act for more effectually supplying the city of Edinburgh and places adjacent with water, and for supplying the town and port of Leith and places adjacent, and His Majesty’s dockyards at Leith, with water,” whereby the said Company was appointed to be called thereafter “The Edinburgh Water Company;” and another Act was passed in the fifth year of the reign of His late Majesty King William the Fourth, intituled “An Act to enable the Edinburgh Water Company to borrow a further sum of money;” and another Act was passed in the sixth and seventh year of the reign of Her Majesty Queen Victoria, intituled, “An Act to enable the Edinburgh Water Company to bring in an additional supply of water, and to alter and amend the Acts relating to the said Company;” and another Act was passed in the tenth and eleventh year of the reign of Her said present Majesty, intituled “The Edinburgh Water Company’s Act, 1847,” whereby the Acts before recited were, with certain reservations, repealed, and the proprietors of the said Company were reunited into a Company for better supplying with water the city of Edinburgh and town and port of Leith, and

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of the reign of Her said Majesty, intituled "The Edinburgh Water
16 & 17 Vict. Company's Act, 1853;" and another Act was passed in the nine-
c. xlix. teenth and twentieth year of the reign of Her said Majesty, intituled
19 & 20 Vict. "The Edinburgh Water Company's Act, 1856," whereby the two
c. xci. last-mentioned Acts were, with certain reservations, repealed, and the
said Company was reincorporated for the supply of water, as therein
mentioned; and another Act was passed in the twenty-sixth and
26 & 27 Vict. "The Edinburgh Water Company's Amendment Act, 1863:"
c. clxxxvii.

And whereas it is expedient that the supply of water to the said city of Edinburgh, town and port of Leith, and town of Portobello and places adjacent, should be provided by and placed under the control, regulation, and management of trustees, as representing and for and in behalf of the communities of the said city, port, and towns, and places adjacent, and that the undertaking of the company of proprietors of the Edinburgh Water Company, and their whole rights and privileges, lands, buildings, streams, reservoirs, water and other property, should be vested in the said trustees:

And whereas provisions were inserted in certain of the said Acts for a proposed transfer of the said undertaking, rights, and privileges to a public trust, but the said provisions are unsuited in certain essential particulars to existing circumstances, and cannot expediently be carried into effect, and it is expedient that other provisions should be made in regard thereto:

But such purposes cannot be effected without the authority of Parliament:

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

Short title. 1. This Act may be cited or referred to for all purposes as "The Edinburgh and District Waterworks Act, 1869."

Interpreta- 2. The following words and expressions shall have the several
tion of terms. meanings hereby assigned to them; that is to say,

The word "trustees" shall mean the trustees constituted and incorporated by this Act:

The words "clerk" and "treasurer" shall mean the clerk and treasurer respectively for the time being to be appointed by the trustees under this Act:

The words "the city" shall mean and include the city of Edinburgh within the limits described and defined in an Act passed

in the second and third year of the reign of His late Majesty King William the Fourth, intituled "An Act to amend the Representation of the People in Scotland," which limits are declared to be the municipal boundaries of the said city by "The Edinburgh Municipality Extension Act, 1856:"

The words "the town of Leith" shall mean and include the burgh of Leith within the limits described and defined in the Act to amend the representation of the people in Scotland before mentioned, which limits form the existing municipal and police boundaries of the said burgh :

The words "the town of Portobello" shall mean and include the burgh of Portobello within the limits described and defined in the said Act to amend the representation of the people of Scotland, which limits form the existing municipal and police boundaries of the said burgh :

The words "the Corporation of Edinburgh" shall mean the lord provost, magistrates, and council of the city of Edinburgh :

The words "the Corporation of Leith" shall mean the provost, magistrates, and council of the town of Leith :

The words "the Corporation of Portobello" shall mean the provost, magistrates, and council of the town of Portobello :

The words "the Company" shall mean the Edinburgh Water Company :

The word "shareholder" or "shareholders" shall mean shareholder or shareholders, or holder or holders of shares, of the Edinburgh Water Company, and shall include persons, companies, and corporations :

The word "shares" shall mean and include shares, half shares, and quarter shares in the capital of the Edinburgh Water Company :

The words "lands and heritages" shall bear the construction attached to them in the Act of the seventeenth and eighteenth year of the reign of Her present Majesty, intituled "An Act for the Valuation of Lands and Heritages in Scotland," and "the Valuation Act" shall mean the Act last mentioned, and include any Acts amending the same, and the "valuation roll" or "valuation rolls" shall mean the roll or rolls made up in terms of the said Acts :

The words "dwelling house" shall mean and include all premises used or occupied wholly or partly by any person or persons for residential purposes :

The word "owner" shall include joint owner, fiar, life renter, feuar, or other person in the actual possession or receipt of the

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rents of tenements, lands, and heritages of every tenure or description, and the factor, agent, or commissioner of such persons, or any of them, or any other person who shall intrude with or draw the rents :

The word "occupier" shall include tenant and sub-tenant, and the actual possessor of any land or premises, but shall not include a lodger or person in the occupation as tenant of a furnished house let for a less period than one year, but shall include the person by whom such furnished house is so let :

The words "the Police Acts of Edinburgh" shall mean "The Edinburgh Police Act, 1848," "The Edinburgh Police Amendment Act, 1854," "The Edinburgh Municipality Extension Act, 1856," and "The Edinburgh Provisional Order Confirmation Act, 1867" (including "The Edinburgh Provisional Order," thereby confirmed), or the Police Act or Acts in force within the city for the time being :

The words "the Police Acts of Leith" shall mean "The Leith Municipal and Police Act, 1848," "The General Police and Improvement (Scotland) Act, 1862," in so far as adopted within the town of Leith, and the Act (Public General) of 26 and 27 Victoria, cap. 60, with the provisional order thereby confirmed ; or the Police Act or Acts in force in the said town for the time being :

The words "the Police Act of Portobello" shall mean the Act (Public General) of 13 and 14 Victoria, cap. 32, in so far as the same has been adopted and is in operation, in the town of Portobello ; or the Police Act or Acts in force in the said town of Portobello for the time being :

The words "the collector" shall mean the collector or collectors for the time appointed under the Police Acts of Edinburgh, the Police Acts of Leith, and the Police Act of Portobello, if appointed by the trustees under this Act, or such other officer or officers as the trustees may from time to time appoint to collect the rates hereby authorized, or any of them :

The word "sheriff," unless where otherwise provided, shall mean the sheriff of the county of Edinburgh, or any one of his substitutes.

10 & 11 Vict.
c. 16. incor-
porated.

3. "The Commissioners Clauses Act, 1847," shall be and the same is (except when expressly varied by this Act) incorporated with this Act, with the exception of the following clauses and provisions ; that is to say,

With the exception of clauses 6 and 7 ;

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And with the exception of the provisions with respect to the election and rotation of the commissioners, when the commissioners are to be elected by the ratepayers, or other like class of electors; A.D. 1869.

And with the exception of the provisions with respect to the meetings and other proceedings of the commissioners, and their liabilities, but not including in such exception clauses 51, 52, and 53;

And with the exception of clauses 56 and 59;

And with the exception of the provisions with respect to the accounts to be kept by the commissioners;

And with the exception of the provisions with respect to the giving notices and orders, but not including in such exception clause 100;

And with the exception of clauses 105 to 108 (both inclusive).

4. "The Waterworks Clauses Acts, 1847 and 1863," except the provisions with respect to the construction of waterworks, and with respect to the amount of profit to be received by the undertakers, when the waterworks are carried on for their benefit, and except as regards any matter or thing otherwise provided for in this Act, shall be incorporated with this Act, and applied to the waterworks, lands, hereditaments, rights, easements, credits, and effects hereby vested in the trustees, or in, over, or upon which the trustees have, by this Act, any power or right; and the words "lands" and "streams," used therein, shall mean the lands and streams by this Act vested in the trustees, or over or in which the trustees have, by this Act, any power or right; and the expression "the undertaking," used therein, shall mean the undertaking and works of the Company by this Act vested in the trustees: Provided always, that the trustees shall not be bound to have the water constantly laid on under pressure, and that no penalty under the said incorporated Acts in respect of the supply shall attach to the trustees for a period of five years from the vesting of the undertaking in the trustees under this Act. 10 & 11 Vict.
c. 17. and
26 & 27 Vict.
c. 93. incor-
porated.

5. From and after the third Tuesday after the passing of this Act, the lord provost of the city of Edinburgh, and the provosts of the town of Leith and town of Portobello, all for the time being, with seventeen persons to be elected by the corporation of Edinburgh, and four persons to be elected by the corporation of Leith, and one person to be elected by the corporation of Portobello, shall be and are hereby appointed trustees for carrying this Act into execution, and shall be a body corporate under the name and style of "the Edin- Constitution
of trust.

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A.D. 1869. "burgh and District Water Trustees," and shall have perpetual succession and a common seal, with power to sue and be sued, and to purchase, acquire, take, hold, and dispose of lands and other property for the purposes of this Act, and all the other powers and privileges of a body corporate; and the lord provost of the city of Edinburgh for the time being shall be chairman of the said trustees.

Trustees how
to be ap-
pointed.

6. The corporations of Edinburgh, Leith, and Portobello shall as soon as may be, but not later than the third Tuesday after the passing of this Act, at a meeting of these respective bodies, to be called by their proper officers respectively for that purpose, proceed to the election of and elect trustees under this Act; and the said elected trustees, or any of them, may be members of the said respective corporations or not, as to the said corporations shall respectively seem fit; and the said elected trustees shall continue in office until the third Tuesday in the month of November one thousand eight hundred and sixty-nine, when they shall go out of office, and other trustees shall then be elected as aforesaid, to supply the place of the trustees going out of office, by the said bodies hereby authorized respectively to elect trustees; and such new trustees shall continue in office till the third Tuesday in the month of November one thousand eight hundred and seventy, when other trustees shall in like manner be elected in their room for a like period, and so annually thereafter; provided always, that the trustees going out of office may be re-elected.

Clerk to give
notice.

7. The clerk shall annually give notice in writing of its being necessary to make such election to the town clerks of Edinburgh, Leith, and Portobello respectively, one month at least previous to the said third Tuesday in November; and the said town clerks respectively shall immediately after such election intimate in writing to the clerk the names of the trustees so elected; and if, by reason of any neglect or other cause, there shall be any default in the election of any of the said persons, or in case any person elected shall decline to accept, or shall die, resign, or become disqualified, it shall notwithstanding be competent to the other trustees to carry this Act into execution until the vacancies so arising shall have been supplied in manner after provided.

Cases of non-
election, non-
acceptance,
death, re-
signation, or
disqualifica-
tion of
trustees.

8. In case of such non-election or non-acceptance, or of the death, resignation, or disqualification of any of the trustees to be so elected, it shall be lawful for the corporation by whom such election should have been made, or by whom the person declining to accept, or dying, resigning, or becoming disqualified, was elected, to elect from among their own number, or otherwise as aforesaid, a trustee

or trustees to supply the vacancy or vacancies thence arising; and failing their doing so within one month after such vacancy or vacancies shall have been intimated to them, which the clerk is hereby required to do immediately upon the occurrence thereof, or as soon thereafter as may be, it shall be lawful for the trustees, at their first meeting after the expiration of such month, to elect from among the members of the corporation so failing, or otherwise as aforesaid, a trustee or trustees to supply such vacancy or vacancies, and the trustee or trustees so elected shall continue in office until the next yearly election of trustees.

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9. The trustees shall hold their first general meeting at Edinburgh upon the first Thursday after the expiration of one month from the passing of this Act, and shall thereafter hold general meetings at such place and time as the trustees shall from time to time fix; and the chairman shall have power to authorize meetings of the trustees to be called by the clerk for carrying the purposes of this Act into execution; and all such meetings shall be called by intimation, either sent by post or delivered to each of the trustees at least twenty-four hours before such meetings are held; provided always, that it shall be lawful for the clerk, upon a requisition addressed to him by three or more of the trustees, to call meetings, which shall be convened in manner before provided: And at all meetings the chairman, or in his absence the preses of the meeting to be chosen by the trustees present, shall have a deliberative as well as a casting vote in case of equality; and any nine or more of the trustees shall be a legal quorum for carrying the whole purposes of this Act into execution; and it shall be lawful for the trustees present at any meeting to adjourn the same to any day which they may fix.

Meetings of trustees.

Quorum.

10. The trustees may from time to time appoint committees of their number for carrying the various purposes of this Act into execution, except the imposition of rates, and may delegate to such committees the powers competent to the trustees in whole or in part, and may name the convener of such committees and the quorum thereof.

Power to appoint committees.

11. Where the trustees are by this Act authorized or required to sell or convey any lands vested in them, they may convey such lands or such interest as the trustees have therein by deed under the hands of the chairman, or preses of the meeting at which such deed is authorized or signed, and the clerk, and such deed shall be otherwise completed according to the law and practice of Scotland.

Conveyance of lands by trustees.

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Trustees
may contract
for execution
of works.

12. The trustees, or any committee of their body thereunto specially empowered, may contract with any person for carrying into execution any of the operations hereby, or by the recited Acts, authorized; and such contract shall be signed by the chairman or preses and clerk, in name of the meeting at which such agreement or contract shall be made.

Trustees not
to execute
works, &c.

13. It shall not be lawful to employ any trustee or member of the town councils of Edinburgh, Leith, and Portobello, or the partner in business of any trustee or member of the said town councils respectively, to execute any of the operations by this Act or by the recited Acts authorized; and it shall not be lawful to appoint any person who shall have been a trustee or a member of the said town councils respectively to any office or emolument in the gift of the trustees until the expiration of twelve months after he shall have ceased to be a trustee or a member of the said town councils respectively.

Proceedings
to be entered
in a book,
and when
signed shall
be received
as evidence.

14. The trustees shall cause entries of all the proceedings of the trustees, with the names of the trustees who shall attend each meeting, to be duly made from time to time in books to be provided for the purpose, which shall be kept by the clerk, and every such entry shall be signed by the chairman or preses of the meeting at which the proceedings took place, and such entry so signed shall be received as evidence in all courts, and before all judges, justices, and others, without proof of such meeting having been duly convened or held, or of the persons attending such meeting having been or being trustees, or of the signature of the chairman or preses, or of the fact of his having been chairman or preses, all of which last-mentioned matters shall be presumed until the contrary is proved, and such books shall at all reasonable times be open to the inspection of any of the trustees.

Accounts to
be annually
prepared.

15. The treasurer shall, at or after the fifteenth day of May next after the passing of this Act, make up accounts of all monies received and expended by the trustees, and shall in like manner in every subsequent year make up an account of all monies received or expended by them, or under their authority or control, in the course of the year immediately preceding the fifteenth day of May in such year, and such account shall be audited by an auditor to be appointed in manner herein-after provided.

Appoint-
ment of
auditor.

16. The trustees shall annually appoint an auditor, whose duty it shall be to examine and audit the accounts of the trustees to be received from them or the treasurer, with the vouchers thereof, for

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which purpose the said accounts and vouchers shall be open for his examination at least one month previous to a yearly meeting at which they are to be examined and settled by the trustees; and such auditor may either make a special report on such accounts or simply confirm the same, and such report or confirmation shall be read at the meeting of the trustees to be held in every year for the examination and settlement of such accounts: Provided always, that in case the office of such auditor shall, before such accounts have been examined and audited by him, become vacant by death or from any other cause, the trustees shall appoint an auditor to supply such vacancy.

17. For the space of one month at least previous to the yearly meeting at which the accounts are to be examined and settled by the trustees as herein-after provided, such accounts shall remain open for inspection in such place as the trustees may appoint, due notice being given thereof by public advertisement in at least three Edinburgh and one Leith newspapers; and every creditor on the rates by this Act authorized to be levied, and every person paying any such rates, may at all reasonable times inspect such accounts.

Accounts to be open for inspection.

18. The accounts so made up, examined, and audited shall be laid before the trustees at a meeting to be held for that purpose in the month of June or July in every year, and such accounts shall be examined, and, if found just and true, shall be allowed and certified by the trustees under the hand of the chairman or preses of such meeting and of the clerk; and after such accounts shall have been allowed and certified the same shall be final in regard to all persons whomsoever, unless an appeal be presented against such account to the sheriff within one month from the date of such meeting, which appeal it shall be competent for any trustee, or for the corporation of Edinburgh, or corporation of Leith, or corporation of Portobello respectively, or for any creditor or ratepayer under this Act, to institute and prosecute; due notice in writing of such appeal having been given to the clerk at the time of presenting the same, by leaving with him a copy thereof, and of the reasons of appeal, and the sheriff shall dispose of the said appeal in a summary way, and his decision thereon shall be final and conclusive, and not subject to review on any ground or by any process whatsoever.

Accounts to be examined and settled annually.

19. As soon as the said accounts shall have been allowed and certified by the trustees as aforesaid, a detailed abstract thereof shall be prepared, printed, and circulated for the information of the trustees, and six copies thereof shall be transmitted, free of charge, to the town clerks of Edinburgh, Leith, and Portobello respectively,

Abstract of accounts to be printed and circulated.

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Undertaking
of the Com-
pany to vest
in trustees.

20. On the fifteenth day of May one thousand eight hundred and seventy the undertaking of the Company, and the whole powers, rights, and privileges, lands, buildings, streams, reservoirs, water, and other property of the Company, shall be transferred to and become vested in the trustees, subject to the payment of the preferable annuities, and the burdens, debts, and obligations of the Company other than those attaching to revenue, and the several sums payable by the trustees to the Company, as after specified, and subject also to all obligations and restrictions whatsoever to which the Company may then be subject under any of the recited Acts or otherwise: Provided always, that from the transfer made by this Act of the said undertaking, there is hereby excepted the undivided revenue, or profit, or other monies of the Company, whether the same be lying in the hands of its bankers or elsewhere, as well as all sums owing by any persons for water supplied, or otherwise, and all debts on current account up to the date of transfer, and also all pipes and other materials in store belonging to the Company at the time when the trustees obtain possession of the undertaking of the Company under the provisions of this Act: Provided further, that within six months after the said fifteenth day of May one thousand eight hundred and seventy the trustees shall produce to the Commissioners of Inland Revenue a copy of this Act, printed by Her Majesty's printers, and duly stamped with an ad valorem stamp duty, of the same amount as would have been payable in respect of a conveyance of said undertaking; and if the trustees shall not, within the said period of six months, produce to the said Commissioners of Inland Revenue such copy of this Act, duly stamped as aforesaid, the said ad valorem stamp duty shall be recoverable from the trustees, with full costs of suit, and all costs and charges attending the same.

Trustees to
take stores.

21. The Company shall sell and the trustees shall purchase the stores of pipes and other materials before referred to, at such prices as may be agreed on or as may be fixed, according to a valuation to be made by such person or persons of skill as may be mutually appointed by the Company and the trustees, and such price shall be paid to the Company on the delivery of the said stores and materials.

22. The trustees shall on or before the fifteenth day of May one thousand eight hundred and seventy pay to the Company the following sums: First, the sum of eleven thousand pounds expended by the Company on capital account in excess of the powers conferred on them by the recited Acts or any of them: Second, all other debts and obligations on capital account now due by the Company to an amount not exceeding two thousand pounds: Third, the sum of seven thousand five hundred pounds in full of the reserve fund of the Company which has arisen out of profits and has been expended on their undertaking: Fourth, all sums which may be expended by the Company on capital account after the ninth day of July one thousand eight hundred and sixty-nine, provided that such expenditure shall not be incurred without the consent of the lord provost of the city of Edinburgh, the provost of Leith, and the provost of Portobello, previous to the constitution of the trustees, or of the trustees after such constitution: Provided always, that the Company on payment to them of the sums first and second before mentioned shall be bound to exhibit to the trustees vouchers and discharges for the sums so paid.

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Sums to be paid by the trustees to the Company.

23. The Company shall pay all debts due by it as on the said fifteenth day of May one thousand eight hundred and seventy, for expenditure on revenue account incurred prior to that date, and the dividends to the shareholders for the year ending on the fifteenth day of May one thousand eight hundred and seventy.

Company to pay debts affecting revenue.

24. On and after the said fifteenth day of May one thousand eight hundred and seventy, this Act shall, as respects the lands and heritages to become vested in the trustees as aforesaid, be equivalent to a general conveyance thereof by the Company, according to the law of Scotland; and thereupon, in order to the completion of a feudal title to the said lands and heritages in the trustees, it shall be lawful for the trustees to expedite notarial instruments which shall specially set forth the lands and heritages to which the feudal title is thereby intended to be completed, and also this Act, and to record such notarial instruments in the manner and to the effect prescribed by "The Titles to Land Consolidation (Scotland) Act, 1868," with reference to lands conveyed by general disposition or conveyance.

Act equivalent to general conveyance of lands.

25. And with respect to the compensation to be made to the Company, be it enacted, that the trustees shall make payment to the several holders of ordinary and preference shares in the capital of the Company as at the fifteenth day of May one thousand eight

Compensation to Company.

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Annuities to shareholders of Company.

26. The trustees shall pay to the several holders of shares in the capital of the Company amounting to four hundred and fourteen thousand pounds perpetual annuities amounting to twenty-four thousand eight hundred and forty pounds per annum, being at the rate of six pounds per centum on the said sum of four hundred and fourteen thousand pounds, and every person entitled on the fifteenth day of May one thousand eight hundred and seventy to any of such shares shall be entitled to a proportion of the said aggregate amount of annuities corresponding to the proportion which the nominal amount of the share or shares to which he is entitled shall bear to the said sum of four hundred and fourteen thousand pounds, and the said annuities shall all rank *pari passu* with each other.

Annuities to vest in shareholders of Company.

27. The annuities granted and payable to the shareholders of the Company under the provisions of this Act shall be called "Edinburgh and District Water Annuities," and shall vest in and belong to the several persons who on the fifteenth day of May one thousand eight hundred and seventy are shareholders of the Company.

Annuities to be substituted for shares in Company.

28. The annuities shall in all respects be substituted for and represent the shares in the Company, and the several parties in whom any annuities become vested under this Act shall be possessed thereof respectively upon the same trusts, and subject to the same powers, provisions, charges, and liabilities as those upon and to which their respective shares in the capital of the company are on the date at which the said annuities become so vested as aforesaid held and subject, and the said annuities shall be conveyed or affected by any deed, will, or other instrument disposing of or affecting such shares.

Annuity debentures to be granted.

29. The trustees shall at their own expense grant and issue to every shareholder in whom any annuity becomes vested under this Act, or to his executors, administrators, or assignees, on demand in writing made by him or them to the trustees, and on delivery to the trustees of the certificate of the share, stock, or interest held by him or them in the capital of the Company, or on production of other evidence of his or their right thereto, debentures in the form contained in the schedule (A.) to this Act annexed for the amount of annuities to which such shareholder is entitled under the provisions of this Act; and if in any case the trustees shall not be satisfied with the evidence offered of the right to such share, stock, or interest, the sheriff may on appeal to him decide summarily

as to the evidence requisite, and the decision of the sheriff shall be final. A.D. 1869.

30. The said debentures shall be numbered in arithmetical progression, beginning with number one, and every debenture shall be distinguished by its appropriate number; and any debenture shall be renewed by the trustees when lost, worn out, or damaged, on production to them or the clerk or treasurer of evidence of the right of the annuitant requiring such renewal; and if in any case the trustees shall not be satisfied with the evidence offered by any annuitant, he may appeal to the sheriff, who shall decide summarily what evidence is requisite, and his decision shall be final; and for every such renewed debenture the trustees may demand, in addition to the amount of the proper stamp duty (if any) thereon denoted, a sum not exceeding two shillings and sixpence.

Debentures to be numbered and renewed.

31. The trustees shall keep a book called "the Register of Edinburgh and District Water Annuities," and shall enter therein from time to time, in alphabetical order, the names and designations of the several annuitants respectively entitled to the annuities, and the respective amount of their annuities; and every annuitant, or if such annuitant be a Corporation or Company, its clerk or agent, may at all convenient times inspect such register gratis, and may require a copy thereof or any part thereof, and for every one hundred words or any smaller number of words so required to be copied the trustees may demand any sum not exceeding one shilling.

Register of annuities.

32. If at any time an annuitant be desirous of having several debentures instead of one, or one debenture instead of several, for his annuities or any of them, then on any such debenture or debentures being produced to the trustees they may order the same to be cancelled, and shall thereupon issue to him, as he requires, one or more debenture or debentures for his annuities the debenture or debentures for which is or are so cancelled; and in every such case a proper entry of the substituted debenture or debentures shall be made by the trustees in the said register, and for every such substituted debenture the trustees may demand any sum not exceeding two shillings and sixpence: Provided that in every such case the amount or the aggregate amount of the annuities for which the substituted debenture or debentures are issued shall be the same as the amount or the aggregate amount of the annuities the debenture or debentures for which is or are so cancelled.

Debentures for altered numbers of annuities.

33. The debentures shall be admitted in all courts as *primâ facie* evidence of the title of the holder thereof, his executors, adminis-

Debentures to be evidence.

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A.D. 1869. — trators, or assignees, to the annuity therein specified, but the want of such debenture shall not prevent the holder of any annuity from disposing thereof.

Annuities to be personal estate.

34. The annuities shall be moveable or personal estate, and transmissible as such, and shall not be of the nature of heritable or real estate.

Annuities may be transferred.

35. Every annuitant may sell and transfer all or any of his annuities, and every such transfer shall be by deed duly stamped, in which the consideration shall be truly stated, and such deed may be according to the form in the schedule (B.) to this Act annexed, or to the like effect.

Transfer of annuities to be registered.

36. Every such transfer (when duly executed) shall be delivered to the trustees and be retained by them, and they shall keep a book called the "Register of Transfers of Edinburgh and District Water Annuities," and shall enter every such transfer therein, and shall indorse such entry on the transfer (such indorsement to be signed by the treasurer), and shall, on demand, deliver a new debenture to the transferee: Provided always, that on the request of any transferee an indorsement of the transfer to him shall be made on the debenture transferred instead of a new debenture being granted, and such indorsement being signed by the treasurer shall be considered in every respect the same as a new debenture: Provided also, that until such transfer be so delivered to the trustees the transferee shall not be entitled to receive any part of the annuities transferred: And for every entry of a transfer and indorsement, including such new debenture, when issued, the trustees may demand in addition to the stamp duty, if any, denoted on such new debenture any sum not exceeding two shillings and sixpence.

As to closing transfer books.

37. The trustees may close the register of transfers of annuities for any period not exceeding fourteen days before the fifteenth day of May and the eleventh day of November yearly, and any transfer made during the time when such register is closed shall, as between the trustees and the transferee, but not otherwise, be held as made after that time.

Transmission of annuities by other means than a written transfer to be authenticated by a declaration.

38. If the right to any annuity be transmitted in consequence of the death or bankruptcy of any annuitant, or in consequence of the marriage of a female annuitant, or by any lawful means other than by a transfer according to the provisions of this Act, such transmission shall be authenticated by the proper evidence thereof and by a declaration in writing as by this Act provided; and until the

transmission be so authenticated no person claiming by virtue thereof shall be entitled to receive any part of the annuity transmitted. A.D. 1869.

39. Every such declaration shall state the manner in which and the party to whom the annuity is transmitted, and shall be made and signed by some credible person before the sheriff or sheriff substitute of any county in Scotland, or before any justice of the peace or other magistrate or person lawfully entitled to take the same, and such declaration shall be left with the trustees, and thereupon they shall enter the name of the person entitled under such transmission in the register of annuities, and for every such entry the trustees may demand any sum not exceeding two shillings and sixpence. Contents of declaration.

40. If the transmission be by virtue of the marriage of a female annuitant, the declaration shall contain a copy of the register of such marriage, or other particulars of the celebration or effecting thereof, and shall declare the identity of the wife with the holder of the annuity; and if the transmission be by virtue of any will or testamentary instrument, or by intestacy, the confirmation or testamentary or testament dative, or the probate or letters of administration, or an official copy or extract thereof, shall, with the declaration, be produced to the treasurer, and upon such production in any of those cases the treasurer shall make an entry of the declaration in the register of transfers of annuities. Contents of declaration in cases of transmission by marriage or will.

41. The trustees shall not be bound to see to the execution of any trust, whether express, implied, or constructive, to which any annuity may be subject, and the receipt of the party in whose name any annuity stands in the register of annuities shall from time to time be a sufficient discharge to the trustees for any money payable in respect of such annuity, notwithstanding any trusts to which the same may then be subject, and whether or not the trustees have had notice of such trusts, and the trustees shall not be bound to see to the application of the money paid upon such receipt. Trustees not bound to regard trusts.

42. The annuities shall be computed from the said fifteenth day of May one thousand eight hundred and seventy, and shall be paid at the office in the city of Edinburgh of the treasurer in net money, clear of all deductions whatsoever (except income or property tax, or other tax in the nature thereof legally chargeable thereon), and shall be payable half yearly by equal proportions on the fifteenth day of May and the eleventh day of November in every year, and the first payment thereof shall be made on the eleventh day of November one thousand eight hundred and seventy for the half year preceding. Commencement and payment of annuities.

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Annuities
may be re-
deemed.

43. The trustees may from time to time, by agreement with any annuitant, redeem all or any of his annuities; and when any annuity is so redeemed an entry of the redemption thereof shall be made in the register of annuities, and thereupon the redeemed annuity shall be wholly extinguished.

Debenture
to be de-
manded be-
fore annuities
recoverable.

44. The trustees shall not be bound to pay any annuity until the party entitled thereto has demanded, as by this Act provided, a debenture for such annuity; and any annuity in arrear, and not wrongfully withheld by the trustees, shall not bear interest as against them.

Annuities re-
coverable by
suit.

45. If any annuity, or any part of an annuity, being payable, be not paid on demand thereof in writing made by the annuitant or his agent to the trustees, the annuitant may sue for and recover the same from the trustees, with interest at the rate of five pounds per centum per annum till paid, with expenses.

Annuities to
be preferen-
tial.

46. The annuitants shall be creditors of the trustees for payment of the annuities herein-before directed to be paid to them, and for the interest thereon, and expenses incident thereto, and the said annuities are hereby constituted preferential real burdens and liens on the undertaking to be vested in the trustees as aforesaid, and on any other works and property from time to time vested in or belonging to the trustees, and the rates and charges and revenue arising from the sale of water by the trustees, and the other revenues of the trustees: Provided always, that until the mortgages granted by the Company shall be paid off by the trustees under this Act, the same and the interest due and to become due thereon shall retain the preference over the annuities which they at present have over the share capital of the Company.

Unpaid divi-
dends to be
consigned in
bank.

47. If the dividends due to any of the shareholders of the Company shall remain unpaid on the eleventh day of November one thousand eight hundred and seventy, the amount thereof shall be consigned by the directors of the Company in any of the chartered banks in Scotland, on a receipt or receipts in the name of the lord provost of the city of Edinburgh and the clerk and treasurer, all for the time being, as in trust for such shareholders, until such dividends shall be called for by the parties entitled thereto, or their heirs or legal representatives, when the same shall be paid to such parties so entitled, or to such heirs or representatives.

Trustees and
Company
may enter
into agree-

48. It shall be lawful for the trustees and the directors of the Company to make and enter into all such agreements as to the management of the said works and property belonging to the

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Company as they shall think proper, for the more effectually or conveniently carrying into execution the provisions of this Act, or in relation thereto; and such agreements shall be binding upon the trustees and upon the Company.

A.D. 1869.
—
ments for carrying Act into execution.

49. On and after the fifteenth day of May one thousand eight hundred and seventy, being the date of the transference of the undertaking of the Company under this Act, all mortgages, bonds, securities for money, conveyances, contracts, agreements, and obligations previously granted, made, or entered into by the Company, under or by virtue of the recited Acts, or any other Act, in favour of or with any person or persons whomsoever in relation to the undertaking of the Company, and all liabilities arising out of the same or out of the recited Acts relating thereto, and all debts owing by the Company, shall be enforceable against and recoverable from the trustees, and shall be chargeable and charged upon the said undertaking to be vested in the trustees in virtue of this Act, and upon the monies to be received by the trustees under this Act, and shall remain in full force and effect and be and continue valid in law, and available in all courts of law and equity, until the same be fully satisfied, paid, performed, and discharged: Provided always, that if the trustees shall under this provision be called upon to pay and shall pay any debts against revenue due by the Company, they shall have relief therefor and for all expenses legally incurred in reference thereto against the Company or the annuitants.

Debts and liabilities of Company to be discharged by the trustees.

50. No action, suit, prosecution, or other proceeding whatsoever commenced either by or against the Company, previous to such transference in relation to the undertaking to be vested in the trustees as aforesaid, shall abate or be discontinued or be prejudicially affected thereby, but all such actions, suits, prosecutions, and other proceedings shall continue and take effect either in favour of or against the trustees in such and the like manner as the same would have continued and taken effect in relation to the Company if such transference had not been made; and all penalties by reason of any offence against the provisions of the recited Acts relating to the Company previous to such transference may be sued for, and all offences which may have been committed before such transference against the provisions of such Acts or any of them may be prosecuted, in such or the like manner to all intents and purposes as the same might have been sued for and prosecuted respectively if such transference had not been made.

Actions not to abate.

51. Immediately upon the undertaking of the Company becoming vested in the trustees under the provisions of this Act, everything

Proceedings under recited Acts saved.

A.D. 1869. before that time done or suffered under the recited Acts in relation to the said undertaking shall be as valid as if the same had not been transferred to the trustees; and such transference shall accordingly be subject and without prejudice to anything so done or suffered, and to all rights, liabilities, claims, and demands which, if the said transference had not been made, would be incident to or consequent on any and every thing done or suffered under the said Acts or any of them; and with respect to all such rights, liabilities, claims, and demands, the trustees shall to all intents and purposes represent the Company.

Company to furnish statements of their debts.

52. The Company shall within six weeks after the passing of this Act furnish to the trustees a statement of all their shares, ordinary and preferential, and of all sums borrowed on mortgage; and they shall also within the same period furnish to the trustees a statement of all their other debts and liabilities, so far as known to the Company, and not payable by the Company under the provisions of this Act, and the trustees shall on or before the fifteenth day of May one thousand eight hundred and seventy pay off or otherwise free and relieve the Company of all such debts and liabilities, and shall procure and exhibit to the Company proper receipts therefor and discharges thereof.

Purposes for which Company to continue incorporated.

53. From and after the fifteenth day of May one thousand eight hundred and seventy, the Company shall subsist only for the purpose of recovering and enforcing payment of arrears of calls on shares in their capital, and the rates, rents, charges, penalties, and other revenues due or owing to the Company previous to the date of the transference, and of ascertaining and recovering the price of the stores and other effects and funds reserved to the Company under the provisions of this Act, and of receiving and recovering the sums payable by the trustees to the Company, as herein-before provided, and of paying all debts attaching to revenue which may be due by the Company at that date, and distributing its funds and effects, after deducting such debts and all necessary expenses, among the shareholders, and of obtaining from the trustees exhibition of discharges of the debts and obligations due by the Company, as before provided, which, under the provisions of this Act, are to be paid by the trustees, and of winding up the affairs of the Company and carrying into effect the purposes of this Act, so far as relating to the Company; and the directors of the Company who are in office at the said date, and the survivors and survivor of them, shall continue without re-election to hold the office of directors, and shall have full power and authority to take all necessary proceedings for carrying into effect the several purposes herein-before mentioned.

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54. Upon the purposes before specified for which the Company is provided to subsist being fulfilled, the directors of the Company may grant a certificate to that effect under their common seal, which certificate shall be published once in the Edinburgh Gazette; and the Company shall thereupon be dissolved, and the several Acts herein-before recited which relate thereto shall be repealed, so far as regards the Company.

A.D. 1869.
 —
 Dissolution
 of Company.

55. When any of the dates referred to in this Act shall happen to be a Sunday, the several acts and proceedings appointed to take place on or before such date shall take place on or before the day next ensuing.

When date
 falls on Sun-
 day, the time
 extended till
 day after.

56. The trustees may from time to time extend the existing works, mains, and pipes of the Company, or any additional mains and pipes that may hereafter be constructed and laid by the trustees, whenever it shall be necessary for the purpose of supplying water to the inhabitants within the limits of this Act.

Trustees may
 extend and
 enlarge
 pipes.

57. In addition to maintaining the public wells now maintained by the Company under the recited Acts, the trustees shall put up, maintain, and supply in such places within the limits of compulsory supply as may be arranged between them and the respective corporations of Edinburgh, Leith, and Portobello a sufficient number of wells, fountains, and stand pipes, from which the poorer classes of the inhabitants shall be permitted to draw water for drinking and domestic purposes, but for such purposes only, and shall keep such wells, fountains, or stand pipes at all times properly charged with water; and the trustees shall be entitled, with the consent of the respective corporations, to alter the position of such wells, fountains, and stand pipes so as more effectually to suit the convenience of the inhabitants.

Additional
 public wells.

58. In order to provide against accidents to life or property by the bursting of any reservoir or embankment made or to be made under the provisions of the recited Acts, whenever it shall be represented to the sheriff substitute of the county or division of a county in which such reservoir or embankment is situated by the owners or occupiers of any dwelling house, mill, factory, or other works situated below such reservoir or embankment, and so as to be in danger of being destroyed or injured by the water of such reservoir or embankment in case it should escape therefrom, that such reservoir or embankment is in a dangerous state, such sheriff substitute shall forthwith make inquiry into the truth of such representation, and if he shall be satisfied that such reservoir or embankment is in

For protec-
 tion against
 accidents
 from reser-
 voirs and
 embank-
 ments.

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A.D. 1869. a dangerous state, he shall order and require the trustees within a time to be specified to put such reservoir or embankment into a proper state of repair, or construct such works as may be necessary to remove the danger; and in case the trustees shall not within the time so limited and to the satisfaction of such sheriff substitute have repaired such reservoir or embankment or constructed such works, or in case upon receiving such representation as aforesaid such sheriff substitute shall consider the danger to be so imminent as not to admit of delay, he may, if he shall think fit, order and direct the officer in charge of such reservoir or embankment, or any other person or persons whom he may think proper, to enter upon the premises of the trustees, and to open the sluices of such reservoir or embankment, or otherwise to let off so much of the water and to such a level as may be necessary to remove the danger, and to keep the water at the reduced level until such reservoir or embankment shall have been repaired, or such works as aforesaid shall have been constructed to the satisfaction of such sheriff substitute, signified by him in a writing superseding such order, or until such order shall be superseded upon appeal as herein-after mentioned; and no person acting under and in pursuance of such order shall be deemed a trespasser; and any person who shall obstruct and prevent any such person in the discharge of such order, or shall wilfully do any act in contravention of such order, shall for every such offence be liable to a penalty not exceeding fifty pounds: Provided always, that, except when the urgency of the case will not admit of the delay, such sheriff substitute before making an order to repair any such reservoir or embankment, or to construct any works as aforesaid, or to lower the water in any such reservoir, shall cause notice to be given to the clerk, and shall hear and consider any evidence that may be tendered on behalf of the trustees against the making of such order: Provided also, that if the trustees shall consider themselves aggrieved by any such order given or pronounced by such sheriff substitute, they may appeal against the same to the sheriff of the said county, who shall hear and determine such appeal, and may either confirm or supersede the order of such sheriff substitute as he may think proper; but until such order shall be superseded, it shall continue in full force, and the order or judgment of such sheriff shall be final, and not subject to review on any ground whatever, and all the costs, charges, and expenses of applying for, obtaining, and enforcing such order shall be borne by the trustees, unless the sheriff substitute making the order shall direct such costs, charges, and expenses, or a proportionate part thereof, to be borne by the parties applying for such order, which he is hereby

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authorized to do, and the costs of any such appeal as aforesaid shall be in the discretion of such sheriff: Provided further, that the trustees shall not be liable to pay any damages, penalties, costs, charges, or expenses for or in respect of or be answerable or accountable to any persons for any diminution or cessation of the supply of water, or any other breach or non-performance of their or any of their duties, liabilities, or obligations under this Act or the recited Acts which may be occasioned in or by or result from the execution of any such order as aforesaid, anything in this Act or the recited Acts to the contrary notwithstanding. A.D. 1869,

59. The limits of this Act shall comprise and include the city of Edinburgh, town of Leith (including the port thereof), and town of Portobello, and the parishes of Canongate, North Leith, South Leith, St. Cuthberts, and Duddingston, all in the county of Edinburgh, in so far as such parishes are not included in the said city and towns, and all places within the limits of supply of the Company, and the limits above described shall be termed the limits of this Act. Limits of Act.

60. The limits of this Act for the compulsory supply of water by the trustees shall comprise and include the city of Edinburgh, town of Leith (including the port thereof), and town of Portobello, and the limits last above described shall be termed the limits of compulsory supply. Limits of compulsory supply.

61. The trustees shall cause pipes to be laid, in so far as this may not have been already done, and water to be brought throughout all the streets within the limits of compulsory supply, and shall furnish to every owner or occupier of every house or part of a house occupied as a separate dwelling house, and of any shop, office, warehouse, or hotel situated within the said limits, by means of communication pipes and other necessary and proper apparatus, to be provided, laid down, and maintained at the cost of such owner or occupier, a sufficient supply of water for domestic purposes: Provided always, that the price to be charged for the water to be supplied to hotels shall be determined according to the provisions of section 63. Supply of water for domestic use within the limits of compulsory supply.

62. The trustees shall cause pipes to be laid down and water to be brought to all places within the limits of this Act beyond the limits of compulsory supply, whenever they shall be required by so many owners or occupiers of houses or parts of houses occupied as separate dwelling houses in such part of the district beyond the limits for compulsory supply as that the aggregate amount of water rate payable by them annually, at such rates as may be fixed by the trustees as herein-after provided, shall not be less than one tenth Supply of water for domestic purposes beyond the limits of compulsory supply.

A.D. 1869. — part of the expense of providing and laying down such pipes: Provided always, that no such requisition shall be binding on the trustees unless such owners or occupiers shall severally execute an agreement, binding themselves to take such supply of water for three successive years at least.

Supply for
shipping,
and for
brewers,
manufac-
turers, &c.

63. After the trustees shall have supplied from time to time all persons whatsoever having water conveyed to their dwelling houses, shops, offices, or warehouses, they shall supply water to shipmasters and others connected with shipping in the port of Leith, at such rate as the trustees may from time to time fix, which rate shall not exceed one shilling and sixpence per ton, and after affording such supply the trustees shall be bound to supply water to brewers, distillers, manufacturers, hotel keepers, or other persons requiring an extraordinary supply of water, or to any person for steam engine or railway purposes, or for warming or ventilating any premises, or for working any machine or apparatus, or for cattle kept for any trading purposes, or for horses, or for washing carriages, when such horses or carriages are kept for sale or hire, or are the property of a dealer, or for gardens supplied directly with water by means of pipes, conduits, or water runs, or by any means other than when carried in vessels and by the hand only from the interior of premises assessed on rental for water rates, or for fountains or ornamental purposes; such respective supplies being so furnished at such rates and upon such terms and conditions as shall be agreed upon between the trustees and the person desiring the same, or, in case of difference of opinion between them, by the sheriff of the county of Edinburgh for the time being, or, in the option of any of the foresaid parties requiring supplies of such surplus water, by any sheriff substitute of the said county, whose judgment and determination shall be conclusive and final and not subject to review: Provided always, that such rate shall not exceed ninepence for every one thousand gallons, where supplied in quantities of not less than one hundred thousand gallons in any one year, and that as far as possible the rate for such supply of water shall be uniform: Provided also, that in fixing the charge for the quantity of water supplied to any garden directly by means of pipes, conduits, or water-runs, the rent or value of which garden is included in the rent or value of any dwelling house to which it is attached, and which is supplied with water and assessed according to the rental of the same, a deduction shall be made equal to the amount of the ordinary rate charged on account of such garden having been included in and added to the rent or value of the dwelling house to which it is attached, and that no charge shall be made for water used for washing or

bleaching clothes in any private bleaching green attached to a dwelling house assessed for water rate where such bleaching green shall not form part of nor be connected with a garden: Provided further, that in the case of parties requiring or using annually one hundred thousand gallons of water or upwards for trading or manufacturing purposes, the trustees may at their own expense place a meter in the premises of such party, and it shall also be lawful for any party requiring or using such quantity to require that a meter shall be placed in his premises by the trustees at their own expense for the purpose of measuring the quantity of water used by him; and the trustees may inspect such meter at all reasonable and proper times, and the meters shall not be liable to be attached for rents, taxes, or assessments, or for the debts of the party.

A.D. 1869.

64. The provisions of "The Edinburgh Water Company's Act, 1856," in regard to the supply of the castle of Edinburgh and Her Majesty's dockyard at Leith, and also in regard to the supply of the Royal Infirmary and House of Refuge and prisons in the city of Edinburgh, shall remain in full force and effect.

Supply of castle, dockyard, and Royal Infirmary, &c.

65. The trustees shall and they are hereby authorized and required once in every year to estimate and fix the amount of money necessary to be levied for the purpose of defraying the cost, charges, and expenses of supplying the said city, towns, port, and district with water for and during the year then current, under which shall be comprehended the payment of the annuities, interest of any money to be borrowed under the provisions of this Act, expenses of management, maintenance of works, repairs, materials, wages, taxes, and other outgoings and charges, and the payment of the sum required to be annually set apart for a sinking fund as herein-after provided, together with the expense of distributing supplies of water and all other charges and expenses, in so far as the trustees may consider the same to be fairly and equitably chargeable against revenue.

Trustees to estimate annual sums required.

66. And in order to raise a sum of money sufficient for the purposes aforesaid, it shall be lawful for the trustees, and they are hereby authorized and required, once in every year, at a meeting to be held for the purpose on or before the last Monday of September, to assess and levy a rate, to be called "the domestic water rate," upon and from the occupiers of every house or part of a house occupied as a separate dwelling house, and of every shop, office, or warehouse within the limits of compulsory supply, according to the full annual value of such dwelling house and of such shop, office, or warehouse: Provided always, that the domestic water rate to be

Domestic water rate to be levied.

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Certain premises not to be assessed.

67. The domestic water rate authorized by this Act to be levied shall not be imposed in respect of the Royal Infirmary and House of Refuge and prisons in the city, nor in respect of the Leith Hospital, and the trustees shall be bound to supply water to these institutions free of charge: Provided that the necessary expenses of laying, maintaining, and upholding the pipes for conducting the water shall be defrayed by the managers of the Royal Infirmary and House of Refuge, and by the County Prison Board, and by the directors of the Leith Hospital, so far as these parties respectively are concerned.

Rates beyond limits of compulsory supply.

68. The trustees may levy for and in respect of the supply of water to any places beyond the limits of compulsory supply, and within the limits of this Act, such rates as they from time to time may fix, not exceeding to parties already supplied the rate the Company is authorized to charge at present.

Penalty for non-payment of domestic water rate.

69. If any person shall be in arrear of the domestic water rate or any portion thereof, on the first day of March in any year, one penny upon each pound of the rental of the lands and heritages in respect of which such person is assessed, in addition to the amount of the rate then due, shall be leviable from such person by way of penalty for neglect or failure in payment, and the trustees and collector are hereby authorized and required to levy and collect the same.

Rates for water to be regulated so as not to exceed expenses.

70. The trustees shall from time to time so regulate the rates to be levied for the supply of water under the provisions of this Act that the amount of such rates, with the other revenue of the trustees, shall be sufficient to pay the annuities payable under this Act,

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and the interest of money borrowed, together with all the charges and expenses specified in this Act, and such further sum as the trustees shall set apart, as herein-after provided, for the purpose of the sinking fund; and if in any year the rates and revenue received shall yield a sum more than sufficient for the purposes aforesaid, the trustees shall make a corresponding reduction in the domestic water rate to be in the next year assessed and levied: Provided always, that the said domestic water rate shall not exceed the amount by this Act authorized, and that the trustees shall not be bound under this Act to impose any rate which shall include a fractional part of a penny.

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71. The trustees may assess and levy the said domestic water rate prospectively in order to raise money to pay charges and expenses to be incurred thereafter, or retrospectively in order to raise money to pay charges and expenses already incurred; and such rate shall be assessed for the period from the fifteenth day of May in each year to the fifteenth day of May in the year following, commencing the first assessment of such rate on the fifteenth day of May in the year one thousand eight hundred and seventy for the year next ensuing; and such rate shall be payable at the offices of the collector, or at such other place or places as the trustees shall from time to time appoint, and at such date or dates as the trustees may fix.

Assessment
of rates.

72. When any premises in respect of which any person may be liable to be assessed to the domestic water rate under the provisions of this Act shall at the time of making up the valuation roll be unoccupied and unfurnished, but shall afterwards during the currency of the year to which such rate applies be occupied it shall be lawful for the trustees to insert the name of the occupier in a supplementary roll or book of assessment, and to levy from him or from the owner, if he be liable to pay the same, as in this Act provided, such part of the said rate as shall be proportioned to the time during which such person shall occupy such property, and every such person shall thereupon be deemed to all intents and purposes to be properly rated; and all such rates may be levied and recovered from the person who shall be liable to pay the same under the provisions of this Act in the same manner as other rates assessed under the provisions of this Act.

Unoccupied
premises may
be included
in supple-
mentary as-
sessment roll.

73. Deduction may be allowed by the trustees of the domestic water rate for any period during which any lands or premises shall not be let or occupied for three months consecutively in any one year, and owners who shall let for rent or hire lands or premises for

Deduction
in case of
partial occu-
pancy.

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A.D. 1869A less than a year shall themselves, as well as the occupiers, be responsible for the said rates, and the same may be recovered from such owners or from such occupiers as the trustees shall judge expedient: Provided always, that the occupier of any lands or premises let for a period less than a year by whom the said rates shall be paid shall be entitled to deduct from the rent payable to the person by whom the said lands or premises shall be so let the amount of the said rates in excess of the proportion thereof applicable to the period of his occupancy.

Assessment
roll to be
made up.

74. The trustees shall annually cause to be made up rolls or books of assessment from the valuation rolls showing the yearly rent or value of the lands and heritages within the limits of compulsory supply, and also of the lands and heritages within the limits of this Act, so far as such lands and heritages are liable to be assessed for the rates authorized to be levied under the provisions of this Act, and showing also the amount of such rates due by each occupier or owner, and according to which rolls or books such rates, or any of them, are intended to be levied, or showing the amount per pound of such rates; and in such rolls or books of assessment there shall in no case be entered any fractional part of a pound of the assessable yearly rent or value aforesaid, and when such fractional part shall not amount to ten shillings the sum shall not be entered at all in such yearly rent or value, and when such fractional part shall amount to or exceed ten shillings the sum shall be entered as one pound of such yearly rent or value, in addition to the actual number of pounds of such rent or value, and shall be assessed and reckoned accordingly; and such rolls or books of assessment shall be open to inspection by all ratepayers, in the hands of the collector, for such time as the trustees may fix; and the trustees shall have power to rectify any error which may be found in such rolls or books.

Recovery of
rates.

75. If any person assessed under the provisions of this Act shall refuse or neglect to pay any rates authorized to be levied hereby, or any portion thereof, on or before the expiry of three months after such rates are declared payable, the collector may make an attestation, written or printed, or partly written and partly printed, setting forth that the said person has failed to pay such rates, or any portion thereof, notwithstanding the same has been demanded from him by the collector by a notice delivered to or left for him on the premises in respect of which such rates are made, or at his dwelling house or place of business, and such attestation being made it shall be lawful for the collector to make application to the sheriff, who upon such application and production therewith of such attestation

shall grant summary warrant for recovery of the said rates, or the portion thereof remaining unpaid, and also for recovery of one penny upon each pound of the rental of the lands and heritages in respect of which such person is assessed in addition, in name of penalty, if such penalty shall have been incurred by nonpayment of the said rates or any portion thereof previous to the first day of March, as herein-before provided, which attestation, application, and warrant shall be in the form, as near as may be, contained in schedule (C.) hereunto annexed: Provided always, that nothing herein contained shall prejudice the right of the collector at any time after the said rates shall be payable, and that either before or after such warrant shall have been obtained, to prosecute, as he is hereby empowered to prosecute for, and recover before the Sheriff's Small Debt Court, or by any other legal form of proceeding, all or any part of such rates in arrear, with the addition, if such prosecution or proceeding for the said rates, or any portion thereof, shall not have been instituted previous to the first of March, of one penny upon each pound of the rental of the lands and heritages in respect of which the person so in arrear is assessed in name of penalty; and the collector shall be bound to preserve the warrants of all seizures or sales made under and in virtue hereof, and shall enter in a book to be kept for that purpose the names of the parties proceeded against, the rates due, the expense of the proceedings, and the true proceeds of each sale, which book shall be open to the inspection (without any fee) of all parties interested for three months after the date of each sale respectively; and at any time within that period it shall be competent to any party considering himself aggrieved to complain to the sheriff of anything done unjustly or oppressively in regard to such seizure or sale, such complaint being made in the form of a petition subscribed by the complainer, and the decision of such sheriff shall be final.

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76. No misnomer, mistake, or informality committed in any proceedings for recovery of such rates or expenses under the provisions hereof shall prejudice the recovery thereof, nor shall such proceedings fall, lapse, cease, or abate by the death, resignation, or removal of the collector instituting the same, or by any change in the persons holding office as trustees, but it shall be lawful for the collector for the time to prosecute and follow forth procedure commenced and carried on in the name of any previous collector in all respects as if such procedure had been taken by himself: Provided always, that it shall not be competent for any person to sue, nor for any court of law to entertain, any action or proceeding against the trustees, or the collector, or officers, or other persons employed in

Misnomers,
&c. not to
affect pro-
ceedings for
recovery of
rates.

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A.D. 1869. executing any warrant in reference to any rate or expense under the provisions hereof, by reason of any misnomer, mistake, or informality, if the goods or other effects seized or sold under such warrant were bonâ fide the property or in the lawful possession of the person actually liable in payment thereof.

Rates to be recoverable beyond limits of Act.

77. In case any person liable in payment of the rates authorized to be levied under and in virtue of the provisions hereof shall remove to any place beyond the limits of this Act, it shall nevertheless be lawful for the trustees and the collector, or other officers, to put the decrees and warrants which may be granted for the recovery of such rates, in manner before mentioned, into execution within or beyond the said limits, in the same manner as if such person had continued to reside within such limits, such decrees or warrants being first indorsed by a magistrate or sheriff or justice of the peace for the burgh or county within which they are to be put into execution.

Rates may be collected under local Police Acts.

78. If it shall appear to the trustees that the rates by this Act authorized may be more expediently levied, collected, or recovered under the provisions of the Police Acts of Edinburgh in the City, or of the Police Acts of Leith in the town of Leith, or of the Police Acts of Portobello in the town of Portobello, than under the provisions herein-before expressed, it shall be lawful for the trustees to levy, collect, and recover the said rates accordingly, and that along with the police assessment, or with the assessment for prison purposes, or separately, as may be deemed most expedient, notwithstanding the provisions herein-before contained.

Power to borrow on mortgage.

79. It shall be lawful for the trustees, for payment from time to time of the mortgage debt of the Company, and the several sums payable by the trustees to the Company as herein-before provided, with the expense of renewing main pipes and conduits, and of laying additional service pipes, if it shall be found necessary to incur such expense, to borrow on mortgage any sums not exceeding two hundred and twenty thousand pounds, and to make and grant mortgages and assignations of the property and works vested in and that may be vested in the trustees in virtue of this Act, and the rates to be levied by them under the provisions hereof, and other revenue of the trustees, in security of the payment of the money so borrowed, and interest thereon; and if after having borrowed the said sums, or any part thereof, the trustees pay off the same otherwise than by means of the sinking fund herein-after provided, it shall be lawful for them again to borrow the amount so paid off, and so from time to time; and the mortgages and assignations to be made and granted by the trustees may be partly in writing and partly printed, and shall be

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executed as after-mentioned: Provided always, that until the mortgage debt of the Company shall be paid off, the same so far as unpaid, with the interest thereon, shall be preferable to any sums borrowed under the powers in this clause contained, or borrowed by cash credit for the purposes in this clause mentioned, as well as to the annuities to be granted to shareholders; and the said annuities with interest due thereon and expenses incident thereto shall, subject to the preference of the unpaid mortgage debt of the Company, and interest thereon, also retain the preference by this Act provided over the sums borrowed under the powers of this clause, or by cash credit, for the purposes of the same as aforesaid.

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80. All mortgages to be granted under the provisions of this Act shall be signed at a meeting of the trustees by two trustees, of whom the chairman or preses of the meeting shall be one, and by the clerk and treasurer, in name and on behalf of the trustees, besides being under the common seal of the trust, and may be in the form as nearly as may be contained in the schedule (D.), and all such mortgages may be transferred by indorsation on the back thereof duly stamped, in the form as nearly as may be contained in the said schedule, or to the like effect.

Mortgages to be signed by two trustees, and may be transferred by indorsation.

81. It shall be lawful for the trustees to accept and take from any bank or banking company credit on a cash account to be opened and kept with such bank or banking company in the name of the trustees, according to the usage of bankers in Scotland, to the extent of the sum which the trustees are authorized to borrow as aforesaid, or any part thereof, and to make and grant mortgages and assignments of the property and works vested in or which may become vested in the trustees in virtue of this Act, and the rates to be levied by them under the provisions hereof, in security of the payment of the amount of such credit, or of the sums advanced from time to time on such cash account, with interest thereon, which mortgages and assignments may be in the form contained in schedule (D.) to this Act annexed, or as near thereto as may be: Provided always, that the whole sum due and owing by the trustees on such cash account, and for money borrowed by them on bonds or mortgages as aforesaid, shall not, when taken together, exceed the sums by this Act authorized to be borrowed.

Trustees may borrow on a cash account opened in name of trustees.

82. It shall be lawful for the trustees from time to time, in lieu of continuing on bond or mortgage the sums which they are authorized to borrow by this Act, to resolve to fund the whole of such sums, or such part thereof as they shall think fit, and on any such resolution being passed the amount stated therein shall be deno-

Trustees may fund debt and issue certificates of funded debt.

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A.D. 1869. minated "the Edinburgh and District Water Funded Debt;" and it shall be lawful for the trustees to issue to any person, company, or corporation paying to them any portion of the said sums a certificate of such person, company, or corporation being the holder of funded debt of the trust to the amount so paid, and every such certificate may be according to the form in the schedule (E.) to this Act annexed, or to the like effect, and shall be subscribed at a meeting of the trustees by at least two trustees, of whom the chairman or preses of the meeting shall be one, and by the clerk and treasurer, besides being sealed with the common seal of the trust: Provided always, that after the conversion of any part of the said sum into funded debt it shall not be lawful for the trustees to issue mortgages or assignments for or again to borrow the sum so converted, and the powers of borrowing by the trustees shall to the extent of the sum so from time to time converted into funded debt be extinguished: Provided also, that nothing herein contained shall make it compulsory on any creditor to accept of such certificate of funded debt in lieu of any bond or mortgage held by him.

Annuity to be paid.

83. The several holders of the said funded debt shall not be entitled to repayment of the capital thereof, but shall receive an annuity thereon at such rate as shall be fixed by the trustees in any resolution to be passed by them as aforesaid, and specified in the certificates issued to the holders of the said funded debt, and which annuity shall be payable half-yearly on the fifteenth day of May and the eleventh day of November in every year.

Power to grant terminable annuities in lieu of borrowing on mortgage.

84. It shall be lawful for the trustees from time to time, in lieu of borrowing or continuing on mortgage the sums by this Act authorized to be borrowed, to raise the same, or any part thereof, by granting to such persons as shall advance money for the purposes of this Act terminable annuities for life, or during such period and under such conditions, and at such rates, as the trustees shall decide, and by assigning the rates in security of the payment of such annuities, according to the form in schedule (F.) to this Act annexed, or to the like effect.

Register of holders of funded debt to be kept.

85. The trustees shall from time to time cause the names of the several parties who may be interested in such funded debt and terminable annuities as aforesaid, with the amount of the interest therein possessed by them respectively, to be entered in a book to be kept for that purpose, and to be called the "Register of Holders of Funded Debt and Terminable Annuities," and such book shall be accessible at all reasonable times to the several holders of such debt, or of mortgages or assignments granted by the trustees.

86. The interests of the several holders of such funded debt and terminable annuities, or any part of such interests, may be transferred or transmitted in the same manner, and subject to the same regulations and provisions, mutatis mutandis, as or according to which any mortgage or assignation to be granted by the trustees may be transferred or transmitted under the provisions of this Act, and the trustees shall cause an entry to be made in the register book to be kept as before mentioned of every such transfer or transmission, and for every such entry the trustees may demand any sum not exceeding two shillings and sixpence.

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Transfer of funded debt and terminable annuities.

87. The several holders of such funded debt and terminable annuities shall be creditors of the trustees for the payment of their annuities, and shall be deemed to hold by virtue of this Act a mortgage and assignation of the several rates to be levied by the trustees under the provisions of this Act, and of the whole property and works and revenue vested in the trustees, in security of such payment, which mortgage and assignation shall, subject to the preferential burdens and liens by this Act established, rank, *pari passu*, with the other mortgages and assignations made and granted under the provisions of this Act, and shall confer the like powers and privileges.

Security of holders of funded debt and terminable annuities.

88. It shall be lawful for the trustees to pay off any mortgage or debt due by them, and for the mortgagee or creditors to receive payment of the same on demand, or on such shorter notice than six months as the parties may agree upon, and payment so made shall be valid.

Trustees may pay off mortgage or debts by agreement.

89. The treasurer shall be bound if and when the sum allowed by this Act to be borrowed by the trustees has been actually borrowed to report that fact to the trustees.

Treasurer to report when borrowing powers exhausted.

90. In the event of any principal money borrowed by the trustees as aforesaid, or by the Company, or any interest thereon, or of any annuity or funded debt or terminable annuity not being paid within one month after such payment shall have become due, and after demand thereof in writing, it shall be lawful for any annuitant, mortgagee, or holder of funded debt holding annuities, mortgages, or funded debt in arrear to the amount or value of one thousand pounds, or for several annuitants, mortgagees, or holders of funded debt, holding annuities, mortgages, or funded debt in arrear to the value or amount of one thousand pounds in the aggregate, to render their security effectual by the appointment of a judicial factor; and the application for such appointment shall be

Arrears may be enforced by appointment of judicial factor.

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A.D. 1869. made by summary petition to the Court of Session, or in time of vacation, to the lord ordinary on the bills, who are hereby respectively authorized and required, on such application being made by any annuitant, mortgagee, or holder of funded debt or annuities, holding the respective sums or values of annuities, or mortgages, or funded debt in arrear, before specified, to appoint some person as judicial factor, to the effect and with the powers herein-after mentioned, unless previously to such application being advised the amount of such mortgages or annuities, as the case may be, with interest and expenses, shall have been paid to the petitioner or petitioners, or unless the said court or lord ordinary, as the case may be, shall be satisfied that consignation thereof should, under the circumstances, be accepted in lieu of payment, and such consignation be made accordingly, and the interlocutor making such appointment shall not be subject to review or appeal.

Powers and
duties of
judicial
factor.

91. The judicial factor so appointed, on finding security in common form, shall exercise all the powers conferred by this Act upon the trustees for and in relation to assessing, levying, and recovering the several rates by this Act authorized to be levied, and the trustees shall deliver to him all assessment books and other books and documents necessary for that purpose; and after defraying the expense of such application the said judicial factor shall from time to time apply and pay over the balance of the sums received by him to the several parties entitled to payment out of the rates and revenues; and unless previously recalled on the application or with the concurrence of at least three fourths in value of the applicants for the appointment of a judicial factor, such judicial factory shall continue not only until all arrears of mortgages and annuities due at the appointment of such judicial factor, and all interest due on any of the said sums, and any annuity or interest which shall have become due during his continuance in office, with interest and expenses, including the expenses of the application for such appointment, and of carrying the purposes thereof into execution, shall have been paid, but also until any half-year's annuity or interest which, although not due, may become current during his continuance in office, and a sufficient sum to meet expenses, shall have been paid or consigned in one of the chartered banks in Scotland; and upon payment and consignation as aforesaid of such annuities, interest, and expenses, it shall be lawful for the trustees to apply to the Court of Session or lord ordinary as aforesaid for the recall of the appointment of the judicial factor, who may recall such appointment accordingly.

92. If any shareholder of the Company shall intimate to the clerk on or before the thirty-first day of December one thousand eight hundred and sixty-nine that he elects to take the capital value of the annuity to which he would be entitled under the provisions of this Act, such capital value shall for that purpose be fixed at the rate of twenty years purchase of such annuity, and the trustees shall be bound to pay such capital value to such shareholder on the fifteenth day of May one thousand eight hundred and seventy; and to enable the trustees to provide for payment of the capital value of such of the annuities as the holders thereof may so elect to have paid in a capital sum, it shall be lawful for the trustees to borrow such sum as shall be necessary for paying the capital value of such annuities, and for such purpose the whole provisions of this Act, and of "The Commissioners Clauses Act, 1847," so far as herewith incorporated as to borrowing on mortgage and by cash credit, and as to the transmission, funding, and recovery by the appointment of a judicial factor of the sums so borrowed, but not as to the sinking fund, shall extend and be applicable to the additional power of borrowing hereby conferred, and the said capital sums, and the sums so borrowed to pay off the same, shall have the same preference and priority as is by this Act provided in regard to the annuities payable to the shareholders: Provided always, that separate registers of the holders of the mortgages that may be created under this provision, and of any funded debt into which the same may be converted, shall be kept, so that the sums so borrowed may be distinguished from those borrowed under the other powers of this Act.

A.D. 1869.

Provision for payment of shareholders who shall elect to take a capital sum.

93. It shall be lawful for the trustees and they are hereby required annually from the passing of this Act to set apart as a sinking fund from the rates the following sums; that is to say, for ten years from and after the passing of this Act a sum not less than one pound per centum per annum on the amount borrowed for the purposes of this Act other than payment of the annuities to the shareholders of the Company, or value of their shares, stock, and interest, and after the expiration of ten years from the passing of this Act a sum not less than one pound ten shillings per centum per annum on the said amount; and such sinking fund shall be from time to time applicable to the redemption of mortgages or annuities for the sums so borrowed, and the trustees shall, if necessary for carrying this provision into effect, purchase in and extinguish to such extent as may from time to time be required the funded debt that may be created in regard to such sums, and they may also in granting terminable annuities for such debt so arrange the

Sinking fund.

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A.D. 1869. amount and duration of the same as that effect may be given to
this provision.

Application
of penalties.

94. All penalties and expenses imposed by and incurred under this Act shall, when recovered, be paid to the treasurer for the purposes of this Act, and all expenses of prosecutions and convictions, in so far as not paid by or recovered from the person contravening the provisions of this Act, shall be paid by the trustees, and form a proper charge against the monies received by them in virtue hereof.

Form and
service of
notices.

95. Any notice, order, resolution, declaration, requisition, demand, or other proceeding made or given under this Act by the trustees, may be either in print or in writing, or partly in print and partly in writing, and it shall be sufficient in all cases where any such notice, order, resolution, declaration, requisition, demand, or other proceeding is required to be given to or served upon the owner or occupier of any property, and the name of such owner or occupier is unknown to the trustees, after due inquiry, to address the same to such owner or occupier, by his description as owner or occupier (as the case may be) of the premises (naming them) in respect whereof the same is given or served, without further name or description, and any such notice, order, resolution, declaration, requisition, demand, or other proceeding, may be served upon any owner, occupier, or other person, either personally or by sending the same prepaid through the post office, addressed to him by name at his last known place of abode or business, or by delivering the same to some inmate at his last known place of abode or business, or in case of an occupier to any inmate of the building in respect whereof the same is given or served, or if the building is unoccupied, it shall be sufficient to affix the same or a copy thereof upon some conspicuous part of such building; provided that this provision shall not apply to the recovery of the rates in so far as otherwise regulated by this Act.

Powers of
Company
may be
exercised by
trustees.

96. All the powers conferred upon the Company by the recited Acts or any other Act with reference to their undertaking, in so far as not repealed or superseded by this Act, or not superseded by the Acts incorporated herewith, shall and may be exercised and enforced by the trustees in the same way and manner, and as fully in every respect, as the same may be exercised and enforced by the Company.

Clerk may
act for
trustees.

97. Except in so far as by this Act otherwise expressly provided, all proceedings to be taken by or on behalf of the trustees may be

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taken by the clerk, who shall be entitled to represent the trustees and to act on their behalf. A.D. 1869.

98. Nothing in this Act contained shall be deemed to extend to or affect any Act of Parliament relating to Her Majesty's duties of customs or excise, or any other revenue of the Crown, or any lands, estates, or property of or belonging to the Crown, or any right of exemption, or privilege, or other right, or any claim of Her Majesty in right of Her Crown, or otherwise howsoever, or any proceedings at law or in equity by or on behalf of Her Majesty in any part of the United Kingdom of Great Britain and Ireland. Saving rights of the Crown.

99. Nothing in this Act contained shall operate to prevent or obstruct the application to the works hereby transferred of any Public Act in regard to waterworks that may be passed during the present or any future session of Parliament. Application of any public Act not to be prevented.

100. All costs, charges, and expenses incurred preparatory to and in applying for, obtaining, and passing this Act, or in any way incidental thereto, shall be paid by the trustees out of the rates to be levied by them under the authority of this Act and other revenues of the trust, or monies to be borrowed on the security of the same. Expenses of Act.

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SCHEDULES referred to in this Act.

SCHEDULE (A.)

Form of an Annuity Debenture.

No.

This is to certify, that *A.B.* [*name and designation*] is entitled to receive from the trustees appointed under "The Edinburgh and District Waterworks Act, 1869," an annuity of _____ pounds, payable by equal half-yearly portions on the fifteenth day of May and eleventh day of November in each year, beginning the first payment thereof on the eleventh day of November one thousand eight hundred and seventy [*or such other date as may be*] for the half year preceding, and so forth thereafter, and which annuity is preferably secured on the undertaking, property, and works vested in the said trustees in virtue of the said Act, or to be vested in them from time to time, and on the several rates and other revenue to be levied and received by them under the provisions thereof.

Dated this _____ day of _____
one thousand eight hundred and _____

[*Signed by the Chairman or Preses and one other Trustee, and by the Clerk and Treasurer, and to have the corporate seal affixed.*]

SCHEDULE (B.)

Form of Transfer of Annuity Debenture.

I, *A.B.*, [*name and designation*] in consideration of the sum of _____ paid to me by *C.D.* [*name and designation*] [*or other consideration, as the case may be*] do hereby transfer to the said *C.D.*, and his executors, administrators, and assignees, the annuity of _____ pounds No. [*as the case may be*] of "the Edinburgh and District Water Annuities," created under and by virtue of "The Edinburgh and District Waterworks Act, 1869," now standing in my name in the books of the trustees appointed under the said Act, with the rights and privileges, and subject to the conditions and provisions, specified in the said Act; and I the said *C.D.* do hereby agree to hold the said annuity subject to the same conditions and provisions.

In witness whereof [*insert testing clause according to the form of the law of Scotland. If executed furth of Scotland the form of execution and attestation used in England may be adopted.*]

SCHEDULE (C.)

A.D. 1869.

Attestation by collector, application to sheriff, and warrant, at the end of each volume of the roll or book of assessment.

(1.) ATTESTATION BY COLLECTOR.

I, *A.B.*, collector of rates for the Edinburgh and District Water Trustees, do hereby certify that this is the [first, second, or third, *as the case may be*] volume of the books of assessments according to which the domestic water rate for the city of Edinburgh [*or the town of Leith, or the town of Portobello, or as the case may be*] is leviable from the persons and others therein named for the year from Whitsunday

to Whitsunday

that the said rates became due and payable

on the day of ; that certain of the persons and others assessed in the said book have failed to pay the said rates, or a portion thereof, notwithstanding of the same having been demanded by me from them by notices delivered to or left for them on the premises assessed, or at the dwelling houses or places of business of such persons; and that the persons and others named in this volume who have so failed to pay the said rates, or a portion thereof, are those against whose names respectively the charges in this volume remain unpaid or otherwise undischarged at this date.

A.B., Collector.

[*Place and date.*]

(2.) APPLICATION TO SHERIFF.

To the honorable the sheriff of the county of Mid-Lothian or his substitute.

The petition of *A.B.*, collector of rates for the Edinburgh and District Water Trustees;

Humbly sheweth,

That by "The Edinburgh and District Waterworks Act, 1869," certain water rates are authorized to be levied within the limits of the said Act.

That, in terms of said Act, assessment books for levying the said rates for the year, from to were made up and delivered to the petitioner, in order to his levying and collecting the sums set opposite the names of the persons and others respectively therein entered, of which assessment books this is the volume.

That the said rates became due and payable on the day of .

That by the attestation of the petitioner, hereunto prefixed, it appears that certain of the persons so assessed have failed to pay the said rates or a portion thereof, notwithstanding of the same having been demanded from them by notices from the petitioner, delivered to or left for them on the premises assessed, or at their dwelling houses or places of business, and that the persons named in this volume who have so failed to pay are those against whose names respectively the charges in this volume remain undischarged in whole or in part at the date of the said attestation.

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That the said persons who have failed to pay the rates charged against them, or a portion thereof, before the first day of March, have incurred, in addition, a penalty of one penny upon each pound of the rental of the premises in respect of which they are assessed, in terms of the said Act.

That in these circumstances it becomes necessary to apply to your lordship for warrant to the following effect:

May it therefore please your lordship to grant summary warrant against the persons who have failed in payment as aforesaid for recovery of the said rates so remaining unpaid, in whole or in part, and penalty foresaid, and to authorize messengers-at-arms or officers of court to enter the house, place of business, or other premises of the persons who have failed in payment as aforesaid, and upon presentment, if asked only of the said warrant, or a copy thereof, certified by the sheriff clerk of the county of Mid-Lothian, along with the receipts of the collector for the rates wholly or partly in arrear by such persons respectively, and failing payment being immediately made of the rates in arrear and penalty aforesaid, together with the expense of obtaining said warrant, and the fees and charges of the messenger or officer, to seize, take possession of, and if such messenger or officer shall think proper, to remove so much of the goods and effects therein as shall appear to such messenger or officer to be sufficient for satisfying out of the proceeds of the sale thereof the said rates remaining unpaid, and penalty, with the costs and charges incurred or to be incurred in obtaining and carrying into execution the warrant which may be granted hereon against said persons respectively; and for these purposes to authorize the said messenger or officer to open, shut, and lock fast places; and further to authorize the said messenger or officer, if the said rates and penalty, together with said costs and charges, shall not be paid within three days next after seizure is made as aforesaid, to sell the said goods and effects so seized by public roup, either on the premises in which the same were so seized, or at the market cross of the city of Edinburgh, or in such other place as your lordship may appoint, returning the surplus of the price, if any be, and also any of such goods and effects as it may be found unnecessary to sell, after payment of the said rates and penalty, together with the costs and charges incurred in obtaining and carrying the said warrant into execution, and of such sale, to the owner of the said goods and effects.

(Signed) *A.B.* Collector.

(3.) WARRANT.

Edinburgh. [Date.] The sheriff [or sheriff substitute, as the case may be,] having considered the foregoing application and attestation, grants warrant as craved.

(Signed) *C.D.*

SCHEDULE (D.)

A.D. 1869.

(1.) *Form of Mortgage.*

Edinburgh and District Water.

Mortgage No. £

By virtue of "The Edinburgh and District Waterworks Act, 1869," we, "the Edinburgh and District Water Trustees," incorporated by the said Act, in consideration of the principal sum of [*specify amount*] paid by [*name and designation of mortgagee*] to our treasurer for the purposes of the said Act, do hereby grant and assign to the said [*name of mortgagee*], and his executors, administrators, and assignees, the property and works vested and to be vested in us, with the rates to be levied by us under the authority of the said Act, and other revenue of the trust, to hold to the said mortgagee and his foresaids until the said principal sum and interest thereon from the date hereof till paid, after the rate of [*here insert the stipulated rate*] per centum per annum, shall be fully paid and satisfied.

Dated this _____ day of _____ One thousand eight hundred and _____

[*To be signed by the Chairman or Preses and one other Trustee, and by the Clerk and Treasurer, and to have the corporate seal affixed.*]

Form of Transfer to be endorsed.

I, *A.B.*, within designed [*or I, A.B., executor, dative or otherwise, as the case may be, of the said within designed,*] do transfer this mortgage, with all right, title, and interest which I have under the same, to *E.F.* his [*or her or their, as may be,*] executors, administrators, and assignees. In witness whereof [*insert testing clause according to the law of Scotland. If executed furth of Scotland the form of execution and attestation used in England may be adopted.*]

Form of Mortgage for Cash Credit.

By virtue of "The Edinburgh and District Waterworks Act, 1869," we, "the Edinburgh and District Water Trustees," incorporated by the said Act, in consideration of our having obtained from [*name of the bank*] a credit on cash account to the amount of £ _____, to be operated upon by our treasurer for the purposes of the said Act, either by cheques or drafts under his hand, or by debiting the said account under his direction with obligations due and payable by us or under our authority, do hereby grant and assign to the said [*name of bank*] and their assignees the property and works vested in or which may become vested in us, in virtue of the said Act, and the rates to be levied by us under the authority of the said Act, and other revenue of the trust, and that in security and for payment of the amount of the said credit or otherwise of the sums advanced from time to time on the said cash account, with interest thereon, at the rates chargeable by the said bank on cash credit accounts for the time, to hold to the said bank and their foresaids until the said principal sum of credit, or such part thereof as may be advanced from time to time as aforesaid, and interest thereon, at the rates foresaid, shall be fully paid and satisfied.

[*To be executed as provided in regard to mortgages.*]

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SCHEDULE (E.)

Form of Certificate of Funded Debt.

No.

This is to certify that *A.B.* [*name and designation*] is the holder of pounds of "the Edinburgh and District Water Funded Debt," created by and under the provisions of "The Edinburgh and District Waterworks Act, 1869," and is entitled to receive an annuity on the said sum at the rate of per centum per annum.

Dated this day of one thousand eight hundred and

[*To be signed by the Chairman or Preses and one other Trustee, and by the Clerk and Treasurer, and to have the corporate seal affixed.*]

SCHEDULE (F.)

Form of Bond of Terminable Annuity.

By virtue of "The Edinburgh and District Waterworks Act, 1869," we, the trustees constituted by the said Act, in consideration of the sum of paid to our treasurer by *A.B.* of for the purposes of the said Act, bind ourselves to pay the said *A.B.*, and his executors, administrators, and assignees, an annuity of pounds per annum during the life of the said *A.B.* [*or for the period of years from and after the term of one thousand eight hundred and as the case may be*], payable half-yearly by equal portions at the terms of Whitsunday and Martinmas in each year; and in case of failure in punctual payment of such annuity, we bind ourselves to pay interest at the rate of five pounds per centum per annum on each term's payment until paid; and we grant and assign unto the said *A.B.* and his foresaids such portion of the rates and other revenues under the said Act as the said sum of does or shall bear to the whole sum which is or shall be borrowed upon the credit of the said rates and revenues to be held by the said *A.B.* and his foresaids until the said annuity and all interest that may become due thereon shall be fully paid and satisfied; declaring that the said annuity shall cease and determine at the term of Whitsunday or Martinmas immediately preceding the death of the said *A.B.* [*or at the term of one thousand eight hundred and as the case may be*]; and on payment of the annuities due at and preceding that term, with any interest that may have accrued thereon, the said rates and revenue shall be redeemed and freed of the annuity hereby granted in all time hereafter.

Dated this day of one thousand eight hundred and

[*To be signed by the Chairman or Preses and one other Trustee, and by the Clerk and Treasurer, and to have the corporate seal affixed.*]