



ANNO SEXTO & SEPTIMO

VICTORIÆ REGINÆ.

Cap. lxxxix.

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. [1st August 1843.]

WHEREAS an Act was passed in the Fifty-ninth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for more effectually supplying the City of Edinburgh and Places adjacent with Water*: And whereas another Act was passed in the Seventh Year of the Reign of His late 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 Dock Yards at Leith, with Water*: And whereas 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 whereas under the Authority of the said Acts the said Company have introduced a large Quantity of Water into the said City, Town, Port, Places, and Dock Yards, but the same has proved insufficient for the Use of the Inhabitants thereof, and it is necessary that a further Supply of Water should be brought into the said City, Town, Port, Places, and Dock Yards: And whereas such further Supply of Water would be highly advantageous to the Inhabitants of the said City, Town, Port, and Places, and to the said Dock Yards, and the said Company are willing and desirous to bring in the same, but it is necessary for that Purpose that the said Company should have Power to construct additional Works, and to raise a further Sum of Money:

[Local.] 32 E And

59 G. 3. c. 116.
7 G. 4. c. 108.
5 & 6 W. 4. c. 33.

Provisions of
recited Acts,
except as
altered or
repealed, to
extend to
this Act.

And whereas it is also expedient that the said recited Acts should be altered and amended; but the said Objects cannot be attained 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, That the before-recited Acts, and all the Provisions therein contained, shall remain in full Force in every respect, and shall be held to extend to every thing to be done under this Act, except such Parts of the said recited Acts as are already varied, altered, or repealed, or shall be varied, altered, or repealed by this Act.

Power to
borrow
Money.

II. And be it enacted, That, subject to the Provisions herein contained, it shall be lawful for the Company to borrow, in the same Form and Manner and on the same Terms in all respects as they are by the said recited Acts authorized to borrow such Sums of Money as shall from Time to Time be considered necessary by the said Company, not exceeding in the whole the Sum of Twenty thousand Pounds, in addition to the Sums which they are by the said recited Acts authorized to borrow.

Re-bor-
rowing.

III. And be it enacted, That if, after having borrowed any Part of the said Sum of Twenty thousand Pounds which they are hereby authorized to borrow, the Company pay off the same, it shall be lawful for them again to borrow the Amount so paid off, and so from Time to Time.

Securities to
be stamped.

IV. And be it enacted, That every Deed for securing Money to be hereafter borrowed by the Company shall be duly stamped, and shall truly state the Consideration Money.

Securities
without
Preference.

V. And be it enacted, That all Persons to whom Securities shall be given for any Money to be hereafter borrowed by the Company, or who shall be entitled to the Monies thereby secured, shall be entitled one with another to their respective Proportions of the Rates, Sums, and Premises and other Property comprised in such Securities, according to the Sums advanced by such Persons respectively, and to be repaid the Sums so advanced, without any Preference one above the other by reason of the Priority of the Date of any such Securities, or on any other Account whatsoever: Provided always, that nothing herein contained shall be held to alter, affect, or diminish any Security granted for Money borrowed under the said recited Acts, but the same shall remain good, valid, and effectual, and shall have Priority and be preferable to any Security which shall be granted by virtue of this Act.

Register of
Securities.

VI. And be it enacted, That a Register of such Securities shall be kept by the Clerk, and within Fourteen Days after the Date of any such Security an Entry or Memorial, specifying the Number and Date of such Security, and the Names of the Parties thereto, with their proper Designations, shall be made in such Register, and such Register may be perused at all reasonable Times by any of the Proprietors

Proprietors of the Company, or by any Person interested in such Security, without Fee or Reward.

VII. And be it enacted, That from Time to Time any Party entitled to any Security granted under this or the said recited Acts may transfer his Right and Interest therein to any other Person, by Deed duly stamped, wherein the Consideration Money shall be truly stated.

Transfer of
Security.

VIII. And be it enacted, That within Thirty Days after the Date of every such Transfer, if executed within the United Kingdom, or otherwise within Thirty Days after the Arrival thereof in the United Kingdom, it shall be produced to the Clerk, and thereupon the Clerk shall cause an Entry or Memorial thereof to be made in the same Manner as in the Case of the original Security; and after such Entry every such Transfer shall entitle the Transferee, his Executors, Administrators, or Assignees, to the full Benefit of the original Security in all respects; and no Party, having made such Transfer, shall have Power to make void, release, or discharge the Security so transferred, or any Money thereby secured; and for such Entry the Company may demand a Sum not exceeding the Amount of Two Shillings and Sixpence.

Entry of
Transfers
of Securities.

IX. And be it enacted, That the Interest on any such Security shall not be transferable except by Deed duly stamped.

Transfers of
Interest to
be stamped.

X. And be it enacted, That when any Person shall become entitled to any Share of the Stock of the Company by the Death or Bankruptcy or Insolvency of any Proprietor of the Company, or in consequence of the Marriage of a Female Proprietor, or by any other legal Means than by a Transfer according to the Provisions of this Act and the said recited Acts, such Person shall not be entitled to receive any Share of the Profits, nor to vote in respect of any such Share as the Holder thereof, until a Declaration in Writing shall have been made in such Manner as the Directors shall require; and every such Declaration shall state the Manner in which and the Party to whom such Share shall have been so transmitted, and shall be made and signed by some credible Person before a Justice, and such Declaration shall be left with the Clerk, and thereupon he shall enter the Name of the Person entitled under such Transmission in the Register Book of Proprietors of the Company, and for every such Entry the Company may demand any Sum not exceeding Two Shillings and Sixpence.

Transmis-
sion of
Shares by
other Means
than Trans-
fer to be au-
thenticated
by a De-
claration.

XI. And be it enacted, That if such Transmission have taken place by virtue of any testamentary Instrument or by Intestacy, the Confirmation or an Extract therefrom, or other sufficient Title, to be authenticated by a Declaration to be so made and signed as aforesaid, shall, together with such Declaration, be produced to the Clerk, and upon such Production the Clerk shall make an Entry of the Declaration in the Register of Transfers.

Proof of
Transmis-
sion by Will,
&c.

XII. And be it enacted, That the recording of such Declaration shall not imply any Liability on the Part of the Company for the Regularity

Recording
Declaration
not to infer

Liability of
Company.

Regularity or Validity of the Transfer or Title therein set forth; and all Payments of Dividends, or other Acts done by the Company, or by any of the Officers, without Notice of the Irregularity or Invalidity of any such Transfer or Title, shall be effectual, so far as the Company or such Officers are concerned, and shall exonerate them from all Claim on the Part of others alleging a preferable Right to such Shares or Dividends.

Receipts for
Money pay-
able to
Minors, &c.

XIII. And be it enacted, That if any Money be payable to any Proprietor of the Company, being a Minor, Idiot, or Lunatic, the Receipt of the Guardian of such Minor, Idiot, or Lunatic shall be a sufficient Discharge to the Company for the same.

Company
not bound to
regard
Trusts.

XIV. And be it enacted, That the Company shall not be bound to see to the Execution of any Trust, whether express, implied, or constructive, to which any Shares may be subject; and the Receipt of the Party in whose Name any such Share shall stand in the Books of the Company shall from Time to Time be a sufficient Discharge to the Company for any Dividend or other Sum of Money payable in respect of such Share, notwithstanding any Trusts to which such Share may then be subject, and whether or not the Company have had Notice of such Trusts; and the Company shall not be bound to see to the Application of the Money paid upon such Receipt.

Application
of Monies.

XV. And be it enacted, That the Money which shall be raised under the Provisions of this Act, whether by Loan or otherwise, shall be applied, firstly, in paying the Costs and Expences incurred in obtaining this Act, and all Expences preparatory or relating thereto; and, secondly, in carrying into execution the Purposes of this and the said recited Acts.

Securities to
be deemed
Personal
Estate.

XVI. And be it enacted, That all Securities to be hereafter granted by the Company, and the Sums thereby secured, shall be considered as Personal Estate, in whatever Terms the same may be granted.

Powers of
Directors.

XVII. And be it enacted, That the Directors shall have full Power and Authority, on behalf of the Company, to contract for and purchase all such Lands as may be necessary for the Purposes of this Act, and, in so far as the same or any Part of the Lands heretofore acquired by the Company under the Powers of the hereinbefore recited Acts or any of them may not be required for such Purposes, to dispose of the same or of any Part thereof, and also to treat and agree with every Person touching the Compensation to be made for any Damages to be done in the Exercise of the Powers given by this or the before-recited Acts, and to enter into and make such Contracts and Agreements with any Contractors, Agents, Workmen, Servants, or other Persons, for carrying on the said Undertaking and Works, as shall be thought expedient, and to enter into all Contracts and Agreements whatever touching the said Undertaking as they shall think proper, and to order how the several Works shall be carried on, and generally to direct and manage all and singular the Affairs of the Company, to contract Debt, borrow Money, and grant Bond for the same, and to do and execute all

Acts,

Acts, Matters, and Things which the Company are by this Act or the before-recited Acts authorized to do, save and except such only as are hereby or by the said recited Acts expressly directed to be done by the Proprietors at any Meeting to be held as therein directed.

XVIII. And be it enacted, That during the Execution of any Contract, made with the Company the Works in course of being executed under such Contract, and all the Materials of every Description brought upon or near such Works, for the Purpose of being used in the Execution of such Contract, shall, in all Indictments and other Proceedings instituted by them for the Purpose of protecting the same from Injury, be held to be the Property of the Company.

Materials to
vest in the
Company for
Purposes of
Prosecution.

XIX. And be it enacted, That no Director, by being Party to, or making, signing, or executing, in his Capacity of Director, any Contract or other lawful Instrument on behalf of the Company, or otherwise lawfully executing any of the Powers given to them under the said recited Acts or this Act, shall be subject to be sued or prosecuted, either collectively or individually, by any Person whomsoever; and the Bodies or Goods or Lands of the Directors or any of them shall not be liable to Execution of any legal Process by reason of any Contract or other Instrument so entered into, signed, or executed by them or any of them, or by reason of any other lawful Act done by them or any of them in the Execution of any of their Powers as Directors; and the Directors, their Heirs, Executors, and Administrators, shall be indemnified out of the Funds and Property of the Company for all Payments made or Liability incurred in respect of any Acts so done by them, and for all Losses, Costs, and Damages which they may incur in the Execution of the Powers granted to them; and the Directors for the Time being shall apply the existing Funds and Property of the Company for the Purposes of such Indemnity.

Indemnity
of Directors.

XX. And be it enacted, That the Company shall every Year cause an annual Account in abstract to be prepared, showing the total Receipts and Expenditure of all Funds levied by virtue of the said recited Acts and this Act for the Year ending on the Eleventh Day of *November* or some other convenient Day in each Year, under the several distinct Heads of Receipts and Expenditure, with the Statement of the Balance of such Account, duly audited and certified by the Directors, or some of them, and shall transmit a Copy of the said Account, free of Charge, to the Sheriff Clerk of the County of *Edinburgh* on or before the Thirty-first Day of *July* then next, which Account shall be open to the Inspection of the Public at all Business Hours, on Payment of the Sum of One Shilling for every such Inspection: Provided always, that if the Company shall omit to prepare or transmit such Account as aforesaid they shall forfeit for every such Omission the Sum of Twenty Pounds; and provided also, that the Company shall be bound, as heretofore, to submit their Accounts to the Commissioners appointed by the before-recited Acts, but the Books of the Company shall only be patent and open for the Inspection of all concerned during Business Hours for One

Company to
render an
annual
Account,
and transmit
a Copy
thereof to
the Sheriff
Clerk of the
County.

[*Local.*]

32 F

Month

Month subsequent to the annual General Meeting of the Company on the Second *Monday* of *December*:

Service of
Notices upon
Company.

XXI. And with respect to the Service of Notices upon the Company, be it enacted, That any Summons, Notice, Writ, or other Proceeding requiring to be served upon the Company may be served by the same being given personally to the Clerk of the Company, or being left at the Office of the Company, or in case there be no Clerk then by being given personally to any One Director of the Company.

Service by
Company on
Proprietors.

XXII. And with respect to any such Notice required to be served by the Company upon Proprietors of the Company, be it enacted, That, unless any such Notice be expressly required to be served personally, it shall be sufficient to transmit the same by Post, directed according to the Address in the Books of the Company or other known Address of the Proprietor, and in proving such Service it shall be sufficient to prove that such Notice was properly directed, and that it was so put into the Post Office.

Authentica-
tion of
Notices.

XXIII. And be it enacted, That every Summons, Demand, or Notice, or other such Document requiring Authentication by the Company, may be signed by One Director or by the Treasurer or the Clerk of the Company, and need not be under the Common Seal of the Company, and the same may be in Writing or in Print, or partly in Writing and partly in Print; and whenever a Notice or Intimation is appointed to be made or given under this or the said recited Acts by the Collector or Clerk or other Person, on behalf of the Company, the due Delivery or Service of such Notice or Intimation may be proved by the Evidence of One credible Witness.

Releases to
Witnesses.

XXIV. And be it enacted, That in all legal Proceedings under the said recited Acts and this Act general or other Releases, for the Purpose of qualifying any Person in the Service of the Company to give Evidence as a Witness, may be granted by any Two of the Directors; and every such Release or Discharge shall be effectual for the Purpose aforesaid.

Tender of
Amends.

XXV. And with respect to Actions brought in respect of any Proceedings under the Provisions of the said recited Acts or this Act, be it enacted, That if before Action brought, any Party, having committed any Irregularity, Trespass, or other wrongful Proceeding in the Execution of the said recited Acts or this Act, or by virtue of any Power or Authority thereby given, make Tender of sufficient Amends to the Party injured, such Party shall not recover in any Action brought on account of such Irregularity, Trespass, or other wrongful Proceeding; and if no such Tender shall have been made it shall be lawful for the Defender, by Leave of the Court where such Action shall be pending, at any Time before Issue joined, to pay into Court such Sum of Money as he shall think fit, and thereupon such Proceedings shall be had as in other Cases where Defenders are allowed to pay Money into Court.

XXVI. And

XXVI. And be it enacted, That, subject to the Provisions of this Act, it shall be lawful for the Company to agree with the Owners of the Lands which they are hereby authorized to enter into and take for the Purposes of this Act, for the absolute Purchase of any such Lands, or such Parts thereof as they shall think proper, and of all subsisting Leases therein, and of all Feu Duties, Annuities, or Incumbrances affecting any such Lands, and all Rights of Commonly or other Rights to which such Lands may be subject, and all other Estates or Interests in such Lands, of what Kind soever.

Power to
purchase
Lands.

XXVII. And be it enacted, That it shall be lawful for the following Parties, being seised, possessed of, or entitled to any such Lands, or any such Estate or Interest therein as aforesaid, to sell and dispoise and convey the same to the Company, and to enter into all necessary Agreements and grant all necessary Deeds for that Purpose, (that is to say,) all Corporations, Heirs of Entail, Liferenters, or others, having any other partial or qualified Estate or Interest, Married Women seised in their own Right or entitled to Terce, Tutors, Curators or Guardians, Curators of or Factors for Lunatics and Idiots, Trustees for charitable or other Purposes, Executors and Administrators; and the Power so to sell and convey as aforesaid may lawfully be exercised by all such Parties, not only on behalf of themselves, and their respective Heirs, Executors, Administrators, and Successors, but also for and on behalf of every Person entitled under any Deed of Entail, or in Reversion or Expectancy after them, if incapacitated, unborn, or not to be found, and as to such Married Women as if they were sole, and as to such Tutors or Curators or Guardians on behalf of their Wards, and as to such Curators or Factors on behalf of the Lunatics and Idiots for whom they act respectively, and that to the same Extent as such Wives, Wards, Lunatics, and Idiots respectively could have exercised the same Power under the Authority of this Act if they had respectively been under no Disability, and as to such Trustees, Executors, and Administrators, on behalf of the Infants, Issue unborn, Lunatics, Married Women, Creditors, or other Persons interested in such Lands, Estate, or Interest therein, and that to the same Extent as such Parties or Persons respectively could have exercised the same Powers under the Authority of this Act if they had respectively been under no Disability.

Parties un-
der Disabi-
lity enabled
to sell and
convey.

XXVIII. And be it enacted, That the Owners of any such Lands, or of any such Estate or Interest therein as aforesaid, and all Parties by this Act enabled to convey any such Lands, may agree to accept, and, subject to the Restrictions in this Act contained as to the Payment thereof, may accept Satisfaction for the Value of such Lands, or any Interest therein to which such Party shall be entitled, and in addition to Compensation for the Value of such Lands, or of the Interest therein to be so conveyed, such Parties shall be entitled to and may in like Manner accept Compensation for any Damage by them sustained by reason of the severing or dividing of such Lands, or otherwise owing to the Exercise of the Powers of this Act.

Acceptance
of Compens-
ation for
Price of or
Damage to
Lands.

XXIX. And

Amount of
Compensa-
tion to be
ascertained
by Valuation,
in case of
Parties un-
der Disabi-
lity.

XXIX. And with respect to the Consideration Money to be paid for any Lands to be purchased from any Party under any Disability or Incapacity, and not having Power to sell or convey except under the Provisions in this Act contained, and the Compensation Money to be paid for any permanent Damage or Injury to any such Lands, be it enacted, That such Consideration Money or Compensation shall not, except where the same shall have been determined by the Verdict of a Jury, under the Provision herein-after contained, be less than shall be determined by the Valuation of Two Surveyors or Valuers, one of whom shall be nominated by the Company, and the other by the other Party, and if such Two Surveyors or Valuers cannot agree in the Valuation, then by such Third Surveyor or Valuator as any Two Justices shall for that Purpose nominate; and each of such Two Surveyors or Valuers, if they agree, or if not then the Surveyor or Valuator nominated by the said Justices, shall annex to the Valuation a Declaration of the Correctness thereof.

Compensa-
tion to absent
Parties to be
ascertained
by Valuation.

XXX. And with respect to the Compensation Money to be paid for any Lands to be purchased from any Party who by reason of Absence, or from any other Incapacity or Accident, is prevented from treating, or cannot be found, and the Compensation Money to be paid for any permanent Injury to such Lands, be it enacted, That such Consideration or Compensation shall not be less than shall be determined by the Valuation of such Surveyor or Valuator as any Two Justices shall nominate for that Purpose, and such Surveyor or Valuator shall annex to the Valuation a Declaration of the Correctness thereof.

Purchase of
Lands for
annual Feu
Duty.

XXXI. And be it enacted, That if any Person infeft in Fee, or entitled to dispose of absolutely for his own Benefit, or enabled by this Act to convey or dispose of any Lands authorized to be purchased for the Purposes of this Act, shall be willing to feu such Lands for an annual Feu Duty, such Person may lawfully sell and in Feu Farm dispone such Lands or any Part thereof unto the Company, in consideration of an annual Feu Duty payable by the Company to the Person so selling and conveying, and to his Heirs and Assignees, in case such Person shall be infeft in Fee in such Lands, or entitled to dispose thereof absolutely for his own Benefit, but in case such Person shall be under any Disability or Incapacity, or has not Power to convey except under the Provisions of this or the said recited Acts, then the Amount of such Feu Duty shall be fixed by the Valuation of Surveyors and Valuers in the Manner herein-before provided with respect to the Consideration Money or Compensation to be paid for any Lands purchased from any Party under any Disability or Incapacity; and such Feu Duty shall be taken payable to the Person who but for such feuing would have been entitled to the Rents and Profits of the Lands feued.

Payment of
Feu Duty to
be charged
on Rates.

XXXII. And be it enacted, That the yearly Feu Duties reserved by any such Conveyance shall be charged on the Subjects conveyed, and also on the Rates and Duties payable under this Act, and shall be paid by the Company as such Feu Duties become payable.

XXXIII. And

XXXIII. And be it enacted, That all Conveyances of Lands so to be purchased as aforesaid may be according to the Form in the Schedules (A.) and (B.) respectively to this Act annexed, or as near thereto as the Circumstances of the Case will admit; and all such Conveyances, being registered in the Particular Register of Sasines for the County of *Edinburgh* (in which Register only it shall be necessary to register the same), shall be effectual to vest the Lands thereby conveyed in the Company, and shall operate to bar and to destroy all such Entails, and all other Rights, Titles, Reversions, Limitations, Trusts, and Interests, whatsoever of and in the Lands comprised in such Conveyances as shall have been purchased or compensated for by the Consideration therein mentioned, and shall constitute a good, sufficient, and effectual Title to such Lands in favour of the Company.

Form of
Convey-
ances.

XXXIV. And with respect to the Costs of the Conveyance of any such Lands purchased or taken by the Company, be it enacted, That all such Costs shall be borne by the Company, and such Costs shall include the Charges and Expences of all Conveyances incurred on the Part as well of the Seller as of the Purchaser of any such Lands, and of deducing and verifying the Title to such Lands, and all other Expences incident to the Investigation, Deduction, and Verification of such Title, and before the Company enter into Possession of the Lands so purchased or taken they shall pay the Amount of such Costs, and if there be any Dispute about the same they shall obtain an Order for the Taxation thereof as herein-after mentioned: Provided nevertheless, that if within Seven Days after Notice in Writing from the Company the Parties from whom such Lands shall have been purchased do not deliver an Account of their Costs to the Company, then the Company shall not be prevented from entering into the Possession of such Lands by reason of the Nonpayment of such Costs, or by reason of such Order for Taxation thereof not having been obtained.

Costs of
Convey-
ances.

XXXV. And be it enacted, That if the Company and the Party entitled to any such Costs shall not agree as to the Amount thereof such Costs shall be ascertained by the Sheriff, and for that Purpose either Party may apply to the Sheriff by Petition, and thereupon the Sheriff shall order such Costs to be taxed by the Sheriff Clerk in the usual Manner, and the Sheriff Clerk shall proceed to tax such Costs accordingly, Notice of such Taxation being given to the other Party, and after the Taxation thereof it shall be lawful to the Sheriff to order the Amount at which the same shall be so taxed, together with the Costs of Taxation, or so much of the same as shall be payable by the Company, to be paid to the Party entitled thereto, and the Expence of taxing such Costs, and of obtaining the Order referring the same to be taxed, shall be borne by the Company, unless on the Taxation One Sixth Part of the Costs be disallowed, in which Case the Expence shall be borne by the Party from whom the Lands shall have been purchased or taken.

Taxation of
Costs.

Purchase
Money pay-
able to Par-
ties under
Disability,
amounting
to 200%, to
be deposited
in Bank.

XXXVI. And for the Purpose of providing for the Deposit and Application of the Purchase Money or Compensation to be paid in respect of any such Lands which may belong to Parties under Disability, be it enacted, That if any such Purchase Money or Compensation shall be payable in respect of any such Lands, or any Interest therein, which any Corporation, Tenant for Life, or Heir of Entail, Husband seised by the Courtesy, or for any other partial or qualified Estate or Interest, Married Woman seised in her own Right or entitled to Terce or other Interest therein, Tutor or Curator for a Minor or for any fatuous or furious Person, Trustee, Executor, or Administrator, or Person under any Disability, shall be entitled to, and shall under the Powers of this Act be enabled to convey or dispose of, the same shall, if it amount to or exceed the Sum of Two hundred Pounds, be paid, under the Direction and by the Authority of the Court of Session, into the Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of the *British* Linen Company, or Commercial Bank of *Scotland*, or National Bank of *Scotland*, and without Fee or Reward, to an Account to be opened in such Bank in the Name of "The *Edinburgh* Water Company;" and such Money shall remain so deposited until the same be applied to some One or more of the following Purposes; (that is to say,)

Application
thereof.

In the Purchase or Redemption of the Land Tax, or the Discharge of any Debt or Incumbrance affecting the Land in respect of which such Money shall have been paid, or affecting other Lands settled therewith to the same or the like Uses, Trusts, or Purposes; or

In the Purchase of other Lands, to be conveyed, limited, and settled upon the like Uses, Trusts, and Purposes, and in the same Manner, as the Lands in respect of which such Money shall have been paid stood settled; or,

If such Money shall be paid in respect of any Buildings taken under the Authority of this Act, in replacing such Buildings, or substituting others in their Stead, in such Manner as the said Court of Session shall direct; or

In Payment to any Party becoming absolutely entitled to such Money.

Order for
Application.

XXXVII. And be it enacted, That such Money may be so applied as aforesaid upon an Order of the Court of Session made on the Petition to be preferred in a summary Way by the Party who would have been entitled to the Rents and Profits of the Lands in respect of which such Money shall have been deposited; and until the Money can be so applied the Interest or annual Produce of such Money may, upon the like Order, be paid to such Party who would have been entitled to the Rents and Profits of the said Lands.

Sums from
20% to 200%
to be depo-
sited, or in-
vested in
Trustees.

XXXVIII. And with respect to any such Purchase Money or Compensation which shall not amount to the Sum of Two hundred Pounds and shall exceed the Sum of Twenty Pounds, be it enacted, That the same shall either be paid into one of the Banks aforesaid, and applied in the Manner herein-before directed with respect to Sums amounting to or exceeding Two hundred Pounds, or the same may lawfully

lawfully be paid to Two Trustees, to be nominated by the Parties entitled to the Rents or Profits of the Lands in respect whereof the same shall be payable, such Nomination to be signified by Writing under the Hands of the Parties so entitled, and in case of the Coverture, Infancy, Lunacy, or other Incapacity of the Parties entitled to such Monies, such Nomination may lawfully be made by their respective Husbands, Guardians, Curators, Factors, or Trustees; but such last-mentioned Application of the Monies shall not be made unless the Company approve thereof, and of the Trustees named for the Purpose, such Approval to be signified in Writing under the Hands of any Two or more of the Directors; and the Money so paid to such Trustees, and the Produce arising therefrom, shall be by such Trustees applied in the Manner herein-before directed with respect to Money paid into any of the Banks aforesaid, but it shall not be necessary to obtain any Order of the Court for that Purpose.

XXXIX. And with respect to any such Money which shall not exceed the Sum of Twenty Pounds, be it enacted, That the same shall be paid to the Parties who would for the Time being have been entitled to the Rents and Profits of the Lands in respect whereof the same shall be payable, for their own Use and Benefit; or in case of the Coverture, Infancy, Idiocy, Lunacy, or other Incapacity of any such Parties, then such Money shall be paid, for their Use, to the respective Husbands, Guardians, Curators, Factors, or Trustees of such Persons.

Sum not exceeding 20*l.* to be paid to Parties.

XL. And for the Purpose of providing for the Payment and Application, in certain Cases, of the Purchase Money or Compensation to be paid in respect of any such Lands not belonging to Parties under Disability, be it enacted, That in the following Cases, (that is to say,)

Where Parties refuse to convey, or do not show Title, the Purchase Monies to be deposited.

If the Owner of any such Lands, or of any Interest therein, on Tender of the Purchase Money or Compensation either agreed or awarded to be paid, refuse to accept the same; or

If any such Person fail to make out a Title to the Lands in respect whereof such Purchase Money or Compensation shall be payable, or to the Interest therein claimed by him, to the Satisfaction of the Company; or

If such Owner be gone out of the Kingdom, or cannot be found, or be not known, or refuse to convey such Lands as directed by the Company,

It shall be lawful for the Company to deposit the Purchase Money or Compensation payable in respect of such Lands, or any Interest therein, in one of the Banks aforesaid, to the Credit of the Parties interested in such Lands (describing them, so far as the Company can do), subject to the Control and Disposition of the said Court; and upon Receipt of such Money the Cashier or other proper Officer of such Bank shall give to the Company, or to the Party paying in such Money, a Receipt for such Money, specifying therein for what and for whose Use (described as aforesaid) the same shall have been received, and in respect of what Purchase the same shall have been paid in, and thereupon all the Interest in such Lands in respect

respect whereof such Purchase Money or Compensation shall have been deposited shall vest absolutely in the Company.

Application
of Monies so
deposited.

XLI. And be it enacted, That upon the Application by Petition of any Party making claim to the Money so deposited as last aforesaid, or any Part thereof, or to the Lands in respect of which such Purchase Money or Compensation shall have been deposited, the said Court of Session may, in a summary Way, as to such Court shall seem fit, order the Distribution thereof, or Payment of the Interest thereof, according to the respective Estates, Titles, or Interests of the Parties making claim thereunto, and may make such other Order in the Premises as to such Court shall seem fit.

Court may
direct In-
vestment or
Payment of
Money in
respect of
Leases for
Lives, &c. or
Reversions,
as they may
think just.

XLII. Provided always, and be it enacted, That where any such Purchase Money or Compensation so paid into any of the said Banks shall have been paid in respect of any Lease for Lives or Years, or any Right or Estate in Lands less than the whole Fee Simple thereof, or of any Reversion dependant on any such Lease or Estate, it shall be lawful for the said Court, on the Petition of any Party interested in such Money, to order that the same shall be laid out, invested, accumulated, and paid in such Manner as the said Court may consider will give to the Parties interested in such Money the same Benefit therefrom as they might have legally had from the Lease, Estate, or Reversion in respect of which such Money shall have been paid, or as near thereto as may be.

Party in
Possession
deemed to
be the
Owner.

XLIII. And be it enacted, That if any Question arise respecting the Title to the Lands in respect whereof such Monies shall have been so paid or deposited as aforesaid, the Parties respectively in Possession or Receipt of the Rents of such Lands at the Time of such Lands being purchased or taken shall be deemed to have been lawfully entitled to such Lands until the contrary be shown to the Satisfaction of the said Court; and unless the contrary be shown as aforesaid the Parties so in Possession, and all Parties claiming under them, or consistently with their Possession, shall be deemed entitled to the Money so deposited, and to the Dividends or Interest of the Annuities or Securities purchased therewith, and the same shall be paid and applied accordingly.

Costs in
Cases of
Money de-
posited.

XLIV. And with respect to Costs in Cases of Monies deposited as aforesaid, be it enacted, That the Court of Session may in all such Cases, except where Monies shall have been so deposited by reason of the wilful Refusal of any Party entitled thereto to receive the same, or to convey the Lands in respect whereof the same shall be payable, order the Costs of the following Matters, including therein all reasonable Charges and Expences incident thereto, to be paid by the Company; (that is to say,) the Costs of the Purchase or of the taking or using of the Lands, or which shall have been incurred in consequence thereof, other than such Costs as are herein otherwise provided for, and the Costs of the Investment of such Monies, and of the Re-investment thereof in the Purchase of other Lands, and also the Costs of obtaining the proper Orders for any of the Purposes aforesaid, and of the Orders for the Payment of the

the Principal of such Monies, or the Interest payable by the Bank in which such Monies shall be deposited, and of all other Proceedings relating thereto, except such as are occasioned by Litigation between adverse Claimants.

XLV. And be it enacted, That the Company shall not, except by Consent of the Owner and Occupier, enter upon any Lands which shall be required to be purchased or permanently used for the Purposes of this Act until they shall either have paid to every Party having any Interest in such Lands, or deposited in Bank in the Manner herein mentioned, the Purchase Money or Compensation agreed or awarded to be paid to such Parties respectively for their respective Interests therein: Provided always, that for the Purpose merely of surveying and taking Levels of such Lands it shall be lawful for the Company to enter upon the same without the previous Consent of the Owners, making Compensation for any Damage thereby occasioned to the Owners or Occupiers of such Lands.

Payment of Price to be made previous to Entry, except to survey, &c.

XLVI. And be it enacted, That if the Company or any of their Contractors shall, except as aforesaid, wilfully enter upon and take possession of any Lands which shall be required to be purchased or permanently used for the Purposes of this Act, without such Consent as aforesaid, or without having made such Payment or Deposit as aforesaid, the Company shall forfeit to the Party in Possession of such Lands the Sum of Ten Pounds, over and above the Amount of any Damage done to such Lands by reason of such Entry and taking possession as aforesaid, such Penalty and Damage respectively to be recovered before the Sheriff; and if the Company or their Contractors shall, after Conviction in such Penalty as aforesaid, or after Notice from the Party in Possession of such Lands, continue in unlawful Possession of any such Lands, the Company shall be liable to forfeit the Sum of Twenty-five Pounds for every Day they or their Contractors shall so remain in Possession as aforesaid, such Penalty to be recoverable by the Party in Possession of such Land, with full Costs of Suit, in the Sheriff Court of the County of *Edinburgh*: Provided always, that nothing herein contained shall be held to subject the Company to the Payment of any such Penalties as aforesaid if they shall *bonâ fide* and without Collusion have paid or deposited the Compensation agreed or awarded to be paid in respect of the said Lands to any Person whom the Company may have reasonably believed to be entitled thereto, although such Person may not legally have been entitled thereto.

Penalty for entering upon Lands without Consent before Payment of the Purchase Money.

XLVII. And be it enacted, That on the Trial of any Action for any such Penalty as aforesaid the Decision of the said Sheriff shall not be held conclusive as to the Right of Entry on any such Lands by the Company.

Decision of Sheriff not conclusive as to Right.

XLVIII. And be it enacted, That when the Company shall require to purchase any of the Lands which by this Act they are authorized to purchase or take they shall give Notice thereof to all the Parties interested in such Lands, or enabled by this Act to sell or convey

Notice of Intention to take Lands.

[*Local.*]

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the

the same, or such of them as shall be known to the Company, and by such Notice shall demand from such Parties the Particulars of their Estate and Interest in such Lands, and of the Claims made by them in respect thereof; and every such Notice shall be in Writing, and shall state the Particulars of the Land so required, and shall state that the Company are willing to treat for the Purchase of the Interest of such Parties in such Lands, and as to the Compensation to be made for the Damage that may be sustained by such Parties by reason of the making of the Works authorized by this Act.

Parties interested in Lands to state their Claims.

XLIX. And be it enacted, That if for One Month after the Receipt of such Notice any such Party shall fail to state the Particulars of his Claim in respect of any such Land, or to treat with the Company in respect of his Interest therein, or if such Party and the Company shall differ as to the Amount of the Compensation to be paid to such Party for any such Interest, or for any Damage that may be sustained by him by reason of the Execution of the Works authorized by this Act, the Amount of such Compensation shall be settled in the Manner herein-after provided for settling Cases of disputed Compensation.

Proceedings in case of Refusal to deliver Possession of Lands.

L. And be it enacted, That where, according to the Provisions of this Act, the Company are authorized to enter upon and take possession of any Lands required for the Purposes of this Act, if the Owner or Occupier of any such Lands, or any other Person, refuse to give up the Possession thereof, or hinder the Company from entering upon or taking possession of the same, it shall be lawful for the Company to issue their Precept, under the Hands of any Two Directors of the said Company and of their Clerk, to the Sheriff of the said County of *Edinburgh*, to deliver Possession of the same to the Person appointed in such Precept to receive the same, and upon Receipt of such Precept the Sheriff shall issue his Warrant to Officers, who shall deliver Possession of any such Lands accordingly; and the Costs arising by reason of the issuing and Execution of such Precept and Warrant respectively, to be settled by the Sheriff, shall be paid by the Persons refusing to give Possession; and such Costs, if not paid on Demand, shall be levied by Distress, and the Sheriff shall issue his Warrant accordingly.

Disputes as to Compensation to be settled by a Jury.

LI. And for the Purpose of making Provision for settling Cases of disputed Compensation arising under this Act, be it enacted, That if any Difference shall arise, or if no Agreement can be come to, between the Company and the Owners of any Lands, or of any Interest in any such Lands, taken or required for or injuriously affected by the Execution of the Works authorized by this Act, (including among such Owners all Parties by this Act enabled to sell and convey Lands,) as to the Value of such Lands, or of any Interest therein, or as to the Compensation to be made in respect thereof, or if by reason of Absence any such Owner be prevented from treating, or if any such Owner fail to disclose or prove his Title to any such Lands, or any Interest therein, or if by reason of any Impediment or Disability any such Owner be incapable of making any Agreement or Conveyance necessary for enabling the Company to take such Lands, or

to

to proceed in making and constructing the Works authorized by this Act, or if any such Difference arise as to the Amount of the Damages occasioned to any Lands by the temporary Occupation thereof in the making of the said Works, or otherwise in the Exercise of the Powers given by this Act, and for which any Party may be entitled to demand Compensation, according to the Provisions of this Act, the Amount of the Compensation to be paid by the Company in every such Case shall be settled by the Verdict of a Jury in manner herein-after mentioned.

LII. Provided always, and be it enacted, That if the Compensation claimed in any of the Cases mentioned in the preceding Enactment shall not exceed Fifty Pounds, the same shall be settled in a summary Manner without written Pleadings by the Sheriff, who shall, upon a Petition presented to him by either of the Parties, call the said Parties before him, and after hearing them, by their Agents, Solicitors, or Counsel, or by themselves, the Sheriff shall award the Compensation to be paid, and his Decision shall be final and conclusive, and not subject to Review in any Court or in any Manner whatever; and the said Sheriff shall also determine the Matter of Costs, and shall decree for the Amount thereof to be by him awarded in favour of either of the Parties, and shall issue his Warrant for Payment, and this Order shall also be final and conclusive.

Claims not exceeding 50*l.* to be settled by the Sheriff.

LIII. And be it enacted, That where it shall be necessary to refer any such Question to the Determination of a Jury by reason of any such Difference as aforesaid, then, One Month at the least before issuing their Requisition for summoning a Jury as herein-after provided, the Company shall give Notice in Writing to the Party with whom such Difference shall have arisen of their Intention to cause such Jury to be summoned, and in such Notice the Company shall state what Sum of Money they are willing to give such Party for his Interest in such Lands, and for the Damage to be sustained by him by the Execution of the said Works.

Notice by Company of Intention to have a Jury summoned.

LIV. And be it enacted, That if any Party who shall be entitled to any Compensation in respect of any Lands, or of any Interest therein, taken for or injuriously affected by the Execution of the said Works, shall desire the Amount of such Compensation to be determined by a Jury, it shall be lawful for such Party to give Notice in Writing to the Company of such his Desire, and he shall in such Notice state the Nature of the Interest claimed by him in such Lands, and the Amount of the Compensation claimed by him in respect thereof; and unless the Company be willing to pay the Amount of Compensation so claimed, and shall enter into a written Agreement for that Purpose, then, within Twenty-one Days after the Receipt of any such Notice from any Party so entitled, they shall issue their Requisition to the Sheriff to summon a Jury accordingly in the Manner herein mentioned.

Requisition, by Party claiming Compensation, that a Jury be summoned.

LV. And be it enacted, That in every Case in which any such Question of disputed Compensation shall be required to be determined by the Verdict of a Jury the Company shall issue their Re-

quisition for summoning Jury to be addressed to the Sheriff.

quisition to the Sheriff, under the Hands of any Two of the Directors, and of the Clerk, requiring him to summon a Jury for that Purpose.

Summoning
of Jurymen.

LVI. And be it enacted, That upon the Receipt of such Requisition the Sheriff shall summon a Jury of Thirty indifferent Persons, duly qualified to act as Jurymen in the Trial of Civil Causes in *Scotland*, to meet either at the Time and Place named in the Requisition for that Purpose, or at such other Time and Place as he shall fix.

Impannel-
ing of Jury.

LVII. And be it enacted, That out of the Jurors appearing upon such Summons a Jury of Fifteen Persons shall be drawn by the Sheriff in such Manner as Juries for Trials of Civil Causes in *Scotland* are by Law required to be drawn; and if a sufficient Number of Jurymen do not appear in obedience to such Summons, the Sheriff shall return other indifferent Men, duly qualified as aforesaid, of the Bystanders, or others that can speedily be procured, to make up the Jury to the Number aforesaid; and all Parties concerned may have their lawful Challenges against any of the Jurymen.

Notice of
Trial.

LVIII. And be it enacted, That Fourteen Days Notice of the Time and Place of the Trial shall be given in Writing by the Company to the other Party.

Sheriff to
preside.

Witnesses
to be sum-
moned.

LIX. And be it enacted, That the said Sheriff shall preside on the said Trial, and the Party claiming Compensation shall be deemed the Pursuer, and shall have all such Rights and Privileges as the Pursuer is entitled to in the Trial of Actions at Law; and if either Party so request, in Writing, the Sheriff shall summon before him any Person considered necessary to be examined as a Witness touching the Matters in question; and on the like Request the Sheriff shall order the Jury, or any of them, to view the Place or Matter in controversy, in like Manner as Views may be had in the Trial of Civil Causes in *Scotland*; and the whole Proceedings in the said Trial shall in all other respects be conducted according to the Form and Usages which shall for the Time being be observed in the Court of the said Sheriff in other Civil Causes tried by Jury.

Oath of
Jurymen.

LX. And be it enacted, That before the Jury proceed to inquire of and assess the Compensation or Damage in respect of which their Verdict is to be given they shall make Oath that they will truly and faithfully inquire of and assess such Compensation or Damage, and the Sheriff shall administer such Oaths, as well as the Oaths of all Persons called upon to give Evidence.

Verdict of
Jury to be
for Purchase
of Lands
and for
Damages,
assessed se-
parately.

LXI. And be it enacted, That such Jury shall deliver their Verdict for the Sum of Money to be paid for the Purchase of the Lands required for the said Works, or of any Interest therein, belonging to the Party with whom such Questions of disputed Compensation shall so have arisen, and also the Sum of Money to be paid for the Injury done to the Lands of any such Party by the Severance from such Lands of the Lands required by the Company, and also the Sum
of

of Money to be paid by way of Compensation for the Damage occasioned to any such Lands by the Execution of the Works, whether it be for Damage sustained before the Time of the Inquiry, or for future Damage, either temporary or permanent, or for any recurring Damage of which the Cause is then only in part obviated, and which cannot or will not be further obviated by the Company; and the Sums of Money to be paid for the Injury done by any such Severance as aforesaid, or by way of Compensation for any such Damage as aforesaid, shall in every Case be assessed separately from the Value of the Lands, or the Sum to be paid for the Purchase thereof, or of any Interest therein.

LXII. And be it enacted, That in assessing the Sum of Money to be paid for the Purchase of any such Lands the Value of any Interest in such Lands as shall have been heretofore rightfully purchased by the Company shall be first deducted.

Value of
Interests
previously
purchased to
be deducted.

LXIII. And be it enacted, That the Sheriff before whom such Trial shall take place shall give Judgment for the Purchase Money or Compensation assessed by such Jury; and the said Verdict and Judgment shall be signed by the Sheriff, and, being so signed, shall be transmitted to and kept by the Sheriff Clerk among the Records of the Sheriff Court; and such Verdicts and Judgments shall be deemed Records, and the same, or true Copies or Extracts thereof, shall be good Evidence in all Courts and elsewhere; and all Persons may inspect the said Verdicts and Judgments, and may have Copies thereof or Extracts therefrom, on paying for each Inspection thereof One Shilling, and for every One hundred Words copied or extracted therefrom Sixpence.

Verdict and
Judgment
to be re-
corded.

LXIV. And be it enacted, That on every such Trial before a Jury, where the Verdict of the Jury shall be given for the same or a greater Sum than the Sum previously offered by the Company, all the Costs of such Trial shall be borne by the Company; but if the Verdict of the Jury be given for a less Sum than the Sum previously offered by the Company, one Half of the Costs shall be defrayed by the Owner of the Lands, and the other Half by the Company: Provided always, that in every Case where, by reason of Absence in Foreign Parts, or of any Disability, the Owner of the Land shall have been prevented from treating with the Company, all the Costs shall be borne by the Company.

Costs of
the Trial.

LXV. And be it enacted, That such Costs shall be settled by the Sheriff, and such Costs shall include all reasonable Costs, Charges, and Expences incurred in summoning, impannelling, and returning the Jury, the Attendance of Witnesses, the Employment of Counsel at such Trial, recording the Verdict and Judgment thereon, and otherwise incident to such Trial; and with respect to any such Costs payable by the Company, if within Seven Days after Demand such Costs be not paid to the Party entitled to receive the same, the same shall be recoverable by Distress, and on summary Application to the Sheriff he shall give his Warrant accordingly; and with respect to any such Costs payable by the Owner of the Lands or of any Interest therein,

Particulars
of the Costs.

[Local.]

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the same may be deducted out of any Money awarded by the Jury to be paid to such Owner as so much Money advanced for his Use, and the Payment of the Remainder of such Money shall be a good Payment and Satisfaction of the whole thereof.

Penalty on
Jury for
Default.

LXVI. And be it enacted, That any Person summoned and returned upon any Jury under this Act shall be subject to the same Regulations, Pains, and Penalties as if such Jury had been returned for the Trial of any Civil Cause in *Scotland*.

Penalty on
Witnesses
making de-
fault.

LXVII. And be it enacted, That if any Person duly summoned to give Evidence upon any such Trial, and to whom a Tender of his reasonable Expences shall have been made, fail to appear at the Time and Place specified in the Summons, without sufficient Cause, or if any Person, whether summoned or not, who shall appear as a Witness, refuse to be examined on Oath touching the Subject Matter in question, every Person so offending shall forfeit a Sum not exceeding Ten Pounds.

Special Jury
to be sum-
moned at the
Request of
either Party.

LXVIII. And be it enacted, That if either Party desire any such Question of disputed Compensation as aforesaid to be tried before a Special Jury, and, before the Company have issued their Requisition to the Sheriff, give Notice in Writing of such Desire, such Question shall be so tried, and for that Purpose the Company shall, by their Requisition to the Sheriff, require him to nominate a Special Jury for such Trial, composed of Proprietors of Lands within the County of *Edinburgh* valued in the Cess Books thereof to the Extent of One hundred Pounds *Scots* each, and thereupon the Sheriff shall, as soon as conveniently may be after the Receipt by him of such Requisition, return Thirty disinterested Persons qualified as aforesaid, and summon both the Parties to appear before him, by themselves or their Agents, at some convenient Time and Place (not being less than Five Days from the Service of such Summons) appointed by him for the Purpose of nominating a Special Jury; and at the Place and Time so appointed the Sheriff Clerk of the County of *Edinburgh*, or his Deputy or Substitute, shall, in the Presence of the said Sheriff and of such of the Parties as shall attend, put into a Box or Glass the Names of the whole Thirty Persons so returned as aforesaid, and shall out of such Box or Glass draw the Names of Fifteen Persons, who shall form a Jury for the Purposes aforesaid; but in case any of the Persons so drawn out shall be objected to by either of the Parties (each Party being allowed Four peremptory Challenges), or in case it shall be proved to the Satisfaction of the said Sheriff that any of the said Fifteen Persons will be unable to attend at the Trial, the Sheriff shall direct the said Sheriff Clerk to draw from amongst the remaining Names of the Persons so returned as aforesaid such an additional Number as may be necessary to make up a complete Jury of Fifteen Persons, according to the Usages of his Court, able to attend at such Trial, and the said Fifteen Persons shall be obliged to appear before the Sheriff at such Time and Place as in his Warrant or Precept shall be directed to that Effect; and in case any of the said Persons, after being lawfully summoned by an Officer of Court,

Court, shall fail to appear, or appearing shall not appear on the Jury, the said Sheriff shall appoint any other Person, qualified as aforesaid, against whom no sufficient Objection in the Opinion of the Sheriff is made, to serve upon the said Jury, so as to make up the Number of Fifteen, required by the Usage of the said Court; and the Sheriff shall proceed to the Trial and Adjudication of the Matters in question by such Special Jury, and such Trial shall be attended in all respects with the like Incidents and Consequences as herein-before provided in the Case of a Trial by Common Jury, or as near thereto as Circumstances will admit.

LXIX. And be it enacted, That any other Trial than that for the Trial of which such Special Jury may have been summoned as aforesaid may be tried by such Jury, provided the Parties thereto respectively shall give their Consent to such Trial.

Other Trial
before same
Special Jury
by Consent.

LXX. And be it enacted, That if at any Time after the Company shall have entered upon any Lands which under the Provisions of the said recited Acts or this Act they are authorized to purchase, and which shall be permanently required for the Purposes thereof, any Party shall appear to be entitled to any Estate, Right, or Interest in or Charge affecting such Lands which the Company shall have failed or omitted duly to purchase or to pay Compensation for, then, whether the Period granted for the Purchase of Lands shall have expired or not, the Company shall remain in the undisturbed Possession of such Lands; provided, within Six Calendar Months after Notice of such Estate, Right, Interest, or Charge, in case the same shall not be disputed by the Company, or in case the same shall be disputed then within Six Calendar Months after the Right thereto shall have been finally established by Law in favour of the Party claiming the same, the Company shall purchase or pay Compensation for the same, and shall also pay to such Party, or to any other Party who may establish a Right thereto, full Compensation for the Profits or Interest which would have accrued to such Parties respectively in respect hereof during the Interval between the Entry of the Company thereon and the Time of the Payment of such Purchase Money or Compensation by the Company; and such Purchase Money or Compensation shall be agreed on or awarded and paid in like Manner as according to the Provisions of this Act the same respectively would have been agreed on or awarded and paid in case the Company had purchased such Estate, Right, Interest, or Charge before their entering upon such Lands, or as near thereto as Circumstances will admit.

Company
empowered
to purchase
the Interest
in Lands the
Purchase
whereof may
have been
omitted by
Mistake.

LXXI. And be it enacted, That in estimating any Compensation to be given for any such last-mentioned Lands, or any Estate or Interest in the same, or for any Profits thereon, the Jury shall assess the same at such Price as they shall find to be the Value of such Lands, Estate or Interest, and Profits, without regard to any Improvements or Works made in the said Lands by the Company, and as though the Works hereby authorized had not been constructed.

How Value
of such
Lands to be
estimated.

LXXII. And

Company to
pay the
Costs of
Litigation
as to such
Lands.

LXXII. And be it enacted, That in addition to the said Purchase Money, Compensation, or Satisfaction, and before the Company shall become absolutely entitled to any such Estate, Interest, or Charge, they shall, when the Right to any such Estate, Interest, or Charge shall be disputed, pay the full Costs and Expences of any Proceedings at Law for the Recovery of the same to the Parties with whom any Litigation in respect thereof shall have taken place; and such Costs and Expences shall, in case the same shall be disputed, be settled by the proper Officer of the Court in which such Litigation took place.

Company
not to be
entitled to
Minerals.

LXXIII. And with respect to any Mines of Coal, Ironstone, Limestone, Slate, or other Minerals under any Land purchased by the Company, be it enacted, That the Company shall not be entitled to any such Mines or Minerals, except only such Parts thereof as shall be necessary to be dug or carried away or used in the Construction of the Works by this Act authorized, subject to the Provisions thereof, unless the same shall have been expressly purchased; and all such Mines, excepting as aforesaid, shall be deemed to be excepted out of the Conveyance of such Lands, unless they shall have been expressly named therein, and be thereby conveyed, but providing that the Owners thereof shall not have Power to make Openings in the Surface of the Lands so to be acquired by the Company.

Where small
Parcels of
Land are in-
tersected,
Company to
purchase the
whole.

LXXIV. And be it enacted, That if in making the Works hereby authorized to be made any Pieces or Parcels of Ground shall be cut through and divided, so that what shall be left on each or either Side thereof shall be less than Half an Acre in Quantity, or less than Fifty Yards in average Breadth throughout the whole Length thereof, and if the Owner of any such Pieces or Parcels of Ground shall not have any other Land or Ground adjoining to that which shall be so left on each or either Side thereof, then and in every such Case, if the Owner or Person entitled to the Possession or to the Rents and Profits of the same, shall so require, but not otherwise, the Company shall also take and purchase such Piece or Parcel of Ground so left on each or either Side thereof, being less than Half an Acre in Quantity, or less than Fifty Yards in average Breadth throughout the whole Length thereof as aforesaid, the Value thereof to be ascertained in the same Manner as is herein directed concerning any Lands to be taken and used for the Purposes of this Act: Provided always, that where in the Construction of any such Works the Surface of the Land shall not be so changed or affected as to obstruct or render inconvenient the beneficial Occupation of the Land so taken by the Company by the original Owner or Occupier along with the remaining Lands, then and in that Case the Company shall not be bound to purchase such small Pieces or Parcels of Land as aforesaid.

Parties not
to be re-
quired to
sell Part of
a House.

LXXV. And be it enacted, That no Party shall at any Time be required to sell or convey to the Company a Part only of any House or other Building or Manufactory, if such Party be willing to sell and convey the whole thereof.

LXXVI. And

LXXVI. And be it enacted, That the Rights and Titles to be granted in manner herein mentioned to the Company, in and to any Lands used or taken for the Purposes of this Act, shall, unless otherwise provided, in nowise affect or diminish the Right of Superiority over the same as the same stood at the Date of such Grant; but in the event of the Lands taken being a Part of other Lands held by the same Owner under the same Titles, the Company shall not be liable for any Feu Duties or Casualties to the Superiors thereof, nor shall they be bound to enter with the Superiors, the Company always making Compensation to the Superiors in manner by this Act directed for all Loss which they may sustain by being deprived of any Feu Duties or Casualties to which they might have been entitled had the Lands so taken not been acquired by the Company.

Superiorities
not to be
affected.

LXXVII. And with respect to any such Lands which shall be subject to any Heritable Debt, be it enacted, That the Company may pay such Sum as may be agreed upon or assessed in manner aforesaid as the Price or Compensation in respect of such Lands or Part thereof to the Creditor in such Heritable Debt, in extinction of the Principal and Interest due on such Heritable Debt; and if such Price or Compensation be not sufficient to pay off such Principal and Interest in full, then the Company may apply the whole thereof towards Payment of such Heritable Debt and Interest: Provided always, that upon making any such Payment the Heritable Creditor shall discharge his Debt, or assign and convey his Interest in the Lands subject thereto, or so much thereof as may apply to the Payment made, to the Company, or as they shall direct.

Power to
pay off
Heritable
Debts.

LXXVIII. And be it enacted, That, notwithstanding any Conditions, Restrictions, or Clauses prohibitory, irritant, and resolute contained in any existing Entail, it shall be lawful for all Heirs of Entail in Possession of entailed Estates in or through which the Works authorized by this Act may be or pass, on the Price or Compensation being paid or deposited according to the Provisions of this Act, to renounce and discharge, for themselves and the Heirs succeeding to them in such Estates, all Claims for Price, Compensation, or other Claims which may be competent to such Heirs for or in respect of any Lands which may be occupied or damaged by the Execution of the said Works; and a Discharge or Renunciation to that Effect, granted by the Heir of Entail in Possession, and recorded as Conveyances are by this Act directed to be recorded, shall have the same Force and Effect in Law as any Conveyance granted and recorded as aforesaid.

Heirs of
Entail, on
receiving
Payment, to
renounce
and dis-
charge the
Price.

LXXIX. And with respect to any such Lands which shall be in the Possession of any Person having no greater Interest therein than as Tenant under any Lease for a Term of Years unexpired, be it enacted, That at the Expiration of Three Months after receiving Notice to that Effect from the Company, or at any other Time, when required, after the Expiration of such Period, all such Persons shall respectively deliver up to the Company, or to such Person as they shall appoint to take possession thereof, any such Lands in their Possession required for the Purposes of this Act; and any such

Tenants to
quit after
Notice.

Notice shall be effectual, whether it be given with reference to the Time of the Commencement of such Tenant's holding or not, and whether such Notice be given before or after the Purchase of such Lands by the Company.

Compensation to such Tenants.

LXXX. Provided always, and be it enacted, That if any such Person as last aforesaid be required to give up Possession of any Lands so occupied by him before the Expiration of his Term or Interest therein, he shall be entitled to Compensation for the Value of his unexpired Term or Interest in such Lands; and the Amount of such Compensation shall be determined in a summary Manner by the Sheriff, in case the Parties differ about the same, in the same Manner as herein provided in regard to Claims for Compensation not exceeding Fifty Pounds, or, if desired by either Party, by a Jury, in the Manner hereinbefore prescribed.

Persons holding under any Lease to produce the same.

LXXXI. And be it enacted, That if any Party claim Compensation in respect of any unexpired Term or Interest under any Lease or Agreement for a Lease, the Company may require such Party to produce the Lease or Agreement for a Lease in respect of which such Claim shall be made; and if such Lease or Agreement for a Lease shall not be produced within Fourteen Days after Demand made by the Company, or any Person by them authorized, the Party so claiming Compensation shall be considered as holding only from Year to Year, and be entitled to Compensation accordingly.

Compulsory Purchase limited for Five Years.

LXXXII. And be it enacted, That the Powers of the Company for the compulsory Purchase or taking of Lands for the Purposes of this Act shall not be exercised after the Expiration of Five Years from the passing thereof.

Lands not wanted to be sold.

LXXXIII. And for the Purpose of making Provision respecting the Sale of Lands acquired by the Company under the Provisions of this Act, but which shall not be required for the Purposes thereof, be it enacted, That the Company shall sell all such superfluous Lands in such Manner as they may deem most advantageous, and convey the same to the Purchasers thereof by Deed under the Hands of any Three or more of them and of their Clerk, and their Receipt shall be a sufficient Discharge to the Purchaser of any such Lands for the Purchase Money in such Receipt expressed to be received; and such Sales and Conveyances shall take place within Ten Years after the passing of this Act.

Lands not so sold to vest in Owners of adjoining Lands.

LXXXIV. And be it enacted, That if the Company do not sell such superfluous Lands within the Period aforesaid then such Lands remaining unsold at the Expiration of such Period shall thereupon vest in and become the Property of the Owners of the Lands adjoining thereto, in proportion to the Extent of their Lands respectively adjoining the same.

Lands to be offered to original or adjoining Owners.

LXXXV. Provided always, and be it enacted, That before the Company dispose of any such superfluous Lands they shall first offer to sell the same to the Person then entitled to the Lands (if any) from which the

the same were originally severed; or if such Person refuse to purchase the same, or cannot be found, then the like Offer shall be made to the Person or to the several Persons whose Lands shall immediately adjoin the Lands so proposed to be sold, such Persons being capable of entering into a Contract for the Purchase of such Lands; and where more than One such Person shall be entitled to such Right of Pre-emption such Offer shall be made to such Persons in succession one after another in such Order as the Company shall think fit.

LXXXVI. And be it enacted, That if such respective Persons be desirous of purchasing such Land, then, within Sixty Days after such Offer of Sale, they shall signify their Desire in that Behalf to the Company; or if they decline such Offer, or if for Sixty Days they neglect to signify their Desire to purchase such Lands, the Right of Pre-emption of every such Person so declining or neglecting in respect of the Lands included in such Offer shall cease; and thereupon a Declaration in Writing, made before a Justice by some Person not interested in the Matter in question, stating that the Person or all the Persons entitled to the Right of Pre-emption were out of the Country, or could not be found, or were not capable of entering into a Contract for the Purchase of such Lands, or that such Offer was made and was refused or not accepted within Sixty Days from the Time of making the same, shall in all Courts whatsoever be sufficient Evidence of the Facts therein stated.

Right of Pre-emption to be claimed within Sixty Days.

LXXXVII. Provided always, and be it enacted, That in any Case in which the Company shall have purchased or acquired any House or Land within the Town of *Edinburgh* it shall be lawful for the Company absolutely to sell and dispose of all or any Part of such House or Land to such Person and in such Manner as the Company shall think proper, without being required previously to offer to sell the same to the Persons whose Lands adjoin thereto.

Proviso as to Sale of Lands within the Town of *Edinburgh*.

LXXXVIII. And be it enacted, That if any Person entitled to such Pre-emption be desirous of purchasing any such Lands, and such Person and the Company do not agree as to the Price thereof, then such Price shall be ascertained as in other Cases of disputed Compensation, and upon Payment or Tender to the Company of the Purchase Money so agreed upon or determined they shall convey such Lands to the Party so entitled to purchase the same; and every such Conveyance shall be effectual for vesting the Lands comprised therein in the Purchaser thereof, for the Estate which shall so have been purchased by him, and the Money produced by the Sale of such Lands shall be applied by the Company for the Purposes of this Act.

Differences as to Price to be settled as in other Cases.

LXXXIX. And for the Purpose of providing against Deficiencies in the Assessments for Land Tax or Poor's Rate, and other public and parochial Burdens, occasioned by the making of any of the Works hereby authorized, in the several Parishes wherein the same or any Part thereof may be situate, be it enacted, That if the Company become possessed by virtue of this Act of any Lands charged with the Land Tax, or liable to be assessed to the Poor's Rate or other Burdens aforesaid, the Company shall from Time to Time, until the Works

Land Tax and Poor's Rate to be made good.

Works shall be completed and assessed to such Land Tax and Poor's Rate, be liable to make good the Deficiency in the several Assessments for Land Tax and Poor's Rate and other Burdens aforesaid arising within such Parishes, by reason of such Lands having been taken or used for the Purposes of the said Works; and such Deficiency shall be computed according to the Rental at which such Lands, with any Building thereon, were valued or rated at the Time of the passing of this Act; and on Demand of such Deficiency the Treasurer of the Company shall pay all such Deficiencies to the Collector of the said Assessments respectively; nevertheless, if at any Time the Company think fit to redeem such Land Tax, they may do so in accordance with the Power in that Behalf given by the Acts for the Redemption of the Land Tax.

Power to
purchase
Lands re-
quired by
Consent.

XC. And be it enacted, That for any of the following Purposes it shall be lawful for the Company, in addition to the Lands authorized to be compulsorily taken by them as aforesaid, to contract with any Party willing to sell or feu the same, for the Purchase or Acquisition in Feu of any Land, not exceeding in the whole Fifty Acres, to be taken and used in such Places adjoining the Works hereby authorized to be made as shall be deemed eligible; *videlicet*, for the Purpose of obtaining Water from Springs, or of protecting such Springs from Injury or Deterioration, or of making and providing additional Reservoirs, Tanks, Aqueducts, and other Buildings and Conveniences, or for making convenient Roads or Ways to the Works of the Company, or for any other Purpose connected with the said Works which the Company may think beneficial to the same; and it shall be lawful for all Parties who under the Provisions herein-before contained would be enabled to sell or feu and convey Lands required for the Purposes of this Act to sell or feu and convey Lands required for any such additional Purposes as aforesaid.

Authority to
Company to
sell, and pur-
chase other
Lands.

XCI. And be it enacted, That it shall be lawful for the Company to sell the Lands which they at any Time shall have acquired, or any Part thereof, in such Manner and for such Considerations and to such Persons as the Company may think fit, and again to purchase or feu other Lands for the like Purposes, and afterwards sell the same, and so from Time to Time; but the total Quantity of Land so to be held at any One Time by the Company for the Purposes last aforesaid shall not exceed Fifty Acres, in addition to the Lands occupied by their Pipes, Aqueducts, Reservoirs, and other Works.

Restraint on
Purchase
from inca-
pacitated
Persons.

XCII. And be it enacted, That the Company shall not, by virtue of the Power so to purchase or acquire Land for additional Purposes, purchase more than Fifty Acres from any Party under legal Disability, or who would not be able to sell and convey such Lands except under the Powers of this Act; and if the Company purchase the said Quantity of Land from any Party under such legal Disability, and afterwards sell the whole or any Part of the Land so purchased, it shall not be lawful for any Party, being under legal Disability, to sell to the Company any other Lands in lieu of the Lands so sold or disposed of by the Company.

XCIII. And

XCIII. And be it enacted, That, subject to the Provisions and Restrictions in this Act contained, it shall be lawful for the Company to make, complete, and maintain the Works in the Line and upon the Lands delineated and described on the amended Plan and Book of Reference herein-after mentioned, and in the Schedule (D.) hereto, and for that Purpose to enter upon, take, and use any Lands, Waters, and other Places so delineated and described as shall be necessary for making and completing the said Works, and to take Levels of the same, and to set out such Parts thereof as they shall think necessary for the said Works, and to dig and break up the Soil of such Lands, Waters, and Places, and to trench and sough the same, and to remove or use all Soil, Trees, or other Things dug or gotten out of the same: Provided always, that it shall not be lawful for the Company to enter into or use any Land or Water for the Purposes of this Act without having paid or tendered Payment for the same in manner herein mentioned, except for the Purpose of setting out and taking Levels of such Parts of the said Land or Water as the said Company shall intend to take or use for the Purposes of this Act, and all Damages thereby occasioned to the Proprietor and his Tenants shall be paid or compensated by the Company as herein-before provided.

Company empowered to make Works on Lands described on amended Plan and in Schedule (D.) hereto annexed.

XCIV. And whereas a Plan and Section, describing the Lines, Levels, and Situation of the Works to be made and completed, and of the Lands upon or through which the same were intended to be made and completed, and a Book of Reference containing a List of the Owners, Lessees, and Occupiers of such Lands, have been deposited with the Sheriff Clerk of the County of *Edinburgh*: And whereas the Company are not by this Act authorized to construct certain of the Works described on the said Plan upon certain Lands therein laid down within the Parishes of *Midcalder*, *Kirknewton*, and *Currie*, but only to construct the Works laid down on the said Plan on the Lands described in the Schedule (D.) to this Act annexed: And whereas, since the said Plan, Section, and Book of Reference were deposited, an amended Plan, Section, and Book of Reference, exhibiting thereon respectively the Property to be taken and the Works to be executed in virtue of the Powers of this Act, and excluding therefrom the before-mentioned Works and Lands in the foresaid Parishes of *Midcalder*, *Kirknewton*, and *Currie*, have been deposited with the said Sheriff Clerk; be it enacted, That such amended Plan, Section, and Book of Reference shall be substituted by the said Sheriff Clerk in place of those deposited with him as aforesaid; and the said Sheriff Clerk for the Time being shall keep the said Plan, Section, and Book of Reference, and shall permit all Persons to inspect the same at Business Hours, and shall make out Copies or Extracts therefrom for all Persons requiring the same, on being paid One Shilling for every such Inspection, and after the Rate of Sixpence for every One hundred Words of any such Copy or Extract.

Amended Plan and Section to be deposited with Sheriff Clerk.

XCV. And for the Purpose of making a Provision for correcting any Omission, Mis-statement, or erroneous Description of any Lands, or of the Owners, Lessees, or Occupiers of any Lands, described on the said amended Plan or in the said Book of Reference, or the

Errors and Omissions to be corrected.

[Local.]

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Schedule

Schedule (D.) hereto, be it enacted, That the Correction of any such Matter may be referred by the Company to the Determination of the Sheriff; and if it shall appear to such Sheriff that such Omission, Mis-statement, or erroneous Description arose from Mistake, he shall certify the same accordingly, and shall in such Certificate state the Particulars of any such Omission, and in what respect any such Matter shall have been mis-stated or erroneously described; and such Certificate shall be deposited with the Sheriff Clerk of the said County, and Copies or Extracts thereof with the Schoolmasters, if any, of the several Parishes in which the Lands affected thereby shall be situated; and such Certificates, and such Extracts or Copies respectively, shall be kept by such Sheriff Clerk and Schoolmasters respectively along with the Documents to which they relate, and thereupon such Documents, or the Schedule to this Act, shall be deemed to be corrected according to such Certificate, and it shall be lawful for the Company to make the Works in accordance with such Certificate.

Copies of
Plan to be
Evidence.

XCVI. And be it enacted, That true Copies of such Plan and Book of Reference, or of any Corrections thereof or Extracts therefrom, certified by any such Sheriff Clerk or Schoolmaster, shall be received in all Courts of Justice or elsewhere as Evidence of the Contents thereof.

Power to
acquire
certain
Springs.

XCVII. And be it enacted, That it shall be lawful for the Company to acquire, take, divert, and use the Black Spring marked A on the Plan deposited as herein-before mentioned, and called the *Routing* or *Rumbling Well*, and also the Spring marked D on the said Plan, or so much of the said Springs as has not yet been acquired, taken, diverted, or used by the Company, upon making Payment to the Proprietors thereof of the Value of the same, as may be agreed upon, or otherwise as the same may be assessed by a Jury in the Manner herein provided.

Power to
take and
use Springs
in Lands of
Listonshiels
and Bavelaw
already
acquired by
the Com-
pany,
and to
acquire
others in
these Lands.

XCVIII. And be it enacted, That it shall be lawful to the Company to take, divert, and use the Springs and Feeders of the *Bavelaw Burn* or *Brook* and the *Stream Burn* or *Brook* in the Lands of *Listonshiels* and *Bavelaw*, in so far as the same have been already acquired by them, and also to acquire, take, divert, and use such of the said Springs and Feeders in the Lands of *Kirkton*, *Bavelaw*, and *Listonshiels* as shall not have been as yet acquired by them, lying within the Parishes of *Kirknewton*, *Penicuik*, and *Currie*, and County of *Edinburgh*, the Quantity of Water to be taken from the said Springs, Feeders, and Burns in the Lands of *Kirkton*, *Bavelaw*, and *Listonshiels* which discharge their Waters either into *Bavelaw Burn* or the *Stream Burn* not exceeding in whole One thousand two hundred Imperial Gallons *per Minute*, with such Quantity of Land adjoining to the said Springs, Feeders, and Burns, not exceeding in all Ten Acres, for the Purpose of forming proper Conduits, Reservoirs, and Cisterns, for collecting and receiving the Water of the said Springs, Feeders, River, and Brooks, and for the Accommodation of the Persons to be intrusted with the Charge of such Conduits, Reservoirs, and Cisterns; reserving
to

to *William Johnston of Lathrisk* and *Bavelaw* all Claims and Pleas competent to him against the Company under or in relation to the Verdict of the Jury and Decision of the Sheriff of Date the Fifteenth Day of *August* One thousand eight hundred and thirty-three, in the Application at the Instance of the Company to the Sheriff against the said *William Johnston*, and to the Company all Defences competent to them against the same.

XCIX. Provided always, and be it enacted, That nothing in this Act contained shall in any way prejudice or affect any Right, if any such exist, which (having regard to or consistently with the said recited Acts, and the Powers thereby given, in so far as the same have been used and exercised or are now in force,) the Owners or Lessees of *Kates Mill* in the Parish of *Colinton*, *Balerno*, *Bank Mill* in the Parish of *Currie*, *Kenleith Mill* in the Parish of *Currie*, and *West Mill* in the Parish of *Colinton*, may have to a Supply of Spring Water from the *Bavelaw Burn* or *Water of Leith*, or to Compensation for the Loss thereof, but that the said Right, if any such Right exist, shall remain and be as effectual to the said Owners or Lessees as if this Act had not been passed: Provided always, that such Compensation shall in no Event exceed in the Aggregate to all the said Mills Ten Cubic Feet of Water *per Minute*, and shall be delivered in such Proportions amongst the said Owners and Lessees as shall be agreed on between them, and at such Places on the Line of the Company's Aqueduct as shall be agreed on between the said Owners and Lessees and the Company, or, in case of Difference of Opinion between the said Owners and Lessees and the Company, as shall be fixed by the Sheriff, whose Decision shall be final.

Saving Right of *Kates Mill*, &c. to Spring Water, if any such Right exist.

C. Provided always, and be it enacted, That nothing in this Act contained shall in any way prejudice or affect any Right (if any such exist) which (having regard to or consistently with the said recited Acts, and the Powers thereby given, in so far as the same have been used and exercised or are now in force,) the Owners, Lessees, or Occupiers of the Lands of *Gorgie Mill* in the Parish of *St. Cuthbert's* may have to Compensation in Money for the Loss of a Supply of Spring Water from the *Bavelaw Burn* or *Water of Leith*, but the said Right, if any such Right exist, shall remain and be as effectual to the said Owners, Lessees, and Occupiers as if this Act had not been passed; and if any Difference shall arise, or if no Agreement can be come to, between the Company, and the said Owners, Lessees or Occupiers, as to the Compensation to be paid by the Company for any such Loss and Damage, or for any other Damage done to the Rights or Property of the said Owners, Lessees, or Occupiers, the same shall be ascertained and paid in the Manner herein provided for in regard to Damage done to Lands.

Saving Right of *Gorgie Mill* to Compensation, if any such Right exist.

CI. And be it enacted, That the Company, in making and completing the said Works, shall not deviate to any greater Extent than Ten Yards at any Part of the Works nearer *Edinburgh* than Five hundred and fifty Yards from the West End of *Gilmour Place*, nor on any other Part of the Works to any greater Extent than One hundred Yards from the Lines or Sites marked on the said Plans, nor into the Lands

Limiting Deviations from Plan.

Lands of any Person not mentioned in the said Book of Reference, without his previous Consent in Writing, unless the Name of such Person shall have been omitted by Mistake, and the Fact that such Omission proceeded from Mistake shall have been certified in manner herein-before provided.

Houses and inclosed Grounds not to be taken, unless specified in Schedule.

CII. And be it enacted, That the Company shall not take or injure any Property of the following Kinds, except such as shall be specified in the Schedule (D.) to this Act, without the Consent in Writing of the Owners and Occupiers thereof, unless the Omission in such Schedule be certified according to the Provisions herein-before contained to have proceeded from Mistake; (that is to say,) any House or Building erected on or before the Thirtieth Day of *November* One thousand eight hundred and forty-one, or any Ground on or before that Day inclosed or set apart and used as a Garden, Orchard, Nursery Ground, Yard, Paddock, Plantation, planted Walk or Avenue to a House.

Company empowered to construct Waterworks, &c.

CIII. And be it enacted, That, subject to the Provisions and Restrictions in this Act contained, it shall be lawful for the Company from Time to Time to make, complete, construct, lay down, maintain, or alter such Waterworks, Steam Engines, Waterwheels, Reservoirs, Cisterns, Tanks, Aqueducts, Cuts, Conduits, Engines, Waste Gates, Stop Gates, Stop Cocks, Sluices, Banks, Bridges, Pipes, Tunnels, Machinery, and other Works, and also such Houses and Buildings, upon the Lands, Springs, Burns, Brooks, Streams, and Feeders herein authorized to be taken or used by the Company, as they shall think proper, for bringing in an additional Supply of Water to the said City, and for making Compensation to the Owners and Occupiers of Mills on the *Bavelaw Burn* and the *Water of Leith*, in manner herein mentioned, and to do all other Acts necessary for making, completing, maintaining, altering, and repairing and using the said Works: Provided always, that in the Exercise of the Powers hereby granted the Company shall do as little Damage as can be, and shall make full Satisfaction, in manner herein provided, to all Parties interested, for all Damages by them sustained by reason of the Exercise of such Powers.

Power to take Materials.

CIV. And be it enacted, That, subject to the Provisions herein contained, it shall be lawful for the Company, at any Time before the Expiration of the Period by this Act limited for the Completion of the Works by this Act authorized, without making any previous Payment, Tender, or Deposit, to enter upon and use any existing private Roads, and also to enter upon any Lands near to the said Works, and not being a Garden, Orchard, Park, Plantation, planted Walk, Avenue, or Ground planted and set apart as a Nursery for Trees, and not being nearer than Five hundred Yards to the Mansion House of the Owner of any such Lands, and to occupy the said Lands during the Construction or Repair of the said Works, and to use the same for any of the following Purposes; (that is to say,)

For the Purpose of obtaining Materials therefrom for the Formation and Repair of the said Works:

For

For the Purpose of forming Roads thereon, or to or from the said Works, and repairing the same :

And in exercise of the Powers aforesaid it shall be lawful for the Company to deposit and also to manufacture and work upon such Lands Materials of every Kind used in constructing the said Works, and also to dig and take from out of any such Lands any Clay, Stone, Rock, Gravel, Sand, or other Things that may be found therein useful or proper for constructing the said Works or any such Roads as aforesaid.

CV. And be it enacted, That in case any such Lands shall be required for obtaining Materials for the Formation and Repair of the said Works and Roads, the Company shall before entering thereon (except in the Case of Accident to the Works requiring immediate Reparation) give Six Weeks Notice in Writing to the Owners and Occupiers of such Lands of their Intention to enter upon the same for such Purposes, and the Company shall in such Notices state the Substance of the Provisions herein-after contained respecting the Right of such Owner or Occupier to receive Compensation for the temporary Occupation thereof, as the Case may be.

Company to give Notice previous to such temporary Possession.

CVI. And be it enacted, That if such Lands are required for any of the Purposes in respect of which a Notice of Six Weeks is herein-before required to be given, it shall be lawful for the Owner or Occupier thereof, within Ten Days after Service of such Notice, to object to the Company making use of such Lands, on the Ground that other Lands lying contiguous thereto, and being such as the Company are herein-before authorized to use for the Purposes aforesaid, might be more beneficially occupied for such Purposes by the Company; and in such Case, if the Company shall refuse to occupy such other Lands in lieu of those mentioned in the Notice, it shall be lawful for Two Justices, on the Application of such Owner or Occupier, to summon the Company and the Owner and Occupiers of such other Lands to appear before them, at any Time not being more than Fourteen Days after such Application nor less than Seven Days from the Service of such Summons, and on the hearing pursuant to such Summons it shall be lawful for such Justices to determine summarily which of the said Lands shall be occupied by the Company for the Purposes aforesaid, and to authorize the Company to occupy the same accordingly.

Power to Owner to object, that other Lands ought to be taken.

CVII. Provided always, and be it enacted, That if it shall appear to such Justices, upon the Inquiry before them, that the Lands of any other Party not summoned before them, being sufficient in Quantity, and such as the Company are herein-before authorized to take or use for the Purposes aforesaid, would be more suitable to be used by the Company than the Lands of the Person who shall have been so summoned as aforesaid, it shall be lawful for the said Justices to adjourn such Inquiry, and to summon such other Person to appear before them at any Time, not being more than Fourteen Days from such Inquiry, nor less than Seven Days from the Service of such Summons, and on the hearing of such last-mentioned Summons to

Power to the Justices to summon other Owners before them.

[Local.]

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determine

determine finally which Lands shall be occupied or used for the Purposes aforesaid, and to authorize the Company to occupy the same accordingly.

The Company to give Sureties, if required.

CVIII. And be it enacted, That before entering upon any such Lands as shall be required for obtaining Materials as aforesaid the Company shall, if required by the Owner or Occupier thereof, Seven Days at least before the Expiration of the Notice to take such Lands as herein-before mentioned, find Two sufficient Persons, to be approved of by a Justice, in case the Parties differ, who shall enter into a Bond to such Owner or Occupier in the Penalty of the Amount of Fifty Pounds *per* Acre, conditioned for the Payment of such Compensation as may become payable in respect of the same in manner herein mentioned.

Company to separate the Lands before using them.

CIX. And be it enacted, That before the Company shall use any such Lands for any of the Purposes aforesaid they shall, if required so to do by the Owner or Occupier thereof, separate the same by a sufficient Fence from the Lands adjoining thereto.

Compensation to be made for temporary Occupation.

CX. And be it enacted, That in all Cases where the Company shall take temporary Possession of Lands by virtue of the Powers herein granted it shall be incumbent on the Company, within One Month after their Entry upon such Lands, upon being required so to do, to pay to the Occupier of the said Lands the Value of any Crop or Dressing that may be thereon, and to agree with the Owner and Occupier thereof for the Payment of an annual Sum by way of Rent during the Occupation thereof, and also, within Six Months after they shall have ceased to occupy the said Lands, and not later than Six Months after the Expiration of the Time by this Act limited for the Completion of the Works, to pay to such Owner and Occupier Compensation for any permanent Damage or Injury that may have been done to the said Lands in the Exercise of the Powers herein-before granted, and the Amount of such permanent Damage shall, in case of Difference, be determined as in other Cases of disputed Compensation under this Act; and the Value of any Crop or Dressing which may be on the said Lands, and the Rent payable in respect thereof during the Possession of the Company, whatever the Amount of Claim in respect of the same may be, shall, in case of Difference, be determined as other Cases of disputed Compensation under Fifty Pounds are determined under this Act.

Mines lying near the Works not to be worked if the Company be willing to purchase them.

CXI. And for the Purpose of protecting the Works of the Company from Danger to be apprehended from the working of any Mines either under or closely adjoining the same, be it enacted, That if the Owner, Lessee, or Occupier of any Mines or Minerals lying under the said Works, or within Forty Yards therefrom, be desirous of working the same, such Owner, Lessee, or Occupier shall give to the Company Notice in Writing of his Intention so to do Thirty Days before the Commencement of working; and upon the Receipt of such Notice it shall be lawful for the Company to cause such Mines to be inspected by any Person appointed by them for the Purpose, and if it appear to the Company that the working of such

such Mines or Minerals is likely to damage their Works, and if the Company be willing to make Compensation for such Mines to such Owner, Lessee, or Occupier thereof, then he shall not work or get the same; and if the Company and such Owner do not agree as to the Amount of such Compensation the same shall be settled as in other Cases of disputed Compensation.

CXII. And be it enacted, That if before the Expiration of such Thirty Days the Company do not state their Willingness to treat with such Owner, Lessee, or Occupier for the Payment of such Compensation, it shall be lawful for him to work the said Mines, so that the same be done in such Manner as may be proper and necessary for the beneficial working thereof; and if any Damage or Obstruction be occasioned to the Works of the Company by the improper working of such Mines, the same shall be forthwith repaired or removed (as the Case may require) by the Owner, Lessee, or Occupier of such Mines or Minerals, and at his own Expence; and if such Repair or Removal be not forthwith done it shall be lawful for the Company to execute the same, and recover from such Owner, Lessee, or Occupier the Expence occasioned thereby, by Action in any Court competent.

If Company unwilling to purchase, the Owner may work the Mines.

CXIII. And for better ascertaining whether any such Mines are being worked or about to be worked so as to damage the Works of the Company, be it enacted, That it shall be lawful for the Company, after giving Twenty-four Hours Notice in Writing to enter upon any Lands through or near which the said Works are situate; and wherein any such Mines are being worked, or are supposed so to be, and to enter into and return from any such Mines or the Works connected therewith, and for that Purpose it shall be lawful for them to make use of any Apparatus or Machinery belonging to the Owners, Lessees, or Occupiers of such Mines, and to use all necessary Means for discovering the Distance from their Works to the Parts of such Mines which may be being worked, or be about so to be.

Power to the Company to enter and inspect the working of Mines.

CXIV. And be it enacted, That if it appear that any such Mines have been worked contrary to the Provisions of this Act, the Company may give Notice to such Owners, Lessees, or Occupiers to adopt the necessary Means and to construct the requisite Supports for making safe their Works, and preventing any Injury thereto; and if after such Notice any such Owner, Lessee, or Occupier do not forthwith proceed to construct the necessary Support for making safe the Works of the Company, the Company may themselves construct such Supports and all necessary Works connected therewith, and recover the Expence thereof from such Owner, Lessee, or Occupier by Action in any Court competent.

If Mines improperly worked, Supports to be made.

CXV. And be it enacted, That if the working of any such Mines under the Works of the Company, or within the above-mentioned Distance therefrom, be prevented by reason of apprehended Injury to such Works, it shall be lawful for the respective Owners, Lessees, and Occupiers of such Mines, to cut and make such and so many Airways,

Mining Communications.

Airways, Headways, Gateways, or Water Levels through the Mines, Measures, or Strata, the working whereof shall be so prevented, as may be requisite to enable them to ventilate, drain, and work the said Mines; but no such Airway, Headway, Gateway, or Water Level shall be of greater Dimensions or Section than Eight Feet wide and Eight Feet high, nor shall the same be cut or made upon any Part of the Works of the Company, or so as to injure the same.

Compensation to be made if increased Expence incurred in working Mines.

CXVI. Provided always, and be it enacted, That the Company shall make Compensation (to be ascertained and recovered in same Manner as other Cases of Compensation are by this Act directed to be ascertained and recovered) for any increased or additional Expence to which the Owner, Lessee, or Occupier of any such Mines or Minerals shall be put to or incur in working or getting such Mines or Minerals in consequence of the Construction of any of the Works by this Act authorized.

Company to restore Roads, &c. if cut off by the Works.

CXVII. And be it enacted, That the Company shall at their own Expence, and, in case of Difference, to the Satisfaction of the Sheriff, make and provide a sufficient Number of convenient Roads, Ways, Bridges, Watering Places, Wells, Watercourses, Drains, and Channels, for the Use and Occupation of the adjoining Lands, in lieu of any existing Roads, Ways, Bridges, Watering Places, Wells, Watercourses, Drains, and Channels which may be taken away, interrupted, or injured by them, and thereby rendered inconvenient or useless, where such Roads, Ways, Bridges, Watering Places, Wells, Watercourses, Drains, and Channels cannot be well and sufficiently restored: Provided always, that the Company shall besides be bound to make good any Damage which may be occasioned to the Owners and Occupiers of the adjoining Lands by the Substitution of any such Roads, Ways, Bridges, Watering Places, Wells, Watercourses, Drains, and Channels as aforesaid, and which Damage, in case of Difference, shall be settled by the Sheriff.

Provision for temporary Roads.

CXVIII. And be it enacted, That where in executing any of the said Works the Company shall obstruct or render inconvenient any Road, Way, Bridge, Watering Places, Wells, Watercourses, Drains, and Channels in any Lands to be taken or occupied by virtue of this Act, during the Progress of such Works, the Company shall be bound and are hereby required to furnish such temporary Roads, Ways, Bridges, Watering Places, Wells, Watercourses, Drains, and Channels as shall be necessary for the Use of such Lands, until the same shall have been restored to their original State, or others constructed in lieu thereof, as herein provided: Provided always, that it shall not be lawful for the Company permanently to divert or change the Line of the present Road leading by the West Side of *Redford Plantation* to *Balerno* on the Estate of *Bavelaw*; reserving always to the Company the Power to raise the Level of said Road, if found necessary for the Purposes of this Act; and in case of any Difference arising as to the Necessity or Construction of such last-mentioned Works the same shall be settled by the Sheriff.

CXIX. And

CXIX. And be it enacted, That the Company shall and they are hereby required, at their own Costs and Charges, after any Land shall be taken for the Use of the Works hereby authorized to be constructed, to fence and protect the same, so far as may be necessary, with good and sufficient Posts, Rails, Hedges, Ditches, Mounds, or other Fences, and shall, at their own Costs and Charges, from Time to Time maintain and support all the Embankments, Mounds, Posts, Rails, Hedges, Ditches, and other Fences to be made as aforesaid, and shall also, at their own Costs and Charges, make, erect, and set up such and so many Gates and Stiles as shall be necessary in and through the Hedges and Fences so to be made by them as aforesaid, and also such and so many Bridges, Arches, Culverts, Drains, Roads, and Passages over or under the said intended Aqueducts, and the Feeders and Trenches communicating therewith, and of such Dimensions, as shall be necessary for the Use of the Owners and Occupiers of the Lands adjoining, and that whenever and wherever required by the said Owners or Occupiers.

Company to
fence off
Land taken
for making
Reservoirs,
&c.

CXX. Provided always, and be it enacted, That if the Company shall refuse or delay to make, construct, and maintain any of the Works last aforesaid for Twenty Days after being required by Notice in Writing to do so by the said Owners or Occupiers, it shall be lawful to them to apply by Petition to the Sheriff, and the Sheriff shall have Power and is hereby required to appoint and ordain the Company to make, construct, and maintain all such proper Posts, Rails, Hedges, Ditches, Mounds, or other Fences, and Gates and Stiles, and also such Bridges, Arches, Culverts, Drains, Roads, and Passages as aforesaid, as the said Sheriff shall determine to be necessary or proper for any or either of the Purposes aforesaid, and that within such Time as the Sheriff shall think reasonable; and in case the Company shall in any Instance fail to comply with any such Appointment or Decree, or in case the Company shall at any Time neglect to maintain or keep in proper Repair any of the said Works after the same shall have been so made, it shall be lawful to the Sheriff and he is hereby required from Time to Time to order and direct any such Works as he may think necessary as aforesaid to be made and constructed, and, being so made, to be maintained and kept in repair, at the Sight and under the Inspection of an Engineer or Person of Skill, and that at the Costs and Expence of the Company, for which Cost and Expence, and also for the Expence of any such Application, and the Procedure to follow thereon, it shall be lawful to the Sheriff and he is hereby required to decern against the Company accordingly.

Power to the
Sheriff to
compel
Company
to construct
and maintain
proper Posts,
Rails, &c.

CXXI. And be it enacted, That in executing the aforesaid Works, it shall not be lawful for the Company to make any Embankment in the Line of the Aqueduct or Pipe Tract where it passes through the Lands of the said *William Johnston* and *Carteret George Scott*, or either of them, except at a Place near the Cistern at *Bavelaw Mill*, and in the Ravine on the Lands of *Malleny* near *Torphin Hill*; and such Aqueduct or Pipe Tract, so far as the same passes through the Lands of the said Proprietors or either of them, excepting as aforesaid, shall be all laid under Ground at such a Depth as not to prevent the convenient Culture of the Ground above the said

Provision as
to Embank-
ment, &c.
on the Lands
of *William
Johnston
and Carteret
George
Scott,
Esquires.*

[Local.]

32 N

Aqueduct

Aqueduct
not to pass
through the
Plantation
East of Bavelaw
Road,

Aqueduct or Pipe Tract; and in re-filling the Trench or Cut made for laying that Part of the said Aqueduct or Pipe Tract the Surface of the Ground shall be restored to its original Level and State, or as near thereto as Circumstances will permit, the Soil being laid aside and again replaced on the Surface; and any Embankments at the Places herein-before excepted shall be so formed as to cause as little Inconvenience as may be to the said Owners or Occupiers: Provided always, that no Part of the said Aqueduct or Pipe Tract shall pass into or through the Plantation East of *Bavelaw* Road called *Redford Plantation*, as delineated on the said Plan, and marked No. 13 therein, Parish of *Currie*, but such Aqueduct or Pipe Tract shall be carried Northward of the said Plantation so as to be entirely clear thereof; and the Company shall have Power to deviate from the said Plan to such Extent as may be necessary for the Purpose aforesaid, with Consent of the Owners and Occupiers of the Lands into which such Deviation shall be made; and in the event of the said Owners and Occupiers not delivering to the Company their Consent in Writing to such Deviation within Three Months after the passing of this Act, then the said Aqueduct shall be carried through the said Plantation by a Drift or Mine under Ground near the North-east Corner of the said Plantation, and at a Distance of not more than Ten Yards towards the South from the Limit of Deviation as marked on the said amended Plan through the said Plantation, and so that the same shall be as little injurious as possible thereto.

Company
restricted
from erect-
ing Steam
Engines.

CXXII. And be it enacted, That it shall not be lawful for the Company, or any Persons acting under or deriving Right from them, to erect any Steam Engine on any Part of the Land already acquired or to be acquired under this Act from the Estates of *Bavelaw* and *Malleny*, or to use such Lands for the Purpose of making Bricks or Tiles, or for any other Work which may be offensive to the Neighbourhood.

Company to
have Access
for Repairs,
&c.

CXXIII. And be it enacted, That the Company shall, by their Engineer, Superintendent, or other Officer specially named by the Company, have Access to the Lands through which the Water may be conducted, by the Gates or other Mode of Entry to the Inclosures used as Access for other Purposes, at all reasonable Times during the Day, not earlier than Six of the Clock in the Morning nor later than Sunset, for the Purpose of inspecting the Line or Tract of the Aqueduct and Works; and, in the event of Repairs being found necessary, to obtain the like Access for the other Servants of the Company to repair the same, the Company indemnifying the Owner or Occupier for all Damages thereby done.

Water to be
brought
in and
Works com-
pleted within
Five Years.

CXXIV. And be it enacted, That the Company shall, within Five Years from and after the passing of this Act, make, construct, and complete the necessary Works for the Purpose of bringing into *Edinburgh* and *Leith*, and Places adjacent, and shall bring in for the Supply of the Inhabitants thereof, the whole of the Water which they are authorized to take by the said recited Acts and this Act; and in the event of the said Works not being completed, and the Supply of Water not being brought in as aforesaid, within the said Space

Space of Five Years from and after the passing of this Act, the Company shall be liable in a Penalty of not exceeding Five Pounds for every Day after the said Five Years until the said Works shall be completed and Supply brought in, which Penalty shall be recoverable before the Sheriff at the Instance of any Person paying Rates to the Company, and shall be paid over to the Lord Provost, Magistrates, and Council of the City of *Edinburgh*, to be applied by them towards the Reduction of the Assessment for the Relief of the Poor of the said City: Provided always, that it shall be lawful for any Person paying Rates to the Company, at any Time after Four Years from the passing of this Act, to apply to the Sheriff, alleging that the Company are not proceeding with due Expedition in the Execution of the said Works; and after hearing the Company, and examining into the Matter in such Way as the Sheriff shall think fit, it shall be lawful to the Sheriff to make such Order therein as he shall think fit, which shall be binding on the Company; and the Sheriff shall have Power to award Costs against either Party.

CXXV. And for the Purpose of securing to the Public the full Supply of Water which the Company are by the said recited Acts and this Act enabled to afford, be it enacted, That the Company shall provide and maintain upon their Main Pipe from *Crawley* and upon their Main Pipe from *Torphin* (when the same shall be formed) such Meters as shall be deemed practicable, and shall be approved of by the Engineer of the Company, and an Engineer to be named by the Lord Provost, Magistrates, and Council of the City of *Edinburgh*, or, if they differ, by a neutral Engineer, to be named by the Sheriff, on the Application of either Party, for measuring the Quantity of Water which is from Time to Time flowing through such Pipes; and the Company shall also provide and keep a Book or Register, in which shall be entered a true Account of the average Quantity of Water indicated by the Meters as flowing through such Pipes, and shall, once in each Month, transmit a Copy of such Register for the Month immediately preceding, certified as correct by the Officer who shall keep the same, to the Town Clerk of the City of *Edinburgh*, in whose Hands the said Register shall be open at Business Hours, to the Inspection of any Householder paying Water Rates; and it shall be lawful to the Commissioners appointed by the said second recited Act, from Time to Time as they shall see Cause, upon the Application of any Five Householdors paying Water Rates, Three of whom at least shall possess Houses or other Premises charged at a Rent of Fifty Pounds for the Police Tax, to authorize the said Five Householdors to apply to the Sheriff, who shall have Power, if he think fit, to appoint an Engineer to inspect the Works of the Company, and to ascertain, in such Way as the Sheriff shall direct, the Quantity of Water flowing in and through the Main Pipes of the Company; and such Engineer shall report to the Commissioners thereupon, and upon such Report it shall be lawful for the Commissioners to require the Company to repair the existing Works, and to construct and repair such Works as by this Act they have Power to construct; and in the event of the Company failing to construct or repair such Works, in conformity with such Requisition, it shall be in the Power of the said Five Householdors, or any Three of them, to apply to the Sheriff,

For regulat-
ing the Sup-
ply of Water.

Sheriff, who shall, if he see fit, enforce such Requisition of the Commissioners; and the Sheriff shall determine whether the Expence of such Applications, Appointments, Inspections, and other Proceedings herein-before mentioned, or any of them, shall be borne and paid by the Company or by the Householders at whose Instance the same may take place; and the Judgment of the Sheriff in any of the Matters aforesaid shall be final, and not liable to the Review of any Court whatever.

Engineers
to gauge the
Water flow-
ing in the
Stream and
Bavelaw
Burns.

CXXVI. And be it enacted, That Two Engineers, one to be appointed by the Company, and the other by the Majority to be assembled at a Meeting to be called in manner after mentioned, of the Owners and Occupiers of Mills on the *Water of Leith* and *Bavelaw Burn*, or by the Majority of a Committee named by such Meeting, and in case of Difference between such Engineers, then a Referee or Oversman named by such Engineers, or in case such Engineers shall fail to make such Nomination for Ten Days after being required by the Company or the said Committee so to do, an Engineer to be named by the Sheriff, on the Application of the Company or the said Committee, shall, at least once during the middle Week of each of the Months of *September* and *October* in the Year One thousand eight hundred and forty-three, of the Months of *March, April, May, June, July, August, September, and October* in the Year One thousand eight hundred and forty-four, and of the Months of *March, April, May, June, July, and August* in the Year One thousand eight hundred and forty-five, measure, gauge, and estimate, in such Manner as to them shall seem proper, the Discharge of the whole Springs and Feeders flowing into the *Bavelaw Burn* and the *Stream Burn*, and their Tributaries, exclusive of Rain, Surface, and Flood Waters, which the Company have either already acquired or are empowered by this Act to acquire; and such Engineers shall, by the Results obtained from said Measurements and Gaugings, estimate and calculate, and by Writing under their Hands declare, what was the Quantity of Water discharged by the said Springs and Feeders of the *Bavelaw Burn* and the *Stream Burn*, and their Tributaries, during the whole of the above-named Sixteen Months; and it shall not be lawful for the Company, after the said Measurements have been made, to seek an increased Supply of Water from the said Springs or Lands by digging, trenching, boring, or otherwise, unless they shall grant Compensation in the like Proportion and Manner as herein provided for such additional Supply of Water so to be obtained.

Compensa-
tion Reser-
voir to be
constructed
at the Con-
fluence of
the Stream
Burn with
the Bavelaw
Burn.

CXXVII. And be it enacted, That the Company shall forthwith after the passing of this Act proceed to construct and complete in a proper and substantial Manner, on the Lands of *Threipmuir* and others near the Confluence of the *Stream Burn* with *Bavelaw Burn*, and in or near the Situation marked and delineated for that Purpose on the said Plan, a Reservoir, to cover in Extent not exceeding One hundred and eighty Imperial Acres of Land, and capable of containing One Half of the Quantity of Water discharged by the said Springs and Feeders of the *Bavelaw Burn* and *Stream Burn*, and their Tributaries, during the above-named Sixteen Months, to be estimated, ascertained, and declared as aforesaid; and the Company shall, upon any Ground
which

which may be acquired by them, make proper Roads of Access to the Embankments of the said Reservoir, and in and upon such Ground shall make, form, and erect, in and upon or near to the said Reservoir, proper Embankments, Puddle Banks and Beds, and such Flood Gates, Cloughs, Valves, Sluices, Weirs, Dams, Banks, Drains, Spill Waters, Cuts, Channels, Feeders, and all other Works that may be necessary or proper for conveying the said Waters into the said Reservoir, for holding and retaining them therein, and for drawing off, discharging, and emptying such Waters from Time to Time out of or from the said Reservoir, and for conveying the same for the Supply of the Mills and other Works upon or near the Banks of the *Water of Leith* and *Bavelaw Burn*, as may be regulated or ordered as after mentioned; and at all Places where the Aqueducts, Conduits, or other Works of the Company would prevent or divert any Waters other than those which they are hereby empowered to abstract from flowing into the *Bavelaw Burn* or the said Reservoir the Company shall make Conduits under or over their said Works, for preserving the present Course of the said Waters.

CXXVIII. Provided always, and be it enacted, That it shall be lawful for the Company and they are hereby required, if the said *William Johnston* and the Majority of the Committee to be appointed by the Owners of Mills on *Bavelaw Burn* and the *Water of Leith*, as mentioned in this Act, shall, within Three Months after the passing of this Act, consent thereto in Writing, so to construct the said Reservoir at *Threipmuir* as that the Summit Level of the Water thereof shall not rise higher than the present Level of the Spring of the Arch of the Bridge over *Bavelaw Burn* on the Line of Road leading from *Balerno* to *Bavelaw House*; but in the event of their so limiting the Dimensions of such Reservoir they are hereby required (if the Owners and Occupiers of the Lands necessary for that Purpose, and the Majority of the said Committee to be appointed by the said Owners and Occupiers of Mills, shall consent thereto in Writing,) to construct and complete, in a proper and substantial Manner, at some Place between the Point where the proposed Aqueduct crosses the *Bavelaw Burn* and the Head Embankment of the said Reservoir at *Threipmuir*, an additional or auxiliary Reservoir capable of containing a Quantity of Water which, together with the Quantity of Water which the said Reservoir at *Threipmuir* so limited and constructed as aforesaid shall be capable of containing, shall be equal to One Half of the Quantity of Water discharged by the said Springs and Feeders of the *Bavelaw Burn* and *Stream Burn*, and their Tributaries, during the above-named Sixteen Months, to be estimated, ascertained, and declared as aforesaid; and such additional Reservoir shall be considered as a Part of the said Reservoir at *Threipmuir*, and shall be subject to the like Provisions and Enactments as are herein contained in relation thereto, and the Provisions of this Act with respect to the Acquisition of Lands by Consent shall extend to the Lands necessary for such additional Reservoir, but such Lands shall not be reckoned as Part of the Fifty Acres which the Company are by this Act authorized to acquire by Consent: Provided also, nevertheless, that if the Owners and Occupiers of the Lands necessary for making the additional or auxiliary Reservoir herein-before men-

Additional
Reservoir to
be con-
structed in a
certain
Event.

tioned, or the Majority of the said Committee to be appointed by the said Owners and Occupiers of Mills, shall not consent to the Construction of such additional or auxiliary Reservoir, it shall not be lawful for the said Company to construct the said Reservoir at *Threipmuir* of the limited Dimensions herein-before specified, but the said Reservoir shall be constructed in all respects as if the Power to construct the same of limited Dimensions, as herein-before provided, had not been given.

Right of
fishing, &c.
in Reservoir
to belong
exclusively
to Owners of
Land.

CXXIX. And be it enacted, That the Owners respectively of the Lands on which it is proposed to construct the said Reservoir, and their Heirs, Successors, and Assigns in the said Lands respectively, shall have and enjoy the exclusive Right of fishing, shooting, and sporting in or over the said Reservoir, so far as the same is to be constructed on the Lands of such Owners respectively, and also of keeping and using Boats on the said Reservoir, but so that the Exercise of such Rights shall not injure the Embankments of the said Reservoir, and that the said Owners and their foresaids shall not enter upon the Head Embankment of the said Reservoir, or come nearer the same on the Water than One hundred Yards; and it shall not be lawful for the Company or any of their Servants, or any Person acting under their Authority, by virtue of this Act or otherwise, or any other Person, to exercise any such Rights and Privileges of shooting, fishing, and sporting, or keeping or using Boats as aforesaid.

Engineers
to inspect
Reservoir,
and declare
same to be
properly
constructed.

CXXX. And be it enacted, That when the said Reservoir is reported by the Company to be completed the said Engineers appointed as aforesaid shall visit and inspect the same, and shall declare by Writing under their Hands that such Reservoir is constructed in a convenient, safe, and substantial Manner, and of sufficient Dimensions, Capacity, and Construction to contain One Half of the Quantity of Water declared as aforesaid to be discharged by the said Springs and Feeders of the *Bavelaw Burn* and *Stream Burn*, and their Tributaries, during the before-named Sixteen Months.

Flood Waters
may be
dammed up.

CXXXI. And be it enacted, That as often as the Quantities of Water in the *Bavelaw Burn* and *Stream Burn* are respectively swelled or increased by Floods or Rains beyond their average ordinary Discharge, to be ascertained, in case of Dispute, by Gauges or otherwise, as the Sheriff may direct, such Increase shall be considered as Surplus or Flood Water; and it shall be lawful for the Company, and they are hereby authorized, after first allowing the said average Discharge of the said Burns to pass in their respective ordinary Channels, to dam up, retain, and take such Surplus or Flood Waters for the Purpose of filling the said Reservoir with Water: Provided always, that the said Reservoir, and all the aforesaid Works connected therewith, shall be constructed and maintained by the Company in all Time coming in perfect good Order and Condition, and of a Capacity sufficient to contain the said Quantity of Water, at the sole Cost, Risk, and Responsibility of the Company.

No Water to
be diverted

CXXXII. And be it enacted, That it shall not be lawful to nor in the Power of the Company to take away or divert any of the Waters
of

of any of the Springs or Feeders of the *Bavelaw Burn*, and *Stream Burn*, whether already acquired by the Company or which they are empowered by this Act to acquire, until the said Reservoir is declared by the said Engineers to be of sufficient Capacity and Construction as aforesaid, and until the same is for the first Time filled with Surplus or Flood Water as aforesaid; and the whole Expences of the said Engineers in the said whole several Matters in which they are herein directed to be employed and to report shall be borne and paid by the Company.

till Reservoir is full.

CXXXIII. And be it enacted, That it shall be lawful to any of the Owners or any Two Occupiers of Lands, Mills, or Works on *Bavelaw Burn*, or on the *Water of Leith* below its Junction with the said Burn, to apply to the Court of Session or the Sheriff, alleging that the said Reservoir, or the Embankments or any Works connected therewith, are or have become insufficient or want Repair, whereupon the said Court or Sheriff shall cause Inquiry to be made into the Truth of such Allegation by a skilful Person or Persons, and thereupon make such Orders for the Repairs thereof, or otherwise, as the Case may require, so as the said Reservoir, Embankments, and other Works may be always kept in a sufficient State of Repair, and the Company shall have no Control over or Right in the Water to be collected in the said Reservoir, nor shall be further concerned with the Supply of Water from the said Reservoir, than in keeping the same in good Order and Repair, and of the Capacity aforesaid.

Court of Session or Sheriff may, on Application, order Repairs on Reservoir.

CXXXIV. And be it enacted, That the Owners and Occupiers of Mills upon the *Bavelaw Burn* and upon the *Water of Leith* below their Confluence, or their Committee, to be appointed as after mentioned, shall have Power to take, dam up, and store the Waters of the said *Bavelaw Burn* and *Stream Burn*, and their Tributaries, in the said Reservoir as to them shall seem proper.

Owners and Occupiers of Mills, or their Committee, may dam Waters in the Reservoir.

CXXXV. And be it enacted, That the Supply of Water to be delivered from the said Reservoir to be made on the Lands of *Threipmuir* and others, near the Confluence of *Bavelaw Burn* and *Stream Burn* shall at all Times after the Completion of the same be regulated by the Majority of a Committee to be from Time to Time appointed by the Owners and Occupiers of Mills on *Bavelaw Burn* and the *Water of Leith* assembled at a Meeting to be held within the City of *Edinburgh*, of which Notice shall be given by Advertisement as after mentioned, specifying the Time and particular Place at which such Meeting is to be held, the said Committee always consisting of Two Occupiers of Mills on *Bavelaw Burn*, of whom the Manager of the Works at *Malleny Mills* shall be One, and Three Occupiers of Mills on the *Water of Leith* below its Junction with *Bavelaw Burn*; but in case of the said Committee differing in opinion it shall be lawful to not less than any Two of them to complain of any Resolution, Order, or Act of the said Committee to the Sheriff, who shall adjudicate and give such Orders in the Matter as to him may seem just, and his Judgment shall be final, and not liable to Review in any Court whatever; the Notices of all which Meetings shall be inserted

Committee of Owners and Occupiers of Mills to be appointed to regulate Discharge of Water from Reservoir.

serted by any Two or more of such Owners or Occupiers, at their own Expence, Twice at the least in any Two or more Newspapers published in the County of *Edinburgh*, not more than Twenty nor less than Five clear Days previous to such Meetings, which Committee or the Sheriff shall from Time to Time give the necessary Directions in Writing to the Person appointed and paid by the Company to take charge of the said Reservoir, for the Supply of such Water: Provided always, that no Order shall be given nor any other Thing done or permitted which shall have the Effect of causing the Surface of the Water in the said Reservoir to rise higher than the Level of the Top of the Waste Weir of such Reservoir, nor to fall lower in the said Reservoir than Six Feet above the Level of the Upper End of the off-let Pipe, which Depth of Six Feet of Water in the Hollow of the said Reservoir is not to form Part of the Capacity of the said Reservoir.

Company
to appoint a
Person to
take charge
of Reservoir.

CXXXVI. And be it enacted, That the Company shall from Time to Time appoint a proper Person as Superintendent or Keeper of the said Reservoir, with a competent Salary, to be paid by them, for the Protection and Management of the said Reservoir, who shall at all Times reside in a Dwelling House to be built or provided near to the said Reservoir, and who shall draw up and put down, and otherwise manage and regulate, the said Cloughs, Sluices, Valves, Weirs, and other Works, and mete out the Water for the Use of the said Mills and Manufactories, according to the written Instructions to be drawn up for the Purpose by the Parties in the Manner herein-before mentioned for the Regulation of such Reservoir, such Instructions being always consistent with the Provisions of this Act; but in case the said Superintendent or Keeper shall neglect or refuse to attend to or comply with such written Instructions, he shall, on Complaint being made to the Company, and Proof given by any of the said Owners or Occupiers of Mills or Manufactories of such Neglect or Refusal, be forthwith dismissed by the Company, who shall without Delay appoint some other Person in his Stead; and such other Person shall be liable to be dismissed in like Manner on a like Complaint being made and proved against him.

Company
may empty
Reservoir
for the Pur-
pose of
Repairs.

CXXXVII. Provided always, and be it enacted, That it shall be lawful for the Company, their Agents, Servants, and Workmen, to draw and let off the Water of the said Reservoir, when and as often as it shall be necessary for the Purpose of repairing and keeping in repair the said Reservoir, and the Dams, Banks, Goits, Trunks, Channels, Water Gates, Pipes, Valves, and other Works appertaining thereto, or any Part thereof respectively, the Company making full Compensation to the said Owners and Occupiers of Mills for the Want of Water, and to all other Persons for any Loss or Damage that may be thereby sustained by them.

Supplying
Vacancies
in case of
Engineers
dying or
refusing to
act, &c.

CXXXVIII. And be it enacted, That if any of the said Engineers shall die before he has fully executed the Purposes of his Appointment, his Place shall be supplied in the same Manner by the same Party who originally appointed him; and if any of the said Engineers shall refuse or delay to perform the Duties hereby imposed upon him
for

for such a Length of Time as the Sheriff shall think unreasonable, then it shall be lawful for the Sheriff and he is hereby required, on the Application of the Company, or any Two of the said Committee of Occupiers of Mills, to appoint another Engineer in room of the Engineer so refusing or delaying; and the Engineer appointed in the Place of any Engineer dying, refusing, or delaying as aforesaid shall have the same Powers to perform and execute all the Purposes of the Appointment in the Premises remaining unexecuted by the Engineer so dying, refusing, or delaying as aforesaid.

CXXXIX. Provided always, and be it enacted, That the Company shall only take, divert, and use the Water of the Springs herein-before specified, exclusive of Rain, Surface, and Flood Water.

Company
not to divert
Surface
Water.

CXL. And whereas the Water to the House and Estate of *Colinton*, belonging to Lord *Dunfermline*, is supplied by means of a Pipe from a Spring at the Foot of *Torphin Craig*, and the intended Cut of the Company from the Cistern at *Torphin* to *Edinburgh* will necessarily cross the said Pipe; be it enacted, That it shall not be lawful to the Company to take or in anywise affect the Water of the said Spring; and if any Difficulty shall arise as to the Protection of the said Pipe at the crossing thereof, it shall be competent to Lord *Dunfermline*, or his Successors in the Estate of *Colinton*, after Notice given to the Company, to apply to the Sheriff, who upon such Application shall, with the Assistance of such Civil Engineer as he shall think fit to appoint, direct the crossing by the Cut to be so effected as completely to protect the said Pipe and Supply of Water; and if any Protection beyond what may have been offered by the Company shall be directed to be provided by the Sheriff, the Expence of such Application shall be borne by the Company.

Works not
to affect
Springs sup-
plying Co-
linton House,
&c.

CXLI. And in order to ascertain the Quantity of Water flowing in or down to the Compensation Reservoir on *Glencorse Burn*, or in or down to the new Course of *Glencorse Burn*, the Quantity diverted to *Edinburgh*, and the Quantity sent down *Glencorse Burn* below the Works and Drains of the Company at *Crawley*, be it enacted, That, in addition to the Gauges which the Company have already erected, the Company shall be bound and they are hereby required, within Three Months after the passing of this Act, to erect a Gauge on the said Burn at or near the lowermost Works or Drains at *Crawley*, within the Limits of the Lands presently belonging to the Company, of such Construction and Dimensions as shall be agreed on between the Company and the Owners and Occupiers of Mills on the *North Esk*, or major Part of them; and the Company shall maintain in good Order and Repair the said Gauges which they have already erected, and the One to be hereafter erected; and in case of Difference of opinion between the Parties as to the Place at which such Gauge shall be erected, or as to its Construction and Dimensions, or as to the Sufficiency and Repair of the said Gauges, the same shall be determined by the Sheriff of the County of *Edinburgh*, upon a summary Application to be made to him by any of the Parties interested; and the said Owners and Occupiers of Mills, and all Parties interested, shall have Access to the said Gauges, and to the

Gauges to
be main-
tained for
ascertaining
Quantity of
Water sent
down Glen-
corse Burn.

Use thereof for the Purposes aforesaid, and the Decision of the Sheriff in the Matters aforesaid shall be final and conclusive.

Regulating
Quantity of
Water to be
taken from
Glencorse
Burn.

CXLII. And be it enacted, That the Water Company shall have Power immediately to take into their Pipes, and they are hereby authorized and required, within Six Months from and after the passing of this Act, and in all Time thereafter, to take into their Pipes the Water of *Glencorse Burn* to the Extent of One hundred and thirty and a Half Cubic Feet *per Minute*, or any smaller Quantity which the Burn may yield from Time to Time, direct from the Bed of the said Burn, and by a Course commencing at a Point above the Compensation Reservoir, so that no Part of the said One hundred and thirty and a Half Cubic Feet of Water *per Minute* shall pass through the said Reservoir, or through the present Channel of the Burn, but that it shall be conveyed directly into the filtering Beds, for the Purpose of being filtered and carried directly to the said City, Town, and other Places, for the Use of the Inhabitants: Provided always, that the Company shall likewise be entitled to take such additional Quantity of Water from the Burn of *Glencorse* below the Compensation Reservoir as they shall deem expedient, in order that such additional Quantity may likewise be filtered and conveyed to the said City, Town, and other Places, for the Use of the Inhabitants.

Further Re-
gulations as
to Water
from Glen-
corse Burn.

CXLIII. And whereas it is desirable, that in lieu of the several Quantities of Water which by the before-recited Acts are required to be conveyed down the Burn of *Glencorse*, for the Use of the Lands, Mills, and other Works on the said Burn and *North Esk River*, including therein the additional Quantity of Three hundred and fifty *Scots Pints* of Water *per Minute* during Three Months of Summer, that certain fixed Quantities of Water should be substituted for the same; be it enacted, That during the Period of Five Years from and after the passing of this Act the Company shall allow to flow through the lower Gauge herein-before required to be erected One hundred and thirty Cubic Feet of Water *per Minute* during each of the Months of *May, June, July, August, September, and October*, and Two hundred Cubic Feet *per Minute* during each of the remaining Months of the Year, and after the Expiry of the said Five Years shall allow to flow as aforesaid the increased Quantity of One hundred and eighty Cubic Feet *per Minute* during each of the Months of *May, June, July, August, September, and October*, and Two hundred Cubic Feet *per Minute* during each of the remaining Months of the Year: Provided always, that in the event of the Compensation Reservoir proving inadequate to afford the Quantities of Water respectively before specified, the Owners of Lands, Mills, and other Works on the Course of the said Burn and River; or any of them, shall be entitled to apply to the Sheriff, as provided for in the first before-recited Act, who shall ordain, in Terms of the said Act, the said Burn and *Crawley Spring* to be turned into their original Channel, and to continue to flow therein and through the foresaid lower Gauge, for the Use of the said Lands and Mills, so long as such deficient Supply shall continue to exist, and that in lieu of the before-mentioned fixed Quantities of Water.

CXLIV. And

CXLIV. And be it enacted, That in making the said Works through the Lands belonging to Lord *Dunfermline* in the Parish of *Colinton* the Company shall not, without the Consent in Writing of the said Lord *Dunfermline* or his Successors in the said Lands, deviate from the Line laid down in the said Plan so as to touch or approach nearer to his Lordship's Property than the common Highway on the South thereof, until the Line reaches within Two hundred and twenty Yards of the South-eastern Extremity of the said Property where it crosses through the same, intersecting a Portion of arable Land and a Portion of planted Ground.

Protection to the Property of Lord Dunfermline.

CXLV. And be it enacted, That after the Expiration of Seven Years from the passing of this Act all the Powers hereby granted to the Company for executing the Works authorized by this Act to be made, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the said Works as shall then be completed, and except such Powers as shall hereby be declared to be continued for a longer Period.

Works to be completed in Seven Years.

CXLVI. And be it enacted, That if the Embankments or Dams of the said Reservoir shall at any Time burst or give way in consequence of Floods or other Causes, the Company shall be liable for any Loss or Damage occasioned thereby, and the Damage thereby done to the Owner or Occupier of Lands, Mills, or other Works, Establishments, and Buildings shall be ascertained, on the Application of any Party interested, by the Sheriff, with or without the Assistance of a Jury, which he is hereby empowered to summon for that Purpose, at the Desire of either of the Parties, whose Judgment or Verdict for the Payment of Damages by or absolving the Company, or in such Terms as he shall think fit to pronounce, on advising such Application, shall be final, and not subject to Review in any Form or in any Court whatsoever.

In case of bursting of Embankments.

CXLVII. And for preventing any Obstructions to the Construction of Works to be made in virtue of this Act, be it enacted, That if any Person wilfully obstruct any Person acting under the Authority of the Company in setting out the Line of the Works, or engaged in the Construction thereof, or shall pull up, cut down, damage, or remove any Stakes driven in the Ground for the Purpose of setting out the Line of the Works, or deface or destroy any Marks made for the same Purpose, he shall forfeit any Sum not exceeding Five Pounds for every such Offence.

Penalty for obstructing Execution of the Works.

CXLVIII. And be it enacted, That in all Cases where any Damages or Charges are by the said recited Acts or this Act directed or authorized to be paid, and the Method of ascertaining the Amount thereof is not provided for, such Amount, in case of Nonpayment thereof, or of any Dispute respecting the same, shall be ascertained and determined by the Sheriff in the Manner herein-before provided; and when by the said recited Acts or this Act any Damage or Charges are directed to be paid, in addition to the Penalty for any Offence, the Amount of such Damages and Charges, in case of Nonpayment thereof,

Provision for Damages not otherwise provided for.

thereof, or of any Dispute concerning the same, shall be determined by the Sheriff or Justices by whom the Offender shall be convicted of such Offence; and on Nonpayment of the Damages or Charges in any of the Cases aforesaid, on Demand, the same shall be levied by Distress, and such Sheriff or Justices shall issue their Warrant accordingly.

Sheriff and
Justices to
examine
Parties and
Witnesses.

CXLIX. And be it enacted, That where in the said recited Acts or this Act any Question of Compensation or Damages is referred to the Determination of the Sheriff or any Justices, it shall be lawful for such Sheriff or Justices to examine the Parties to such Question and their Witnesses on Oath, and to administer the Oaths necessary for that Purpose; and the Costs of every such Inquiry shall be in the Discretion of such Sheriff or Justices, and if either Party to any such Question fail to appear at the Time and Place appointed for going into any such Question, without reasonable Excuse to the Satisfaction of such Sheriff or Justices, due Notice of such Appointment having been given to such defaulting Party, it shall be lawful for such Sheriff or Justices to proceed *ex parte*.

Distress
against the
Company.

CL. And with respect to any Sum of Money under the Provisions of the said recited Acts or this Act adjudged by any Justices to be paid by the Company, for which no other Mode of Proceeding is provided thereby, be it enacted, That if such Money be not paid by the Company to the Party entitled to receive the same within Ten Days after Demand thereof in Writing, stating the Order of the Justices for the Payment of such Money, the Amount may be recovered by Distress, and the Justices by whom such Sum of Money shall have been ordered to be paid shall issue their Warrant accordingly.

Publication
of Penalties.

CLI. And for the Purpose of providing for the due Publication of all Penalties and Forfeitures exigible in virtue of any Bye Law made by the Company under the said recited Acts and this Act, be it enacted, That from Time to Time the Company shall publish the short Particulars of the several Offences for which any such Penalty is thereby imposed, and of the Amount of every such Penalty, and shall cause such Particulars to be painted on a Board, or printed upon Paper and pasted thereon, and shall cause such Board to be hung up or affixed on some conspicuous Part of the principal Place of Business of the Company, and such Particulars shall be renewed as often as the same or any Part thereof are or is obliterated or destroyed; and no such Penalty shall be recoverable unless it shall have been published and kept published in the Manner herein-before required.

Defacing
Boards used
for publica-
tion of
Penalties.

CLII. And be it enacted, That if any Person pull down or break or deface any such Board put up or affixed as required by this Act for the Purpose of publishing any Penalty, or shall obliterate any of the Letters or Figures thereon, or on any public Mark or Notification denoting the Position of any Fire-plug, he shall forfeit for every such Offence a Sum not exceeding Five Pounds, and he shall also defray the Expences attending the Restoration of such Board; and such

Expences

Expences shall be recoverable as any Penalty by this Act imposed may be recovered.

CLIII. And for the Purpose of providing for the Recovery of Penalties or Forfeitures imposed by the said recited Acts or this Act, or by any Bye Law made in pursuance thereof, the Recovery of which is not otherwise provided for, be it enacted, That every such Penalty or Forfeiture may be recovered by summary Proceeding upon Complaint made before the Sheriff or One or more Justices; and on the Complaint being made to the said Sheriff or any such Justice he or they shall issue a Summons requiring the Party complained against to appear on a Day and at a Time and Place to be named in such Summons; and every such Summons shall be served on the Party offending either in Person or by leaving the same with some Inmate at his usual Place of Abode; and either upon the Appearance or upon the Default to appear of the Party offending it shall be lawful to such Sheriff, or any One or more Justices, to proceed to the hearing of the Complaint, and that although no Information in Writing or in Print shall have been exhibited before them; and upon Proof of the Offence, either by Confession of the Party complained against, or upon the Oath of One credible Witness or more, it shall be lawful for such Sheriff, or any One or more Justices, to convict the Offender, and upon such Conviction to adjudge the Offender to pay the Penalty or Forfeiture incurred, as well as such Costs attending the Conviction as such Sheriff or Justices shall think fit.

Penalties to be summarily recovered before the Sheriff or One or more Justices.

CLIV. And be it enacted, That if forthwith upon any such Adjudication as aforesaid the Amount of the Penalty or Forfeiture and of such Costs as aforesaid be not paid, the Amount of such Penalty and Costs, together with the Costs of the Distress, shall be levied by Distress, and such Sheriff or any One or more Justices shall issue their Warrant of Distress accordingly.

Penalties may be levied by Distress.

CLV. And be it enacted, That it shall be lawful for the said Sheriff or Justices to order any Offender so convicted as aforesaid to be detained and kept in safe Custody until Return can be conveniently made to the Warrant of Distress to be issued for levying such Penalty or Forfeiture and Costs, unless the Offender give sufficient Security, by way of Recognizance or otherwise, to the Satisfaction of the said Sheriff or Justices, for his Appearance before them on the Day appointed for such Return, such Day not being more than Eight Days from the Time of taking such Security; but if before issuing such Warrant of Distress it shall appear to the Sheriff or the Justices, by the Admission of the Offender or otherwise, that no sufficient Distress can be had whereon to levy such Penalty or Forfeiture and Costs, they may, if they think fit, refrain from issuing such Warrant of Distress; and in such Case, or if such Warrant shall have been issued, and upon the Return thereof such Insufficiency as aforesaid shall be made to appear to the Sheriff or Justices, then such Sheriff or Justices shall by Warrant cause such Offender to be committed to Gaol, there to remain without Bail for any Term not exceeding Three Months, unless such Penalty or Forfeiture and Costs be sooner paid and satisfied.

Imprisonment in default of Distress.

[Local.]

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CLVI. And

Application
of Penalties.

CLVI. And with respect to the Application of any Penalties or Forfeitures recovered by virtue of the said recited Acts or this Act, the Application whereof is not otherwise provided for, be it enacted, That the Sheriff or Justices by whom any such Penalty or Forfeiture shall be imposed shall award one Half thereof to the Kirk Session of the Parish in which such Offence shall have been committed, for the Benefit of the Poor of such Parish, and the other Half thereof to the Informer or any Person suing for the same.

Penalties to
be sued for
within Six
Months.

CLVII. And be it enacted, That no Person shall be liable to the Payment of any Penalty or Forfeiture imposed by virtue of the said recited Acts or this Act for any Offence herein-before made cognizable before a Sheriff or Justice, unless the Complaint respecting such Offence shall have been made before the Sheriff or such Justice within Six Months next after the Commission of such Offence.

Penalty on
Witness
making de-
fault.

CLVIII. And be it enacted, That it shall be lawful for the Sheriff or any Justice to summon any Person to appear before him as a Witness in any Matter in which such Sheriff or Justice shall have Jurisdiction, under the Provisions of the said recited Acts or this Act, at a Time and Place mentioned in such Summons, and to administer to him an Oath to testify the Truth in such Matter; and if any Person who shall be summoned as a Witness before the Sheriff or any Justice, touching any Offence committed against the said recited Acts or this Act, or any Matter in which the Sheriff or Justices shall have Jurisdiction by the said recited Acts or this Act, shall, without reasonable Excuse, refuse or neglect to appear at the Time and Place appointed for that Purpose, having been paid or tendered a reasonable Sum for his Expences, or if any Person appearing shall refuse to be examined upon Oath or to give Evidence before such Sheriff or Justice, every such Person shall forfeit a Sum not exceeding Five Pounds for every such Offence.

Transient
Offenders.

CLIX. And with respect to Offenders whose Names and Residences are not known, be it enacted, That any Officer of the Company, and all Persons called to his Assistance, may seize and detain any Person who shall have committed any Offence against the Provisions of the said recited Acts or this Act, and whose Name and Residence shall be unknown to such Officer, and may convey him with all convenient Dispatch before the Sheriff or some Justice, without any Warrant or other Authority than this Act, and such Sheriff or Justice shall proceed with all convenient Dispatch to the hearing and determining of the Complaint against such Offender.

Form of
Conviction.

CLX. And be it enacted, That the Sheriff or Justice before whom any Person shall be convicted of any Offence against the said recited Acts or this Act may cause the Conviction to be drawn up according to the Form in the Schedule (C.) to this Act annexed.

Distress how
to be levied.

CLXI. And be it enacted, That where in the said recited Acts or this Act any Sum of Money, whether in the Nature of Penalty or otherwise,

otherwise, is directed to be levied by Distress, such Sum of Money shall be levied by Pounding and Sale of the Goods and Chattels of the Party liable to pay the same, and the Overplus arising from the Sale of such Goods and Chattels, after satisfying such Sum of Money and the Expences of the Pounding and Sale, shall be returned, on Demand, to the Party whose Goods shall have been distrained.

CLXII. And be it enacted, That no Distress levied by virtue of the said recited Acts or this Act shall be deemed unlawful, nor shall any Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall such Party be deemed a Trespasser *ab initio* on account of any Irregularity afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction for the special Damage in any competent Court of Law.

Distress not
unlawful for
Want of
Form.

CLXIII. And be it enacted, That if the Company shall neglect or refuse to continue to furnish a regular Supply of Water to any Householder during any Part of the Period for which the Rate for such Supply shall have been paid or tendered, they shall forfeit to the Person having paid or tendered such Rate a Sum not exceeding Twenty Shillings for every Day during which such Refusal or Neglect shall continue, after Five Days Notice shall have been given to the Company of the Want of such Supply, to be recovered before the Sheriff, whose Decision shall be final, and not subject to Review; but no Penalty shall be payable by the Company if the Want of such Supply shall arise from Frost or other unavoidable Cause.

Penalty for
Failure of
Supply of
Water.

CLXIV. And whereas in Cases where Persons inhabiting Flats of Houses the Access to which is by a common Stair, and the Inhabitants of which are supplied with Water from a common Pipe or Cistern, the Company have the Power to stop the Supply of the Water into the said Pipe or Cistern at all Times when the Rate or Duty agreed to be paid for the said Pipe or Cistern has not been duly paid within Three Months after Notice to each Party supplied by the said Pipe or Cistern: And whereas it has been considered a Hardship on Parties who have paid their Share of the Rates or Duties leviable in respect of the said Pipe or Cistern that the Water should be stopped from running into the said Pipe or Cistern on account of the Nonpayment by others of the Rates and Duties payable by them on account of Water derived from such Pipe or Cistern; be it therefore enacted, That after the Water Rate due by any Party deriving Water from such common Pipe or Cistern shall have been paid, it shall not be in the Power of the Company to stop the Water from running into it on account of the Nonpayment of the Rates due by others receiving Water from the said Pipe or Cistern, but the Company shall have Right to recover the said Rates or Duties from the said Parties who have not paid them by the other Modes authorized by the before-recited Acts; and every Person deriving Water from a common Cistern or common Pipe who shall continue to take said Water from such common Cistern or common Pipe for Fourteen Days

Repeal of
Power to
cut off
Water from
common
Cisterns
where any
of the Parties
have paid.

Days after receiving a Demand of Payment of the Rates and Duties for such Supply of Water without having paid the same, shall be subject in a Penalty of Two Pounds, besides being obliged to pay the Rate or Duty for the Supply of the Water.

Magistrates of Edinburgh to appoint an ex officio Director in the Place of any such one dying or resigning.

CLXV. And whereas by the said recited Acts it is provided that the Lord Provost, Magistrates, and Council of the City of *Edinburgh* shall annually appoint the Lord Provost and Two other Members of the Council to be Directors of the Company: And whereas no Power is given to the said Lord Provost, Magistrates, and Council, in the event of any of the Directors so appointed dying or resigning or becoming disqualified during the Year for which he has been so appointed, to appoint any other Director in his Place; be it enacted, That from and after the passing of this Act, if the Lord Provost or any of the Two other Directors so appointed as aforesaid shall die, or resign, or become disqualified, it shall be lawful, as soon after such Death, Resignation, or Disqualification as convenient to the said Lord Provost, Magistrates, and Council, and they are hereby authorized, to elect from their own Body another Director to supply such Vacancy.

Sheriff Depute or Sheriff Substitute in the before recited Act to mean either the Sheriff or any of his Substitutes.

CLXVI. And be it enacted, That where in the said recited Acts the Words "Sheriff Depute" and "Sheriff Substitute" are used the same shall be held to mean the Sheriff or any of his Substitutes; and all Proceedings before the Sheriff or any of his Substitutes shall be valid and effectual to all Intents and Purposes, though by the said recited Acts the said Proceedings may be required to be had and taken before the Sheriff Depute or the Sheriff Substitute.

Repeal of Enactments respecting Limitation of Actions.

CLXVII. And whereas by the said first and second recited Acts it is enacted, that no Action or Suit shall be commenced against any Person or Persons for any thing done in pursuance or by virtue of the said Acts after the Expiration of Six Calendar Months next after the Fact committed or Cause of Action incurred, for which such Suit or Action should be so brought: And whereas by the said third-recited Act it was enacted, that, under the Exception therein-after made, no Action or Suit should be commenced against any Person or Persons for any thing done in pursuance or by virtue of the said Act after the Expiration of Six Calendar Months next after the Fact committed or Cause of Action incurred for which such Suit or Action should be brought, excepting always that such Limitation should not apply to Actions for Payment of Rates and Duties, and of the Sums due under the Obligations for Payment of the Sum of Ten Pounds *per Centum per Annum* on the Expence of furnishing and laying new Pipes, and also for Payment of Penalties when incurred: And whereas it is expedient that such Limitation of Actions should be repealed; be it therefore enacted, That the said recited Enactments shall be and the same are hereby repealed.

No additional Rate on Castle, &c. of Edinburgh.

CLXVIII. Provided always, and be it enacted, That the said Company shall continue to supply the Castle, Barracks, and Garrison of *Edinburgh* with the like weekly or other Quantity of Water, and at the

the like Rate in the Pound, as they have hitherto done, and without demanding or being entitled to claim or demand any further or greater Amount of Rate or Charge for such Supply of Water.

CLXIX. Provided always, and be it enacted, That this Act shall not apply to or in any Manner affect any of the Lands, Estates, or Property of or belonging to Her Majesty, or the principal Officers of Her Majesty's Ordnance, or any Rights, Estates, or Interest therein or appurtenant thereto, without the Consent in Writing of the said principal Officers for the Time being first obtained.

Act not to affect Lands of Her Majesty, &c.

CLXX. And be it enacted, That, any thing in the said recited Acts to the contrary notwithstanding, any Director going out of Office shall be immediately re-eligible as a Director.

Director going out of Office re-eligible.

CLXXI. And whereas by the said second-recited Act it is provided and enacted, that the Commissioners appointed for the Purposes therein mentioned might, upon the Application of any Five Householders possessed of Houses or other Premises, Three of whom at least should possess Houses or other Premises charged at a Rent of Fifty Pounds for Police Tax, from Time to Time ascertain the Quantity of Water requisite for the Supply of the City of *Edinburgh* and Town and Port of *Leith* and Places adjacent, and that it should and might be lawful for the said Commissioners to require the Company or their Committee of Management from Time to Time to bring into *Edinburgh* and *Leith* such additional Supply of Water as the said Commissioners should see necessary, from the Springs to be acquired by the Company by virtue of the Powers conferred on them by the said Act, and that it should be in the Power of any Five Householders possessed of the Qualification therein mentioned, and supplied with Water by the Company, to apply to the Sheriff Depute of the County of *Edinburgh* to enforce the Requisition of the said Commissioners, if he should see fit, and that his Judgment should be final, and not liable to Review: And whereas it is expedient that the said Provision and Enactment should be repealed; be it therefore enacted, That the said recited Provision and Enactment shall be and the same is hereby repealed.

Repeal of certain Provisions and Enactments of 7 G. 4. c. 108.

Edinburgh.

CLXXII. And be it enacted, That the Expences incurred in obtaining this Act, and Expences incident thereto, shall be defrayed out of the Monies authorized to be borrowed or raised by the Company under this Act; and the Company shall be entitled to take Credit therefor in their Accounts, and which shall be allowed by the Commissioners.

Expences of the Act how to be defrayed.

CLXXIII. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

Interpretation of Words.

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

[*Local.*]

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Words

Words importing the Masculine Gender shall include Females :

The Word " Month " shall mean Calendar Month :

The Word " Oath " shall include Affirmation in the Case of Quakers, or other Declaration or Solemnity lawfully substituted for an Oath in the Case of Persons exempted by Law from the Necessity of taking an Oath :

The Word " Lands " shall mean all Houses, Tenements, Waters, and Heritages, of whatever Kind or Tenure :

The Word " Sheriff " shall include Sheriffs Substitute, and shall mean the Sheriff Depute or Sheriff Substitute of the County of *Edinburgh* :

The Word " Justice," or " Justice of the Peace " shall mean Justices of the Peace for the County or City of *Edinburgh* :

The Word " Person " shall include Corporation :

The Expression " Company " shall mean the *Edinburgh* Water Company :

The Expressions " the Directors," and " the Clerk," and " the Treasurer," shall mean the Directors, or Committee of Directors, Clerk, and Treasurer respectively of the said Company.

The Word " Guardian " shall include Tutor, Curator, Factor loco tutoris, Factor loco absentis, Curator bonis, and every other Person having the Charge of the Estate of a Person under legal Disability or Incapacity :

The Expression " Business Hours " shall mean from Ten of the Clock Forenoon to Three of the Clock Afternoon of every lawful Day.

Public Act. CLXXIV. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

SCHEDULES referred to by the foregoing Act.

SCHEDULE (A.)

Form of Conveyance.

I of in consideration of the Sum of paid
to me by the Edinburgh Water Company, pursuant to an Act passed in the
Year of the Reign of Her Majesty Queen Victoria, intituled [*here insert
the Title of this Act*], do hereby sell, alienate, and convey to the said Company,
their Successors and Assignees, all [*describing the Premises to be conveyed*],
together with all my Right, Title, and Interest to the same and every Part
thereof, to hold the said Premises to the said Company, and their Successors and
Assignees for ever, according to the true Intent and Meaning of the said Act;
and I consent to the Registration hereof in the Books of Council and Session, or
others competent, for Preservation and Execution, and in the Register of Sasines,
Reversions, and other Writings, for Publication, and thereto constitute
my Procurators, &c. In witness whereof I have subscribed these Pre-
sents, written by at the Day of
in the Year before these Witnesses,

SCHEDULE (B.)

Form of Conveyance on an annual Feu Duty.

I of in consideration of the yearly Rent or Feu Duty to
be paid to me, my Heirs and Assignees, as herein-after mentioned, by the
Edinburgh Water Company, pursuant to an Act passed in the
Year of the Reign of Her Majesty Queen Victoria, intituled [*here insert the
Title of this Act*], do hereby sell, alienate, and in Feu Farm dispoise to the said
Company, their Successors and Assignees, all [*describing the Premises to be
conveyed*], together with all my Right, Title, and Interest to the same and
every Part thereof, to hold the said Premises to the said Company and their
Successors and Assignees for ever, according to the true Intent and Meaning of
the said Act, they the said Company, their Successors and Assignees, yielding and
paying unto me, my Heirs and Assignees, one clear yearly Rent or Feu Duty
of by equal half-yearly Payments, on [*stating the Days
of*]

of Payment], clear of all Taxes and Deductions, and in full of any Composition for Entries or other Casualties of Superiority; and I consent to the Registration hereof in the Books of Council and Session, or others competent, for Preservation and Execution, and in the Register of Sasines, Reversions, and other Writings, for Publication, and thereto constitute my Procurators, &c. I witness whereof I have subscribed these Presents, written by _____ at _____ the _____ Day of _____ in the Year _____ before these Witnesses,

SCHEDULE (C.)

Form of Conviction.

to wit. } BE it remembered, That on the _____ Day of _____ in the _____ Year of our Lord _____ A. B. is convicted before me C. D., Sheriff of [or one of Her Majesty's Justices of the Peace for] the County of Edinburgh [*here describe the Offence generally, and the Time and Place when and where committed*], contrary to the Provisions of the Acts of Parliament relating to the Edinburgh Water Company. Given under my Hand the Day and Year first above written.

C. D.

SCHEDULE (D.)

Property to be taken under the Powers of this Act.

I. For making the RESERVOIR in the Lands of BAVELAW, MALLENY, KIRKTON, and LOGANHOUSE.

No. on Plan.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.	Description of Property.
<i>Parish of Currie and County of Edinburgh.</i>				
1	Carteret George Scott	John Lawson	John Lawson	Arable.
2	Ditto	Ditto	Ditto	Meadow and Arable.
3	Ditto	Ditto	Ditto	Arable.
4	Ditto	James Martin	James Martin	Ditto.
5	Ditto	Ditto	Ditto	Arable and Meadow.
6	Parishioners of Currie	-	Parishioners of Currie	Moss.
7	William Johnston	-	Let yearly for Hay	Meadow.
8	Ditto	-	William Hardie	Arable.
9	Ditto	-	Ditto	Ditto.
10	Parish Road Trustees	-	Themselves and Public.	Parish Road.
11	William Johnston	-	William Hardie	Arable.
12	Ditto	-	Himself	Ruins of Redford Houses.
13	Ditto	-	Ditto	Plantation.
14	Ditto	William Imrie	William Imrie	Pasture and Arable.
15	Ditto	-	Himself	Private Road.
16, 16	Carteret George Scott	James Cunningham	Thomas M'Millan	Pasture and Arable.
17	Ditto	Ditto	Thomas M'Millan and William Shiells.	Farm Road unmetalled.
18	Ditto	William Shiells	William Shiells	Farm Road unmetalled.
19	Ditto	Ditto	Ditto	Arable.
20	Ditto	Ditto	Ditto	Farm Steading, Garden, and Corn Yard.
20 ^a	Ditto	Ditto	Ditto	Arable.
21	Ditto	Ditto	Ditto	Moss and Pasture.
22	Ditto	Ditto	Ditto	Arable.
23, 23	Ditto	Ditto	Ditto	Ditto.
24, 24	Ditto	Ditto	Ditto	Meadow.
25, 25	Ditto	William Ramage	William Ramage	Arable and Meadow.
26	Ditto	William Ramage and William Shiells.	William Ramage and William Shiells.	Stream of Water called Stream Burn.
27	Ditto	William Ramage	William Ramage	Pasture.
28, 28	Ditto	James Cunningham and William Shiells.	Thomas M'Millan and William Shiells.	Stream of Water called Bavelaw Burn.

Parish of Penicuik, County of Edinburgh.

1	William Johnston	David Hardie	David Hardie	Arable.
2, 2	Ditto	Robert Montgomerie	Robert Montgomerie	Meadow.
3, 3	Ditto	Ditto	Ditto	Arable and Meadow.
3 ^a	Ditto	Ditto	Ditto	Farm Road unmetalled.
4	Ditto	Ditto	Ditto	Meadow.
5	Ditto	Ditto	Ditto	Ditto.

[Local.]

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No. on Plan.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.	Description of Property.
6	William Johnston -	Robert Montgomerie	Robert Montgomerie	Arable.
7	Ditto -	Ditto -	Ditto -	Ditto.
8, 8	Ditto -	- -	Himself -	Plantation.
9	Ditto -	- -	Ditto -	Meadow, let yearly.
10	Ditto -	- -	Ditto -	Plantation.
11	Ditto -	- -	Ditto -	Meadow, let yearly.
12	Ditto -	- -	Ditto -	Plantation.
13	Ditto -	- -	Ditto -	Arable, let yearly.
14	Ditto -	- -	Ditto -	Plantation.
15	Ditto -	- -	Ditto -	Arable, let yearly.
16	Ditto -	- -	Ditto -	Plantation.
17	Ditto -	- -	Ditto -	Arable, let yearly.
18	Ditto -	- -	Ditto -	Plantation.
19	Ditto -	- -	Ditto -	Ditto.
20	Parish Road Trustees	- -	Themselves and Public.	Parish Road.
21	William Johnston -	- -	Himself -	Plantation.
22	Ditto -	- -	Ditto -	Arable, let yearly.
23	Ditto -	- -	Ditto -	Ditto.
24	Ditto -	- -	Ditto -	Ditto.
25	Ditto -	- -	Ditto -	Plantation.
26	Ditto -	- -	Ditto -	Arable, let yearly.
27	Ditto -	- -	Ditto -	Plantation.
28	Ditto -	Robert Montgomerie	Robert Montgomerie	Stream of Water running Eastward from Bavelaw Mill.
29	Ditto -	- -	Himself -	Ditto.
30	Ditto -	William Imrie -	William Imrie -	Meadow.
31	Ditto -	Ditto -	Ditto -	Arable.
32	Ditto -	Ditto -	Ditto -	Farm Road.
33	Ditto -	Ditto -	Ditto -	Meadow.
34	Ditto -	Ditto -	Ditto -	Arable.
35	Ditto -	Ditto -	Ditto -	Ditto.
36	Ditto -	Ditto -	Ditto -	Ditto.
37	Ditto -	Ditto -	Ditto -	Ditto.
38	Ditto -	Ditto -	Ditto -	Ditto.
39, 39	Ditto -	Ditto -	Ditto -	Pasture Sheep Walk.
40, 40	Ditto -	Ditto -	Ditto -	Ditto.
41	William Robertson -	James Nimmo -	James Nimmo -	Ditto.
42	Ditto -	Ditto -	Ditto -	Ditto.

Parish of Penicuik and Currie and County of Edinburgh.

43, 43	Carteret George Scott and William Johnston.	John Lawson, James Martin, David Hardie, Robert Montgomerie.	John Lawson, James Martin, David Hardie, and Robert Montgomerie.	Stream of Water called Bavelaw Burn.
44	William Johnston -	- -	Himself -	Ditto.
45	Carteret George Scott and William Johnston.	James Cunningham and William Imrie.	Thomas M'Millan and William Imrie.	Ditto.
46, 46	Ditto, ditto -	William Shiells and William Imrie.	William Shiells and William Imrie.	Stream of Water called Stream Burn.

II. For making the AQUEDUCT and LATERAL CONDUITS from the SPRINGS and STREAMS in the Lands of LISTONSHIELLS and BAVELAW, which flow into the Bavelaw Burn and Stream Burn to Edinburgh.

No. on Plan.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.	Description of Property.
<i>Parish of Kirknewton and County of Edinburgh.</i>				
29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51.	Edinburgh Water Company.	- - -	James Aitken -	Springs flowing into the Stream called Bavelaw Burn, to be diverted.
52	Miss Henrietta Liston Ramage and the Edinburgh Water Company.	- - -	Ditto -	Stream called Bavelaw Burn, of which the Spring Water to be diverted.
53	Edinburgh Water Company and Miss Henrietta Liston Ramage.	- - -	Ditto -	Stream flowing into Bavelaw Burn, of which the Spring Water to be diverted.

Parish of Currie and County of Edinburgh.

34, 34	Governors of Watson's Hospital.	James Reid -	James Reid -	Arable.
35, 35	Ditto -	- -	Themselves -	Plantation.
36, 36	William Johnston -	David Hardie -	David Hardie -	Arable.
37	Ditto -	Ditto -	Ditto -	Ditto.
38	Ditto -	Ditto -	Ditto -	Ditto.
39	Carteret George Scott	John Lawson -	John Lawson -	Ditto.
40	Ditto -	Ditto -	Ditto -	Farm Road.
41	Ditto -	Ditto -	Ditto -	Farm Steading, Barn, Yard, and Garden.
42	Ditto -	Ditto -	Ditto -	Arable.
1	Ditto -	Ditto -	Ditto -	Ditto.
3, 3	Ditto -	Ditto -	Ditto -	Ditto.
4, 4	Ditto -	James Martin -	James Martin -	Ditto.
6, 6	Parishioners of Currie	- -	Themselves -	Moss.
9	William Johnston -	- -	William Hardie -	Arable.
10	Parish Road Trustees	- -	Themselves and Public.	Parish Road.
13	William Johnston -	- -	Himself -	Plantation.
14	Ditto -	William Imrie -	William Imrie -	Pasture and Arable.
43	Carteret George Scott	James Cunningham	Thomas Mac Millan	Ditto.
16, 16, 16	Ditto -	Ditto -	Ditto -	Ditto.
44	Ditto -	James Cunningham, John Cunningham.	Ditto and John Cunningham.	Bavelaw Burn.
45	Ditto -	John Cunningham -	John Cunningham -	Arable.
46	Ditto -	- -	Himself -	Plantation.
47	Ditto -	John Cunningham -	John Cunningham -	Arable.
48	Ditto -	Ditto -	Ditto -	Farm Road.
49	Parish Road Trustees.	- -	Themselves and Public.	Parish Road.
50	Carteret George Scott	John Cunningham -	John Cunningham -	Arable.
51	Ditto -	Ditto -	Ditto -	Ditto.
52	Ditto -	- -	Currie Curling Club	Curling Pond.

No. on Plan.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.	Description of Property.
53	Carteret George Scott	- - -	Himself - -	Plantation.
54	Ditto - -	James Davidson -	James Davidson -	Arable.
55	Ditto - -	Ditto - -	Ditto - -	Ditto.
55 ^a	Ditto - -	Ditto - -	Ditto - -	Ditto.
56	Parish Road Trustees	- - -	Themselves and Public.	Parish Road.
57, 57	Carteret George Scott	Lawrence Cunning- ham.	Lawrence Cunning- ham.	Stream, not to be di- verted.
58	Ditto - -	Ditto - -	Ditto - -	Arable.
59	Ditto - -	Ditto - -	Ditto - -	Ditto.
60	Ditto - -	Ditto - -	Ditto - -	Ditto.
61	Ditto - -	Ditto - -	Ditto - -	Ditto.
62	Ditto - -	Ditto - -	Ditto - -	Ditto.
63	Ditto - -	William Ramage -	William Ramage -	Ditto.
64, 64	Ditto - -	Ditto - -	Ditto - -	Ditto.
64 ^a	Ditto - -	Ditto - -	Ditto - -	Ditto.
65	Ditto - -	Ditto - -	Ditto - -	Ditto.
66	Ditto - -	Ditto - -	Ditto - -	Ditto.
67	Ditto - -	Ditto - -	Ditto - -	Ditto.

Parish of Penicuik and County of Edinburgh.

47	William Johnston -	RobertMontgomerie	RobertMontgomerie	Farm Road.
48	Ditto - -	David Hardie -	David Hardie -	Arable.
49, 49	Ditto - -	RobertMontgomerie	RobertMontgomerie	Pasture.
50	Ditto - -	Ditto - -	Ditto - -	Arable.
52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65.	Edinburgh Water Com- pany.	- - -	RobertMontgomerie	Springs flowing into Bavelaw Burn, to be diverted.
66, 67, 68	William Johnston and the Edinburgh Water Company.	- - -	Ditto - -	Streams flowing into Bavelaw Burn, of which the Spring Water to be diverted.

Parish of Colinton and County of Edinburgh.

1	Sir William Foulis, Bart.	John Girdwood -	John Girdwood -	Arable.
2, 2	Ditto - -	Ditto - -	Ditto - -	Pasture.
3	Ditto - -	Ditto - -	Ditto - -	Arable.
4	Ditto - -	Ditto - -	Ditto - -	Ditto.
5	Ditto - -	Ditto - -	Ditto - -	Ditto.
6	Governors of Gilles- pie's Hospital.	Adam Penman -	Adam Penman -	Ditto.
6 ^a , 6 ^a	Ditto - -	Ditto - -	Ditto - -	Pasture.
7	Ditto - -	Ditto - -	Ditto - -	Arable.
8	Ditto - -	Ditto - -	Ditto - -	Ditto.
9, 9	Governors of Gilles- pie's Hospital.	Adam Penman -	Adam Penman -	Rill from Bung Well, to be diverted.
10	Ditto - -	Ditto - -	William Lawson -	House, Offices, and Garden.
11	Ditto - -	Ditto - -	Adam Penman -	Arable.
12	Ditto - -	Ditto - -	Ditto - -	Ditto.
13	Ditto - -	Thomas Greig -	Thomas Greig -	House and Garden.
14	Ditto - -	Adam Penman -	Adam Penman -	Arable.
15	Ditto - -	Ditto - -	Ditto - -	Farm Road.
16	Ditto - -	Ditto - -	Ditto - -	Arable.
17	Ditto - -	Ditto - -	Ditto - -	Ditto.
18	Parish Road Trustees	- - -	Themselves and Public.	Parish Road.

No. on Plan.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.	Description of Property.
19, 19	Governors of Gillespie's Hospital.	Adam Penman -	Adam Penman -	Arable.
20	Ditto - -	Ditto - -	Ditto - -	Ditto.
21	Ditto - -	Ditto - -	Ditto - -	Ditto.
22	Ditto - -	Ditto - -	Ditto - -	Ditto.
23	Parish Road Trustees	- - -	Themselves and Public.	Parish Road.
24	Representatives of John Frazer, Governors of Gillespie's Hospital Superiors.	- - -	William D. McRitchie.	House, Garden, and Offices.
25	Archibald Trotter -	- - -	Charles Hill -	House and Garden.
25 ^a	Ditto - -	- - -	William Young -	Smithy.
26	Ditto - -	- - -	William Hastie -	Arable.
27	Ditto - -	- - -	William Young -	House and Garden.
28	Ditto - -	- - -	John Macfarlane, William Young, William Hastie.	Houses and Garden.
29	Ditto - -	Ramsay Heatly Traquair.	Thomas Laurie, Peter Steedman, Robert Muir.	Cottages and Gardens.
30	Ditto - -	Ditto - -	Ramsay Heatly Traquair.	Arable.
31	Turnpike Road Trustees.	- - -	Themselves and Public.	Turnpike Road.
32	Archibald Trotter -	Ramsay Heatly Traquair.	Ramsay Heatly Traquair.	Arable and Corn Yard.
33	Ditto - -	Ditto - -	Ditto - -	Farm Steading, Garden, and Private Road.
34	Ditto - -	Ditto - -	Ditto - -	Arable.
35	Ditto - -	Ditto - -	Ditto - -	Arable.
36	Ditto - -	Ditto - -	Ditto - -	Farm Yard.
37	Ditto - -	Ditto - -	Ditto - -	Arable.
38	Ditto - -	- - -	Himself -	Plantation.
39	Parish Road Trustees	- - -	Themselves and Public.	Turnpike Road leading from Morningside, by Hunter's Tryst, to Howgate.
40	Lord Dunfermline -	- - -	Janet Muir, Janet Steedman.	House.
41	Ditto - -	- - -	Himself -	Plantation.
42	Turnpike Road Trustees.	- - -	Themselves -	Turnpike Road by Colinton.
43	Lord Dunfermline -	- - -	Himself -	Garden.
44	Ditto - -	- - -	Ditto - -	Pleasure Ground.
45	Ditto - -	- - -	Ditto - -	Court of Offices.
46, 46	Ditto - -	- - -	Ditto - -	Pleasure Ground.
47	Ditto - -	- - -	Robert Hedger -	Porter's Lodge and Approach.
48, 48	Ditto - -	Adam Curror -	Adam Curror -	Pleasure Ground.
49	Lord Dunfermline -	Adam Curror -	Adam Curror -	Old Approach.
50	Ditto - -	- - -	Himself -	Plantation.
51	Parish Road Trustees	- - -	Themselves and Public.	Parish Road
52	Lord Dunfermline -	Adam Curror -	Adam Curror -	Arable.
53	Ditto - -	- - -	Himself -	Plantation.
54	Ditto - -	- - -	Thomas Clapperton	Cottage and Shrubbery.
55	Ditto - -	- - -	Adam Curror -	Arable.
56	Ditto - -	- - -	Ditto - -	Arable.
57, 57, 57	Ditto - -	- - -	Himself -	Plantation.
58	Ditto - -	- - -	Henry Barry -	House and Garden.

No. on Plan.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.	Description of Property.
59, 59	Road Trustees -	- - -	Themselves and Public.	Turnpike Road leading from Edinburgh to Colinton.
60	James Home Rigg -	John Laing -	John Laing -	Arable.
61	Ditto -	Ditto -	Ditto -	Pasture.
62	Ditto -	Ditto -	Ditto -	Arable.
63	Alexander Monro -	Alexander Scott -	Alexander Scott -	Arable.
64	Ditto -	Ditto -	Ditto -	Arable.
65	Ditto -	- - -	Himself -	Plantations.
66	Ditto -	Alexander Scott -	Alexander Scott -	Pasture.
67	Ditto -	Ditto -	Ditto -	Farm Road.
68	Ditto -	Ditto -	Ditto -	Farm Steading, Garden, Barn, Yard, &c.
69	Ditto -	- - -	Himself -	Plantation.
70	Ditto -	Alexander Scott -	Alexander Scott -	Arable.
71	Ditto -	Ditto -	Ditto -	Ditto.
72	Ditto -	- - -	Himself -	Plantation.
73	Ditto -	Alexander Scott -	Alexander Scott -	Arable.
74	Ditto -	- - -	Himself -	Plantation.
75	Ditto -	Alexander Scott -	Alexander Scott -	Pasture.

Parish of Saint Cuthbert's and of Morningside quoad sacra and County of Edinburgh.

1	Miss Elizabeth Siv- right, Miss Catha- rine Sivright.	James Robb -	James Robb -	Arable.
2, 2	Ditto -	Archibald Forrester	Archibald Forrester	Meggetland House, Garden, Offices, and Shrubbery.
3	Lieutenant Colonel John Gordon.	Archibald Matheson	Archibald Matheson	Arable.
4	Governors of Watson's Hospital.	Adam Curror -	Adam Curror -	Arable.
5	Ditto -	Ditto -	Ditto -	Ditto.
6	Turnpike Road Trus- tees.	- - -	Themselves and Public.	Turnpike Road leading from Edinburgh to Colinton.
7	Governors of Watson's Hospital.	Adam Curror -	Adam Curror -	Arable.
8	Parish Road Trustees	- - -	Themselves and Public.	Parish Road.
9	Governors of Watson's Hospital.	Adam Curror -	Adam Curror -	Arable.
10	Ditto -	Ditto -	Ditto -	Ditto.
12	Edinburgh and Glas- gow Union Canal Company.	- - -	Themselves -	Canal Banks and Bridge Approaches.
16	James Walker -	James Bertram -	James Bertram -	Arable.
17	Edinburgh and Glas- gow Union Canal pany.	- - -	Ditto -	Ditto.
18	Governors of Watson's Hospital.	Ditto -	Ditto -	Ditto.
19	Governors of Trades Maiden's Hospital.	John Musgrave -	John Musgrave -	Ditto.
20	Ditto -	Ditto -	Ditto -	Ditto.
21	Ditto -	- - -	Themselves and Public.	Road leading from Fountain Bridge to Burntsfield Links.
22	Ditto -	- - -	Ditto -	Lane.

No. on Plan.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.	Description of Property.
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Parish of Saint Cuthbert's and of Saint David's quoad sacra and County of Edinburgh.

23, 23, 23.	James Douglas and others, Representatives of the late James Douglas.	William Lee, Robert Fife.	James Shaw, William Lee, Robert Fife, Robert Nicolson.	Gilmore Place or private Road, common to the Owners and Occupiers.
	John Gray - - -	- - -	John Barclay -	
	Miss — Glasgow, as Representative of John Glasgow.	- - -	Andrew Wilson -	
	John Kirk junior -	- - -	George Wilson -	
	John Smith - - -	- - -	Ditto - - -	
	Mrs. Helen Cunningham, or Fraser, &c., Trustees of late Alexander Smith.	- - -	David Henderson -	
	Ditto - - -	- - -	Robert Millons -	
	Ditto - - -	- - -	Robert Morton -	
	Alexander Hunter, Arthur Campbell, George M'Clelland, David Williamson.	- - -	Peter Bell - -	
	James Grant - - -	- - -	James Grant -	
	Jane Latimer - - -	- - -	Jane Latimer -	
	John M'George, Life-renter; Ebenezer M'George and Mrs. Agnes M'George or Rough, Fiars.	- - -	John M'George -	
	Ditto - - -	- - -	Robert Beatson -	
	Captain Archibald Fullarton.	- - -	Captain Archibald Fullarton.	
	James Carstairs and others, Trustees of George Tod.	- - -	James Wilson -	
	John M'George, Life-renter; Ebenezer M'George and Mrs. Agnes M'George or Rough, Fiars.	Robert Marshall -	Robert Marshall, John M'George.	
	Ditto - - -	John Tod - - -	John Tod - - -	
	Dr. William Wood -	- - -	William Hale -	
	Mrs. Rebecca Mowbray or Lang, Andrew Crombie, John Gibson.	- - -	James Waterston, Andrew Crombie, Robert Duff.	
	William Gibson, &c., Representatives of the late John Gibson.	- - -	Mrs. Janet Aikman or Gibson.	
	Mrs. Katharine Latimer or Balvaird.	- - -	Mrs. Katharine Latimer or Balvaird.	
	Miss Katharine Douglas Napier, General Mark Napier, and Mrs. Maria Napier or York.	Thomas Meikle and others, Representatives of late James Meikle.	William Peddie -	
	Ditto - - -	- - -	Thomas Meikle and others, Representatives of the late James Meikle.	
	Ditto - - -	James Douglas -	James Douglas -	

No. on Plan.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.	Description of Property.
23, 23, 23.	Dr. Thomas Thomson	- - -	Robert Barlas -	Gilmore Place or private Road, common to the Owners and Occupiers.
	Miss John Forrester -	- - -	Unoccupied -	
	John Strachan -	- - -	John Strachan -	
	John Tod and John Romanes, Trustees of deceased Mrs. Marion Buchanan or Oliphant.	John Armstrong -	John Armstrong -	
	Mrs. Mary Ann Banks or Brash.	- - -	Mrs.MaryAnn Banks or Brash.	
	Mrs. Mary Congleton or Ramsay and others, Trustees of the late Alexander Ramsay.	David William Ross	David William Ross	
	Mrs. Ann Calder or Marshall.	- - -	Mrs. Jessie [Lindsay or Finney.	
	John Moinet, John Orphoot.	- - -	John Moinet, John Orphoot.	
	John Robert Skinner and others, Trustees of John M'Cleish.	- - -	George Ferguson -	
	Mrs. Mary Murray or Baird, Life-rentrix; and Adam Baird and others, Fiars.	- - -	Robert Walker -	
	Ditto -	- - -	Isabella Phin -	
	Captain John Burn -	- - -	James Brown -	
	Jane Watt and others, Disponees of Helen Scott Graham,	- - -	Mrs. Marion Gardner or Miller.	
	George Farquhar Graham,	- - -	George Farquhar Graham.	
	Mrs. Jane Charlotte Robertson or Smoult.	- - -	Miss Margaret Robertson,	
	John Knox Smith -	- - -	Mrs. Hester Scott or Duncan.	
	Thomas Caldwell -	- - -	John Rait Prentice	
	Thomas Caldwell -	- - -	James Watson, John Harrison Thompson, John Sinclair, Robert Turpie, William Borthwick, James Henderson.	
	William Wilson -	- - -	Doctor James M. Arnot.	
	Miss Hillson Wilson -	- - -	Miss Hillson Wilson	
	Mrs. Katharine Latimer or Balvaird.	- - -	Mrs. Katharine Latimer or Balvaird.	
	William Gibson and others, Representatives of late John Gibson.	- - -	Mrs. Janet Aikman or Gibson.	
	John Drysdale and others, Trustees of late Adam Drysdale	- - -	Robert White -	

No. on Plan.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.	Description of Property.
23, 23, 23.	Marion Drysdale, for Half, and Mrs. Jean Graham or Clapper- ton, Life-rentrix; and David Clapper- ton and others, Fiars, of other Half.	- - -	Miss Isabella Tho- masine Mowat.	Gilmore Place or pri- vate Road, common to the Owners and Occupiers.
	John Drysdale and others, Trustees of the late Adam Drysdale.	Mrs. Christian Ni- choll or Hender- son.	Mrs. Christian Ni- choll or Hender- son.	
	William Gilmore -	- - -	William Gilmore, James Cunning- ham.	
	Mrs. Bethia Thomson or Balvaird, Life- rentrix; and Mrs. Katharine Latimer or Balvaird, Fiar.	- - -	Mrs. Bethia Thom- son or Balviard.	
	Ditto -	James Jeffrey -	James Jeffrey -	
	Alexander Haig and David Haig.	- - -	Robert Wright -	
	Alexander Haig and David Haig.	- - -	David Haig -	
	Superiors of Gilmore Place or Parts thereof.	- - -	- - -	
	The Trades Maiden Hospital.	- - -	- - -	
	Miss Catherine Dou- glas Napier, General Mark Napier, Mrs. Maria Napier or York.	- - -	- - -	
	John Kirk junior -	- - -	- - -	
	William Gilmore -	- - -	- - -	
	Alexander Haig -	- - -	- - -	
	David Haig -	- - -	- - -	

Parish of Saint Cuthbert's, County of Edinburgh.

24, 24	Road Trustees of Wright's Houses District.	- - -	Themselves and Public.	Turnpike Road from East End of Gilmore Place by Home Street.
25, 25, 25, 25.	Road Trustees of Mid- dle District, and Commissioners of the City of Edin- burgh Improve- ments.	- - -	Themselves and Public.	Public Roads, compre- hending Wellington or Earl Grey Street, Downie Place, Bread Street, Spittal Street, West Approach King's Bridge, Lothian Road, &c.

Parish of Canongate, County of Edinburgh.

1, 1	The Crown, the Board of Ordnance, the Governor of Castle of Edinburgh.	- - -	Commissioners of the City of Edin- burgh Improve- ments, Road Trus- tees of Middle Dis- trict, and Public.	Public Road, West Approach.
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[Local.]

No. on Plan.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.	Description of Property.
2	The Crown, the Board of Ordnance, the Governor of Castle of Edinburgh.	- - -	The Crown, the Board of Ord- nance, and Go- vernor of Castle of Edinburgh.	Castle Bank Waste Ground.
3	Ditto - -	- - -	Public - -	Lane.

Tolbooth Parish, County of Edinburgh.

1	City of Edinburgh or Middle District Road Trustees.	- - -	Public - -	Street, Castlehill Street.
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Parish of St. George's, County of Edinburgh.

1, 1	City of Edinburgh or Middle District Road Trustees.	- - -	Public - -	Public Road, Lothian Road, and Princes Street.
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III. For making the AQUEDUCT from the BLACK SPRINGS to the uppermost Shaft
of CRAWLEY SPRING TUNNEL.

Parish of Currie, County of Edinburgh.

25	Cartaret George Scott	William Ramage -	William Ramage -	Arable and Pasture.
27, 27	Ditto - -	Ditto - -	Ditto - -	Pasture.

Parish of Penicuik, County of Edinburgh.

40	William Johnston -	William Imrie -	William Imrie -	Ditto.
69	Edinburgh Water Com- pany and William Johnston.	- - -	Edinburgh Water Company and William Imrie.	Spring called Rumbling Spring, One of the Black Springs, to be diverted.
70, 71	Edinburgh Water Com- pany.	- - -	Edinburgh Water Company.	Springs called Black Springs, to be di- verted.
72	William Robertson -	James Nimmo -	James Nimmo -	Spring, One of the Black Springs, to be diverted.
41, 41	Ditto - -	Ditto - -	Ditto - -	Pasture.
42, 42	Ditto - -	Ditto - -	Ditto - -	Moss.
73, 73	Ditto - -	Ditto - -	Ditto - -	Pasture.
74	Ditto - -	Ditto - -	Ditto - -	Farm Road.
75	Ditto - -	Ditto - -	Ditto - -	Arable.
76	Ditto - -	Ditto - -	Ditto - -	Ditto.
77	Ditto - -	Ditto - -	Ditto - -	Farm Road.
78	Ditto - -	Ditto - -	Ditto - -	Arable.
79	Ditto - -	Ditto - -	Ditto - -	Ditto.
80	Ditto - -	Ditto - -	Ditto - -	Ditto.
81	Ditto - -	Ditto - -	James Nimmo and William Hender- son.	Farm Steading and Garden.

No. on Plan.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.	Description of Property.
82	William Robertson -	James Nimmo -	James Nimmo -	Arable.
83	Ditto -	Ditto -	Ditto -	Ditto.
84	Ditto -	Ditto -	Ditto -	Stream, not to be di- verted.
85, 86	Parish Road Trustees	- -	Themselves and Public.	Parish Roads.
87	William Robertson -	James Nimmo -	James Nimmo -	Arable.
88	Ditto -	Ditto -	Ditto -	Clockmade Syke, not to be diverted.

Parishes of Penicuik and Glencorse, County of Edinburgh.

89	William Robertson and John Trotter.	- -	James Nimmo and John and Peter Tait.	Kirk Burn, not to be diverted.
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Parish of Glencorse, County of Edinburgh.

1	John Trotter -	John and Peter Tait	John and Peter Tait	Arable.
2, 2	Ditto -	Ditto -	Ditto -	Pasture.
3	Ditto -	Ditto -	Ditto -	Ditto.
4	Ditto -	Ditto -	Ditto -	Ditto.
5	Ditto -	Ditto -	Ditto -	Arable.
6	Ditto -	Ditto -	Ditto -	Pasture.
7	Ditto -	Ditto -	Ditto -	Arable.
8	Ditto -	Ditto -	Ditto -	Ditto.
9	Alexander M'Neel -	William Gilbert -	John and Peter Tait	Ditto.
10, 10	Parish Road Trustees	- -	Themselves and Public.	Parish Road.
10, 10	Edinburgh Water Com- pany.	- -	John Wilson -	Pasture.
12	Ditto -	- -	Ditto -	House and Garden.
13, 14	Ditto -	- -	Ditto -	Pasture.
15	Ditto -	- -	Ditto -	Ditto.
16, 16	John Trotter -	John Bailey -	John Bailey -	Arable.
17	Ditto -	Ditto -	Ditto -	Ditto.
18	Edinburgh Water Com- pany.	- -	Themselves -	Plantation.
19	Ditto -	- -	Ditto -	Uppermost Shaft of Crawley Spring Tun- nel.
20	Ditto -	- -	Ditto -	Crawley Spring Tunnel.