

#### ANNO NONO & DECIMO

# VICTORIÆ REGINÆ.

## Cap. cccxlvii.

An Act for further and better supplying with Water the Barony or Regality of Gorbals, and Places adjacent. [3d August 1846.]

HEREAS the Inhabitants in the Barony or Regality of Gorbals, the Burgh or Town of Pollockshaws, and the Town or Village of Govan, and Places intermediate and adjacent, in the Counties of Lanark and Renfrew respectively, are at present inadequately supplied with pure and wholesome Water, and it would be of great advantage to them if a plentiful Supply thereof were provided for domestic, manufacturing, and other Purposes: And whereas such a Supply may be obtained from a certain Stream or River called the Brock or Brockburn, and the tributary Streams uniting therewith, situated in the Parishes of Mearns, Neilston, and Eastwood, in the County of *Renfrew*, if the Company herein-after named were authorized to take and divert the Waters of the said Stream or River, and its tributary Streams and Springs, and to construct Reservoirs and other Works necessary for storing up and for conducting the Water by Pipes or Conduits into the said Barony of Gorbals, Burgh or Town of Pollockshaws, and Town or Village of Govan, and Places intermediate [Local.]and

and adjacent thereto: And whereas the Persons herein-after named, together with others, are willing, at their own Expence, to make and maintain all the necessary Works for affording such Supply of Water to the said Inhabitants; but such Object cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the several Acts of Parliament following, (that is to say,) the "Companies Clauses Consolidation (Scotland) Act, 1845," and the "Lands Clauses Consolidation (Scotland) Act, 1845," shall be incorporated with and form Part of this Act, excepting in so far as the Provisions of the said recited Acts shall be inconsistent with or altered by the Provisions of this Act.

cc. 17 & 19. incorporated with this Act.

Short Title.

II. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression "The Gorbals Gravitation Water Company Act, 1846."

Subscribers incorpo-\_rated.

III. And be it enacted, That Robert Bunten, Thomas Brownlie, George Binnie, Alexander Harvey, John Mitchell, John Walker, David Wilkie, John Bain, James Craig, John Willox, Andrew Gemmill, and all other Persons and Corporations who have already subscribed or shall hereafter subscribe to the Undertaking, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purpose of supplying the said Inhabitants with Water the said Barony and Regality, Burgh or Town of Pollockshaws, and Town or Village of Govan, and Places intermediate and adjacent, and Inhabitants and others therein, and for making and maintaining the Works and Conveniences for that Purpose, according to the Provisions of the said recited Acts and this Act, and for other the Purposes herein and in the said recited Acts contained; and for the Purposes aforesaid such Company shall be incorporated by the Name of "The Gorbals Gravitation Water Company," and by that Name shall be a Body Corporate, with perpetual Succession and a Common Seal, and shall have Power to purchase and hold Lands and Tenements for the Purposes of the Undertaking, within the Restrictions herein and in the recited Acts contained.

Name of Company.

> IV. And be it enacted, That the Capital of the Company shall be One hundred and twenty thousand Pounds.

Shares.

Capital.

V. And be it enacted, That the Number of Shares into which the Amount of Capital shall be divided shall be Twelve thousand Shares, and the Amount of each Share shall be Ten Pounds.

VI. And be it enacted, That Two Pounds Ten Shillings per Share 'shall be the greatest Amount of any One Call which the Company may make on the Shareholders at One Time, and Two Months at the least shall be the Interval between successive Calls.

VII. And

VII. And be it enacted, That it shall be lawful for the Directors, until the Undertaking shall be completed, to pay Interest, if they shall deem it advisable, at any Rate not exceeding Four Pounds per Centum Works comper Annum, on all Sums called up in respect of the said Shares, from pleted. the respective Days on which the same shall be paid, such Interest to accrue and be paid at such Times and Places as the Directors shall appoint for that Purpose: Provided always, that no Interest shall accrue to the Proprietor of any Share upon which any Call shall be in arrear, in respect of such Share, or any other Share to be holden by the same Proprietor, during the Period while such Call shall remain unpaid.

Interest to be paid on Calls until

VIII. And be it enacted, That it shall be lawful for the Company to borrow on Mortgage or Bond any Sums not exceeding in whole One Third Part of the said Capital.

Power to borrow Money on Mortgage.

IX. And be it enacted, That the first Ordinary Meeting of the Company shall be held within Two Months next after the passing of this Act, and the subsequent Ordinary Meetings of the Company shall be held once in each Year, in the Month of June, or within Twent Days from the Expiration of the said Month; and all Meetings, whether ordinary or extraordinary, shall be held in Gorbals, or at such other Place as the Directors may from Time to Time appoint.

Ordinary Meetings to be held yearly.

X. And be it enacted, That the Quorum for every General Meeting of Quorum for the Company shall be Fifteen Shareholders holding in the aggregate not less than Five thousand Pounds in the Capital of the Company.

General Meeting.

XI. And be it enacted, That the Scale according to which the Share- Votes of holders may vote in respect of their Shares shall be as follows; (that Share-holders. is to say,) for One Share or more, but not exceeding Ten, One Vote in respect of such Shares, and for more than Ten Shares an additional Vote for every Ten or fewer Number of Shares.

XII. And be it enacted, That the Number of Directors shall be Number and Ten, and the Qualification of a Director shall be the Possession, in his Qualification own Right, of Twenty Shares in the Undertaking.

of Directors.

XIII. And be it enacted, That it shall be lawful for the Company, Power to at their first Ordinary or any subsequent Extraordinary Meeting, to vary the increase or reduce the Number of Directors, provided that the increased Number of Number do not exceed Twelve, and that the reduced Number be not less than Five.

Directors.

XIV. And be it enacted, That Robert Bunten, Thomas Brownlie, Directors George Binnie, Alexander Harvey, John Mitchell, John Walker, David named in the Act. Wilkie, John Bain, James Craig, and John Willox, shall be the first Directors of the Company, and the said Andrew Gemmill shall be the first Secretary to the Company.

XV. And be it enacted, That the Quorum of a Meeting of the Quorum. Directors shall be Three.

XVI. And

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Committees of Directors.

XVI. And be it enacted, That the Number of Directors of which Committees appointed by the Directors shall consist shall be not less than Three nor more than Five; and the Quorum of such Committees shall be a Majority of the Numbers of which such Committees consist respectively.

Chairman to Vote.

XVII. And be it enacted, That the Chairman at any General Meeting have casting of the Shareholders or Directors, and the Convener or Chairman of any Committee, shall have a deliberative Vote, and also a casting Vote in Cases where the Votes of Parties present are equal.

Powers to be exercised by the Directors.

XVIII. And be it enacted, That, in addition to the Powers herein and in the said recited Acts conferred on the Directors, they may exercise the following Powers of the Company:

1. They may fix the Remuneration of all the Officers of the Company except themselves, and may appoint or displace the Secretary, Treasurer, Collector, or Manager, or under Servants of the Company:

2. They may fix the Water Rates to be taken by the Company, but always so as that such Rates shall not exceed the Rates autho-

rized by this Act to be taken.

Newspapers for Insertion of Advertisements.

XIX. And be it enacted, That the Newspapers in which Advertisements relating to the Affairs of the Company arc to be inserted shall be any Newspaper published in Glasgow.

Plans and Book of Reference.

XX. And whereas Plans and Sections of the said Undertaking, describing the Line and Levels of the intended Channels, Cuts, and Aqueducts, and the Lands through which the same are intended to be carried or made, and the Situation of the intended Reservoirs and Works, and a Book of Reference containing the Names of the Owners, Lessees, and Occupiers of such Lands, have been deposited with the principal Sheriff Clerks of the Counties of Lanark and Renfrew; be it enacted, That such Plans, Sections, and Book of Reference shall be kept by the Sheriff Clerks of the said Counties, and such Sheriff Clerks shall permit all Persons to inspect the same, on being paid the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words copied.

Errors and Omissions to be corrected.

XXI. And be it enacted, That if any Omission, Mis-statement, or erroneous Description shall have been made of any Lands, or of the Owners, Lessees, or Occupiers of any Lands described on the said Plans or in the said Book of Reference, it shall be lawful for the Company to apply to the Sheriff of Lanarkshire for the Correction thereof; 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 in the Office of the principal Sheriff Clerks of the said Counties of Lanark and Renfrew, and shall also be deposited with the Schoolmasters or Session Clerks of the several Parishes

Parishes in which the Lands affected thereby shall be situate; and such Certificate shall be kept by such Sheriff Clerks and Schoolmasters or Session Clerks along with the other Documents to which they relate, and thereupon such Plans or Book of Reference shall be deemed to be corrected according to such Certificate.

XXII. And be it enacted, That true Copies of the said Plans and Copies to be Book of Reference, or of any Alteration or Correction thereof, or Evidence. Extract therefrom, certified by any such Sheriff Clerk, which Certificate such Sheriff Clerk shall give to all Parties interested, when required, on receiving a Fee of Five Shillings, shall be received in all Courts of Justice or elsewhere as Evidence of the Contents thereof.

XXIII. And be it enacted, That it shall be lawful for the said Power to Company to purchase and acquire, by Agreement, from  $Sir\ Hew\ Craw$ ford Pollok Baronet, Sir John Maxwell Baronet, and all other Parties in possession of Lands and Heritages at the said Source of Supply (being the said Stream or River called the Brock or Brockburn), and along the Line of Pipe by which the Water is to be conducted to the said Inhabitants, and for such Proprietors to sell and convey or lease to the said Company, the Lands, Water, and other Privileges required for the Purposes of the said Company, and that either by way of absolute Disposition, or Contract of Ground Annual, or by Lease or otherwise, as the Parties in possession of the said Lands or Water or Privileges may severally agree upon.

acquire Lands, &c.

XXIV. And be it enacted, That it shall be lawful for the Company, Purchase of in addition to the Lands to be compulsorily taken by them under the additional Powers of this Act, to contract with any Party willing to sell the Lands. same, for the Purchase of any Land adjoining or near to the Works of the Company, or upon or near to any of the Streams of Water herein authorized to be purchased, not exceeding in the whole Fifty Acres.

XXV. And for the better effecting the Purposes aforesaid, be it Power to enacted, That it shall be lawful for the Company to enter into any enter Lands, Lands, Waters, and other Places mentioned, specified, or laid down in &c. the said Plans and Book of Reference, and to take Levels of the same, and to set out such Parts thereof as they shall think necessary for the Works hereby authorized to be made, 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 Stones, Metals, Soil, Trees, or other Things dug or gotten out of the same, and to use such Materials in the Construction and upholding of the Works; the Company doing as little Damage as may be in the Execution of the Powers hereby or by the said recited Acts granted, and making Satisfaction as herein and in the recited Acts mentioned to all Persons interested in any Land used for the Purposes of this Act, or which may be injured by the Execution of the Powers hereby granted.

XXVI. And be it enacted, That it shall be lawful for the Company Power to from Time to Time, and continuously, to divert or alter the Course take Water [Local.]69 G

of from Brockburn.

of and to take the Water flowing from or into the said Stream or River called the Brock or Brockburn, including its various Tributaries and Affluents or other Sources of Water in the District delineated on the said Plans, and mentioned in the said Book of Reference.

Lateral Deviations.

XXVII. And be it enacted, That it shall be lawful for the Company to deviate from the Line delineated on the Plans so deposited, provided that no such Deviation shall extend to a greater Distance than the Limits of Deviation delineated upon the said Plans, and that the Undertaking by means of such Deviation be not made to extend into the Lands or Property of any Person whose Name is not mentioned in the said Book of Reference, without the previous Consent in Writing of such Person, 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: Provided always, that the Company shall not deviate so as that any Pipe shall be laid, or Work be executed, within or Westward of the Line of the Glasgow, Barrhead, and Neilston Direct Railway, at a Place where the said Railway enters the Policy of Pollok House, and crosses the Approach thereto, without the written Consent of the Proprietor of the Estate of Nether Pollok for the Time being.

Power to construct Works.

XXVIII. And be it enacted, That it shall be lawful for the Company from Time to Time to make, construct, lay down, maintain, alter, or discontinue such Waterworks, Cuts, Channels, Feeders, Catch Drains, Reservoirs, Tanks, Aqueducts, Pipes, Pipe-breaks, Conduits, Filters, Sluices, Trenches, Byewashes, Mounds, Embankments, Bridges, Engines, Machinery, and other Works, and also such Houses and Buildings, upon the Lands and Streams by this and the recited Acts authorized to be taken by the Company, as they shall think proper for supplying the said Inhabitants with Water for domestic, manufacturing, and other Purposes: Provided always, that nothing herein contained shall authorize the Company to erect any Steam Engine or other pumping or propelling Apparatus, or any Dwelling House or other Building of that Description, upon the Estate of Nether Pollok, without the written Consent of the Proprietor of the said Estate for the Time being first had and obained thereto, without Prejudice, nevertheless, to the said Company erecting any Cover or Inclosure necessary for the filtering and distributing Ponds to be constructed in virtue of this Act, the Height of any such Cover or Inclosure not in any Case exceeding Ten Feet above the Surface of the Ground where the Filters and Works are formed.

Period for Completion of Works.

XXIX. And be it enacted, That the Works hereby authorized to be made shall be completed within Two Years from the passing of this Act, and on the Expiration of such Period the Powers by this or the said recited Acts granted to the said Company for executing the said Works, or otherwise in relation thereto, shall cease to be exercised except as to so much thereof as shall then be completed.

XXX. And whereas it will be necessary for the said Company to tion to be intercept, for the Purposes of this Act, the whole or Part of the Streams, Springs,

Springs, and Drainage Water which at present naturally flow down the given to said Brockburn, and supply Water to the Proprietors and others below the Reservoirs of the said Company; be it enacted, That whenever all or any of the said Streams, Springs, or Drainage Water forming the said natural Supply shall be so intercepted, the said Company shall be bound to give out and supply from their Aqueducts or Reservoirs, as Compensation to and for the Use of the said Proprietors and others having Interest therein, a constant and uniform Stream of Water at all Hours, consisting of not less than Nine and a Half Cubic Feet of Water per Minute for every Ten millions of Cubic Feet of available Storeage Room, which the Reservoirs hereby authorized to be constructed, and such other Reservoirs as by the Company may at any Time hereafter be constructed on the said Stream, shall be found capable of containing; and provided also, that all Waste or Flood Water which the said Company may at any Time not store up in their said Reservoirs shall hereafter continue to flow down the natural Channel of the said *Brockburn* as at present.

XXXI. And be it enacted, That in the event of any Dispute arising betwixt the said Company and other Party having Interest in the Quantity of Water to be so given out by the said Company in Compensation as aforesaid, the same shall be determined by an Arbiter or Arbitration. Arbiters, to be appointed by the Sheriff of the County of Lanark on the Application of either Party, whose Award shall be final and binding on all Parties.

Disputes as to Compensation to be settled by

XXXII. And in order that all Dispute may be prevented as to the Capacity of Capacity of said Reservoirs, be it further enacted, That, previous to Reservoir to any of the said Reservoirs being filled with Water, the available Contained. tents thereof shall be ascertained by a competent Engineer, to be nominated by the said Sheriff; and the available Contents or Storeage Room being so ascertained, the said Engineer shall subscribe a Report specifying the Extent thereof, which Report shall be registered in the Sheriff Court Books at Glasgow; and the Quantity of available Storeage Room for Water specified in the said Report shall be held to be the true and actual Contents of said Reservoir or Reservoirs in all Time thereafter.

XXXIII. And be it enacted, That it shall be lawful for the Com- Compensapany to enter upon the Lands of any Person adjoining to or being within the Distance of One hundred Yards of the Works by this Act temporary authorized, or any Part thereof, and not being a Printfield, Bleach- Damages. field, or a Garden, Orchard, Plantation, planted Walk, Avenue, or Ground planted and set apart as a Nursery for Trees, for the Purpose of depositing upon such Lands, or upon any Part thereof, any Stones, Soil, Gravel, Clay, Sand, Limestone, Bricks, or other Materials, or for other Purposes connected with the Formation of the said Works, without making any previous Payment, Tender, or Deposit, the said Company doing as little Damage as may be in the Exercise of the several Powers hereby granted to them, and making Compensation for such temporary Occupation or temporary Damage of the said Lands, to the Owners and Occupiers thereof, from Time to Time, and as often

tion to be

as such temporary Occupation shall be taken, or any such temporary Damage shall be done, by the Company; every such Compensation, in case the Parties differ about the same, to be settled and recovered in manner by this Act and the said recited Acts provided in Cases of other Disputes as to the Compensation for any Damage sustained by reason of the Execution of any of the Works by this Act authorized.

Company before entering on such Lands to agree with Owner ment of a Rent for same.

XXXIV. Provided always, and be it enacted, That the Company shall, before entering upon any such adjoining Lands for the Purposes aforesaid, if required by the Owner or Occupier of such Lands, agree with the Owner and Occupier of such Lands for the Payment of a certain and fixed Rent in respect thereof during the Continuance of for the Pay- such temporary Occupation; but in case the Parties differ in Opinion as to the Amount of such Rent, they shall agree that the same shall be fixed by Arbitration of Two neutral competent Persons, One to be named by each Party, or by their Umpire appointed in Writing by such Arbitrators before they enter on the Business of the said Arbitration: Provided always, that if the Party claiming Rent shall not agree to submit the Amount thereof to Arbitration within Six Days after a Requisition to that Effect addressed to him, and put into the Post Office at Glasgow, the Company shall be entitled to proceed with the Operations thereof in the same Manner as if the Party claiming Rent or seeking Arbitration had not required such Agreement to be entered into.

Company to previous to such temporary Possessions.

XXXV. Provided also, and be it enacted, That before it shall be give Notice lawful for the Company to make such temporary Use as aforesaid of the Lands adjoining or lying near the said Works, the Company shall and they are hereby required to give Fourteen Days Notice of such their Intention to the Owners or Occupiers of such Lands, and to separate and set apart by sufficient Fences, if found necessary, or if required by the Proprietors, so much of the Lands as shall be required.

Penalty for obstructing Construction of Works.

XXXVI. And for preventing the Obstruction to the Construction of the Works hereby authorized, 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 pull up or remove any Poles or Stakes driven into the Ground for the Purpose of setting out the Line of such Works, or deface or destroy any Marks made for the same Purpose, he shall forfeit to the Company any Sum not exceeding Five Pounds for every such Offence, besides being liable for the Damages done.

Company to

XXXVII. And be it enacted, That the Company shall have Access have Access. to the Lands in, through, or upon which any of the Works or Machinery herein respectively before mentioned shall be constructed, by the Gates or other Mode of Entry thereto used as Access for other Purposes, at all Times during the Day, not earlier than Five of the Clock of the Morning or later than Sunset, by themselves, or their Engineer or Superintendent, or Servants or Workmen, especially named by the Company

Company to inspect the said Works and Machinery, but for no other Purpose and on no other Pretence whatever, and in the event of Repairs being found necessary, to obtain the like Access for the Workmen or Servants of the Company to repair the same, the Company indemnifying the Owner or Occupier for all Damages thereby done; and if any of the Servants or Workmen or other Persons in the Employment of the Company shall, after the Works are in operation, trespass upon any Land within the Estates of Upper or Nether Pollok beyond the Limits necessary for the Purposes of this Act, or shall give just Cause of Offence to the Owner of such Land, such Servant, Workmen or others shall, upon Conviction thereof before any competent Magistrate, be liable in a Penalty not exceeding Forty Shillings, to be recovered from the said Company, with Recourse against the Offender, and in case of a Second Offence such Servant or other Person shall, upon Complaint being made thereof to the Company, be dismissed from their Service.

XXXVIII. And be it enacted, That the Proprietor of the Estate Right of of Upper Pollok for the Time being, and the Family, Visitors, and fishing, &c. Friends of such Proprietor, and the Occupiers for the Time being of in Reserthe Mansion Houses on said Estate, shall have and enjoy the exclusive Upper Pol-Right of fishing, shooting, and sporting in and over the Reservoirs lok reserved. which may be formed by the Company upon the said Estate, and also of keeping and using Boats of Pleasure on the said Reservoirs, and also of taking Ice therefrom, and of skating and curling thereon, but so that the Exercise of such Rights shall not injure the Embankments of the said Reservoirs or pollute the Water therein farther than may be consequent on the fair Exercise of such reserved Rights; and such Rights and Privileges shall not belong to or be enjoyed by the Company or their Servants or other Party under their Authority: Provided always, that it shall be lawful for the said Company, or any Person acting under the Authority of the Company, to keep and use Boats on the said Reservoirs, for the sole Purpose of inspecting, repairing, and renewing the Works of the Company, and cleansing the said Reservoirs: Provided also, that the Privileges above mentioned shall be personal to the Proprietor of the said Estate for the Time being, and Persons before mentioned having his Consent, and shall not be let or transferred to any other Parties.

XXXIX. And be it enacted, That the Proprietor of the Estate of Right of Nether Pollok for the Time being, and the Family, Visitors, and Friends fishing, &c. of such Proprietor, and the Occupiers for the Time being of the Mansion in Reservoirs in Nether Houses on said Estate, shall have and enjoy the exclusive Right of Pollok refishing, shooting, and sporting in and over the Reservoirs which may served. be formed by the Company upon the said Estate, and also of keeping and using Boats of Pleasure on the said Reservoirs, and also of taking Ice therefrom, and of skating and curling thereon, but so that the Exercise of such Rights shall not injure the Embankments of the said Reservoirs or pollute the Water therein farther than may be consequent on the fair Exercise of such reserved Rights; and such Rights and Privileges shall not belong to or be enjoyed by the Company or their Servants or other Party under their Authority: Provided always, that [Local.]

it shall be lawful for the said Company, or any Person acting under the Authority of the Company, to keep and use Boats on the said Reservoirs, for the sole Purpose of inspecting, repairing, and renewing the Works of the Company, and cleansing the said Reservoirs: Provided also, that the Privileges above mentioned shall be personal to the Proprietor of the said Estate for the Time being, and Persons before mentioned having his Consent, and shall not be let or transferred to any other Persons.

tion for Damages, &c.

Compensa- XL. And be it enacted, That the said Company shall be bound to compensate and satisfy the Proprietors of the Estates of Upper and Nether Pollok respectively, and their Tenants and Feuars for the Time being, and any other Person whatever, for all legal Claims for Damage which may eventually arise and be established on account of the overflowing, breaking out, bursting, or leaking of the Company's Reservoirs, or Failure or Insufficiency of their Works, or in any other Manner or Way whatever, in consequence of the Company's Operations authorized by this Act or otherwise.

Drains, &c.

Proviso as to XLL Provided always, and be it enacted, That nothing herein contained shall prevent the Proprietor of the Estate of Upper Pollok, and his Tenants on the said Estate, from using the Water of the said Brockburn for all ordinary domestic or farming Purposes, and from running into the same, for all such Purposes, Sinks, Sewers, and Drains, doing as little Injury to the Water as possibly may be in the Exercise of such Rights.

Power to construct Reservoirs, break up Streets, &c.

XLII. And be it enacted, That it shall be lawful for the Company to construct, repair, maintain, and alter Dams or Reservoirs on and contiguous to the said Stream or River called the Brock or Brockburn, and to place, maintain, vary, extend, enlarge, repair, remove, replace, and use all Conduits, Mains, and other Pipes, Cisterns, Aqueducts, Fountains, Wells, Waste Pipes, Waster, or By-washes, Drains, Plugs, and Stopcocks, and other Works, in, upon, and under, and along the Lands, Houses, Roads, Streets, Bridges, Squares, Areas, Quays, Wharfs, Lanes, Closes, Passages, and other Places leading unto and situated within the said Barony or Regality of Gorbals and the said Burgh or Town of Pollockshaws and Neighbourhood thereof, and the said Town or Village of Govan and Neighbourhood thereof, and Places intermediate or adjacent, as may be necessary for the Purpose of supplying Water to the Inhabitants therein, and others requiring it, for domestic, manufacturing, and other Purposes, from the said Stream or River called the Brock or Brockburn, or any Dam, Basin, or Reservoir to be constructed for containing or storing the Water thereof, and for that Purpose to enter the Lands and break up or open the Soil thereof, and Causeways and Pavements or Soil of any such Streets, Roads, and other Places, and any public Sewer or Drain therein, the said Company doing as little Damage as may be in the Execution of the said Powers, and making Compensation for any Damages actually caused thereby in manner herein or in the said recited Acts mentioned: Provided always, that nothing herein contained shall authorize the Company to enter upon, take possession of,

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or use any Part of the Estate of Nether Pollok, or to make any Dam or Reservoir thereon, or lay any Pipes therein, or execute any Work upon the said Estate, otherwise than delineated on the said Plan, except such Conduit and similar Works in connexion therewith as may be found to be necessary for carrying out the Plans delineated; and in the event of any Dispute as to the Necessity of such Works, the Question shall be determined, in the Option of the Proprietor, by James Smith Esquire, of Deanston, or by any Engineer appointed by the Sheriff of Lanarkshire; and provided also, that nothing herein contained shall prevent the Proprietor of the Estate of Nether Pollok. or his Tenants on the said Estate, from using the Water of the said Brockburn below the Waulkmillglen Reservoir, together with the Water at present collected and conveyed to Patterton Farm, for all domestic or farming Purposes, or for manufacturing Purposes, not inconsistent with the Prohibition herein contained against polluting the said Water, or from running such Sinks, Sewers, and Drains into the same as may be necessary, doing as little Injury to the Water as possibly may be in the Exercise of such Rights; and that if any Portion of the Estate of Nether Pollok occupied by the Mains or Pipes of the Company shall become useful for any Purpose of Improvement, then the Mains or Pipes of the Company shall be shifted to any reasonable Extent, at the Desire and Expence of the Proprietor of that Estate, and at the Sight and to the Satisfaction of the said James Smith of Deanston, or any Engineer to be appointed by the said Sheriff;

XLIII. And be it enacted, That before any Street, Highway, or Notice to be public Sewer or Drain shall be opened or broken up by the Company for the Purpose of introducing Water as aforesaid, they shall give ing up to the Persons under whose Control or Management such Street, Streets. Highway, Sewer, or Drain may be Notice in Writing of their Intention to open or break up the same, at least Two Days before the Commencement of such Operation.

provided always, that such Change shall not injure the Works of the

Company.

served before break-

XLIV. And be it enacted, That where the Causeway, Pavement, or Soil of any Street or Highway, or when any Sewer or Drain, shall be opened or broken up by the Company, or their Contractors, in the stated withevent of the Work being contracted for, they shall with all convenient out Delay. Speed complete the Work on account of which the same shall be broken up, and fill in the Ground, and make good the Causeway, Pavement or Soil, Sewer or Drain so opened or broken up, and carry away the Rubbish occasioned thereby, and shall in the meantime cause the Place where such Causeway, Pavement, or Soil shall be so opened or broken up to be fenced and guarded, and shall set up and maintain upon or against the Part of the said Pavement or Soil so broken up or opened a sufficient Light during every Night from Sunset to Sunrise that such Causeway, Pavement, or Soil shall be continued open or broken up; and in case the Company or their Contractors, as the Case may be, shall at any Time fail to repair, restore, and make good the said Streets, Highways, Sewers, Drains, and public Places which shall have been opened or broken up by them, within Fourteen Days after being required to do so by any Proprietor having Interest therein,

Streets broken up to be rein-

therein, it shall be lawful to the Sheriff of Lanarkshire, and he is hereby authorized and empowered, on summary Complaint being made to him by such Proprietor, on the Expiry of the said Period of Fourteen Days, forthwith to cause repair, restore, and make good such Streets, Ways, Sewers and Drains, and public Places, at the Expence of the said Company or their Contractor, as the Case may be, who shall be bound forthwith to pay the said Expences.

Penalty for Streets.

XLV. And be it enacted, That if the Company, or any Contractor Delay in re-instating the Drain without giving such Notice as aforesaid, or if the Company Drain without giving such Notice as aforesaid, or if the Company or Contractor shall make any Delay in completing any such Work, or in filling in the Ground or making good the Causeway, Pavement, or Surface so opened or broken up, or in carrying away the Rubbish occasioned thereby, or in causing to be fenced, guarded, or lighted the Place where such Causeway, Pavement, or Surface shall have been broken up, the Parties so offending, as the Case may be, shall forfeit a Sum not exceeding Five Pounds for every such Offence, and they shall forfeit an additional Sum of Twenty Shillings for every Day that any such Delay as aforesaid shall continue after the Expiration of Twenty four Hours from the Time that such Delay shall have commenced: Provided always, that in these respects or any other respect the Company shall not be responsible for the Conduct, Omission, or Negligence of the Contractors who may agree to execute the Works according to the Provisions of this Act.

In case of Parties may reinstate and recover the Expences.

XLVI. And be it enacted, That if any such Delay as aforesaid Delay other shall take place, it shall be lawful for the Persons having the Control or Management of the Street, Highway, Sewer, or Drain in respect of which such Delay shall take place to cause the Matter or Thing so delayed to be done; and the Expence of doing the same, together with the Costs of recovering such Expence, shall be recovered from the Company or their Contractor, as the Case may be, under summary Complaint to the Sheriff of Lanarkshire, who is hereby empowered to decern for the same.

Protection | of Roads in the County of Renfrewshire.

XLVII. And be it enacted, That in conducting their Operations over, under, or upon any of the Roads under the Management of the Renfrewshire Turnpike and Statute Labour Road Trustees, the said Company shall be bound to execute the same, and the whole Works connected therewith, at the Sight and to the Satisfaction of the Surveyor of the said Roads and of the Engineer of the said Company for the Time being respectively, and, in the event of any Difference in Opinion, at the Sight and to the Satisfaction of an Umpire to be named by the said Surveyor and Engineer.

Company to fix the Rates payable for Water.

XLVIII. And be it enacted, That it shall be lawful to and for the said Company or Directors to fix and determine the Rate or Rates at which they shall supply Water as aforesaid to the said Inhabitants for domestic, manufacturing, or other Purposes, and from Time to Time to alter, raise, or reduce the same, but so as the same shall never exceed Five per Centum on the valued Rent of the Premises in respect of which such Rates are chargeable; provided always, that the said Limitation Limitation of Rates shall apply to private Dwelling Houses, and to the Use of Water for Family Use only.

XLIX. And be it enacted, That Five Years after the passing of Providing this Act such a proportional Sum as the Directors of the Company shall think proper, not more than Ten per Cent. and not less than Seven and a Half per Cent. on the Amount of the annual Profits of the said Undertaking, after Deduction of all Interest, and necessary Expences in repairing and maintaining the Works of the Company and managing its Affairs, may be set apart annually to answer Contingencies, and to meet unforeseen Circumstances, but such Sums shall not be allowed to accumulate to a Sum exceeding Ten thousand Pounds, which Sums shall be kept separate from the other Assets of the Company, under the Title of "Contingent Account;" and the same shall be deposited in Bank, or invested in Government Securities, or lent on Real Security, as the Directors may think fit; and the Interest arising therefrom shall form Part of the Profits of the Company, and be divisible among the Proprietors with the other Profits thereof; and so often as the said Contingent Fund shall be necessarily expended or reduced, it shall be replaced in the same Manner as it was originally accumulated.

gent Fund.

L. And be it enacted, That the Profits of the Undertaking to be Limitation divided amongst the Proprietors of the Company shall not exceed of Profits. Seven Pounds per Centum per Annum in any One Year on the Amount paid in respect of each Share in the said Undertaking; and in order to ascertain the Amount of such Profits the Company shall cause a true and particular Account to be kept, and annually made up to the First Day of June or some other convenient Day in each Year, of all Monies received by them under the Authority of this Act, and of all Costs, Charges, and Expénces of and attending the Purchase, Construction, repairing, and maintaining of the Works hereby authorized, and of carrying on the said Undertaking, with a Statement of the Balance of such Account, duly audited, and certified by the Directors, or some of them, together with an Account of the said Contigent Fund; and if the clear Profits of the said Undertaking, after Payment of all such Costs, Charges, Interest on borrowed Money, and Expences, and after providing for any Deficiencies in the Contingent Fund, shall in any Year amount to a larger Sum than shall be sufficient to make Distribution amongst the Proprietors of the said Company of Seven Pounds per Centum per Annum on the Amount paid in respect of each Share as aforesaid, the Excess beyond the Sum which may be necessary for the Purposes aforesaid shall be carried to the Credit of the Company for the ensuing Year, and the Company shall be bound to reduce the Rates charged for the Supply of Water proportionally with such Excess of Receipts; provided always, that such Excess shall amount to a Sum sufficient to reduce the Rates generally for the ensuing Year to the Extent of One Twelfth Part of the Rates levied for the Year preceding, and in the event of the Amount of the Excess being insufficient to admit of such Reduction, then the Amount of the Excess shall be carried to the "Contingent Fund."

Copy of Account to be sent to Sheriff

LI. And be it enacted, That the Company shall every Year transmit an Abstract of the said Account, free of Charge, to the Sheriff Clerk of Lanarkshire, at his Office at Glasgow, which Account shall be open to Clerk. the Inspection of the Public at all reasonable Times on Payment of the Sum of One Shilling for each such Inspection.

Proceedings for the Recovery of Rates.

LII. And whereas the Rates which will be payable to the said Company for supplying of Water to the said Inhabitants, for domestic, manufacturing, and other Purposes, will in many Instances be small, and, if not regularly paid, the Recovery thereof by Actions at Common Law will be attended with great Expence to those in arrear; be it therefore enacted. That if any Person or Persons shall refuse or delay to pay the Rates respectively due by them to the said Company for being supplied with Water as aforesaid, for the Space of Fourteen Days after the same shall have fallen due and been demanded from him, either personally or by leaving a writen or printed Requisition from the Collector, Treasurer, or Secretary of the said Company at the Dwelling House or other Premises for supplying which with Water the Rates shall be due, it shall be lawful for the said Company, or Collector, Treasurer, or Secretary, to apply to the Sheriff of Lanarkshire for a summary Warrant to recover such Rates or Arrears of Rates, and he is hereby authorized and directed, upon Exhibition, by the Person making such Application, of a List of the Names and Designations of the Persons so refusing or delaying to pay such Rates, with a Statement annexed to the Names of the several Defaulters, specifying the Amount due by them respectively, and a Certificate, signed by the said Collector, Treasurer, or Secretary, that such Rates are truly due by the said Persons respectively, and that Payment thereof has been demanded in manner aforesaid, to grant Warrant to any Sheriff's Officer having the Authority of the Company or Directors, or the Collector, Treasurer, or Secretary of the Company, to enter into the Premises of the Persons in arrear respectively, wherever situate, and to poind, seize, and take possession of their Goods and Effects, or so much thereof as will fully satisfy the Debt and Expences; and the Goods and Effects so poinded or seized shall be detained and kept on the Ground or at the Premises where the same were poinded or seized, or in such other Place convenient thereto, of which the Owners shall have Notice, as the Officer so poinding or seizing shall think proper, for the Space of Four Days; and if within that Period the said Rates, together with the necessary Expences of such poinding or seizing, shall not be paid, it shall then be lawful for the Collector, Treasurer, or Secretary of the said Company, or any Officer acting for the Company, forthwith to sell and dispose of the said Goods and Effects, or such Part thereof as shall be necessary, by public Roup, at some convenient public Place, or as may be specially appointed by the Judge, and to apply the Proceeds in Payment of the Rates respectively owing, and the Expences of Procedure, paying over the Surplus, if any, to the Owner; provided that the Sheriff Clerk shall be at liberty to charge from the Person applying for such Warrants, or the Persons liable in such Arrears of Rates, One per Centum on the Sums due, and no more, for each such Warrant; and provided also, that it shall be optional to the Company to recover such Rates, either in the Manner provided by

this Act, or according to the Form of Procedure observed in the Sheriff's Court of Scotland, as shall appear to the Company or Officers thereof to be most expedient.

LIII. And be it enacted, That it shall be lawful for such of the Power to Inhabitants aforesaid as shall be desirous of procuring Water from the Waterworks of the Company conveyed into their Premises, to open the Ground between the Main and Branch Pipes of the Company and their respective Houses, Buildings, and Premises, and to lay any leaden or other Service Pipes from such Premises to communicate with the Main or Branch Pipes of the Company; provided always, that every such Inhabitant shall, before he shall commence laying any Service Pipe to communicate with the Service Pipes of the Company, give to the Company Fourteen Days Notice of his Intention to do so, and that it shall also be lawful to the Company to lay, repair, and uphold such Service Pipes.

Inhabitants to lay Service Pipes.

LIV. And be it enacted, That before any Service Pipe is made to Communicacommunicate with the Main or Branch Pipes of the Company, the tion to be Inhabitant intending to make such Communication shall give Six made under the Super-Days Notice to the Company of the particular Day and Hour when intendence such Pipe is intended to be made to communicate with the Pipes of of Company, the Company; and every such Service Pipe shall be so made to communicate under the Superintendence and according to the Directions of the Surveyor or other Officer appointed for that Purpose by the Company, unless such Surveyor or Officer shall not attend at the Time mentioned in the said Notice.

LV. And be it enacted, That the Bore of any such Service Pipe Bore of Seras aforesaid shall not exceed One Half of an Inch, except with the vice Pipes. Consent of the Company.

LVI. And be it enacted, That no Owner or Occupier of any Occupiers of Dwelling House or Part of a Dwelling House or other Premises shall Dwelling make any Service Pipe for such Dwelling House or Part of a Dwelling Houses not House or other Premises to communicate with the Pipes of the vice Pipes Company, except he shall have paid the yearly Water Rate payable until Water in respect of such Dwelling House or other Premises hereby directed Rent paid. to be paid in advance, or shall have compounded with the Company for the same.

to make Ser-

LVII. And be it enacted, That none of the said Inhabitants shall Inhabitants make any Service Pipe to communicate with the Pipes of the Company, except he shall have agreed with the Company for a Supply of Water to his Buildings and Premises.

LVIII. And be it enacted, That it shall be lawful for any Person who shall have laid down any Pipe, or who shall have become entitled to the same, to remove the same, and the Locks and other Apparatus belonging thereto, after having first given Seven Days Notice in Writing to the Company of his Intention so to do, and of the Time of such proposed Removal; and every such Person shall make Compensation

not to make Communication before Agreement for a Supply of Water. Removal of Service Pipes.

pensation to the Company for any Injury or Damage to their Pipes or Works which may be caused by such Removal.

Power to Inhabitants to break up Pavements.

LIX. And for the Purpose of enabling the said Inhabitants to lay down Service Pipes in any of the aforesaid Streets and Highways, and to repair, renew, and remove the same, be it enacted. That it shall be lawful for any such Inhabitant to open or break up the Causeway, Pavement, and Soil of any such Street or Highway as shall be between any Main or Branch Pipe of the Company and his House, Building, or Premises, and any Sewer or Drain therein, for any such Purpose as aforesaid, doing as little Damage as may be, and making Compensation for any Damage done in the Execution of any such Work: Provided always, that every such Inhabitant desiring to break up the Causeway, Pavement, or Soil of any Street or Highway, or any Sewer or Drain therein, shall be subject to the same Necessity of giving previous Notice, and be subject to the same Control, Restriction, and Provisions in and during the Time of breaking up the same, and to the same Penalties for any Delay in regard thereto, as the Company are subject to by virtue of this Act.

Rates at which the Company are to supply Water.

LX. And be it enacted, That the Company shall, at the Request of the Owner or Occupier, furnish to every Occupier of a private Dwelling House or Part of a Dwelling House in any Street within Ten Yards of which any Pipe of the Company shall be laid, a constant and sufficient Supply of Water for the domestic Use of every such Occupier, at a Rate per Centum per Annum not exceeding Five per Centum of the yearly Rent or yearly Value of such Dwelling House or Part of a Dwelling House supplied with Water by the Company: Provided nevertheless, that the Company shall not be obliged to furnish such Supply to any Owner or Occupier for any less Sum than Two Shillings and Sixpence in any One Year, or for any shorter Period than a Year, unless they shall think fit so to do; Provided also, that a Supply of Water for domestic Purposes shall not include a Supply of Water for Baths, Horses; or Cattle, or for washing Carriages, or for any Trade or Business whatsoever.

pay Rates,

Occupier to LXI. And be it enacted, That such Water Rates shall be paid by the Tenants or Occupiers using the Water supplied, and shall be payable in advance as on the First Day of June yearly; and the Company shall have a Claim over the Goods, Chattels, and Effects of the Consumer or User of the Water, or on the Proceeds of such Effects, preferable to the Claim of any poinding Creditor, or Party having or pretending to have Right of Property in or other Title to such Effects, excepting always the Landlord's Claim of Hypothec for Rent according to the Law of Scotland; provided always, that such Effects have actually been placed within the House or Premises on account of which the Water Rates are exigible.

Where several Houses supplied by

LXII. And be it enacted, That when several Houses or Parts of Houses in the Occupation of several Persons shall be supplied by One common Pipe, the several Owners or Occupiers of such Houses or Parts of Houses shall be liable to the Payment of the same Rates

for

for the Supply of Water as they would have been liable to if each of One Pipe, ? such several Houses or Parts of Houses had been separately supplied with Water from the Works of the Company by a distinct Pipe.

each to pay.

LXIII. And be it enacted, That the Owner or Occupier of any Dwelling House or Part of a Dwelling House liable to the Payment of any Rate for Water supplied under the Provisions herein-before contained, who shall remove from such Dwelling House or Part of a Dwelling House, or shall give Notice of his Intention to discontinue the Use of the Water supplied by the Company, shall pay the Water Rate in respect of such Dwelling House or Part of a Dwelling House becoming due up to the First Day of June next following his quitting the same, or giving such Notice.

Parties removing to pay to next Term Day.

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

Water for other than domestic Purposes to by Agreement.

LXV. And be it enacted, That it shall be lawful for the Company Company to supply Ships or Vessels with Water, and to exact and charge such may supply Remuneration or Rate of Payment for the Water supplied to such Shipping. Ships or Vessels as to the Company shall from Time to Time seem to be just and reasonable, but in no Case exceeding Two Shillings for each Tun of Water so supplied.

LXVI. And be it enacted, That the Company or Directors shall Surveyors annually make choice of and appoint One or more neutral Persons to be apto be Surveyors under this Act, and such Surveyors shall be sworn pointed. by the Sheriff to administer their Office faithfully according to their Judgment and Knowledge; and such Surveyors shall have Power. (the First Day of June being first come) to survey and report upon the Rents or yearly Value of such Premises in respect of which any Person is liable in any Water Rate, from which Reports to be made by such Surveyors the Company shall cause such Surveyors, or the Collectors or Secretary under this Act, or some other proper Person, to make up a Roll of the yearly Rents or Values of such Premises, with the Names of the Persons liable in such Water Rates.

LXVII. And be it enacted, That if any Person supplied with Recovery of Water by the Company shall neglect to pay any Water Rate or Rent Rates. due by him at the Time of Payment thereof, it shall be lawful for the Company or their Lessee to stop the Water from flowing into the Premises of such Person, by cutting off the Service Pipe to such Premises, or by such Means as the Company or their Lessee shall think fit, and to recover the Rate or Rent due by such Person, together with the Expences of cutting off the Water, and Costs of recovering the same, by summary Action in the Sheriff Court of Lanarkshire, either in the Form hereby prescribed with reference to Recovery of the Water Rates, or in the usual Form of Process. [Local.] LXVIII. And

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Power to lease the Water Rates.

LXVIII. And be it enacted, That it shall be lawful for the Company to lease the whole or any of the Water Rates or Rents payable to the Company by virtue of this Act or otherwise, for any Term not exceeding Five Years, and upon such Rents, Covenants, and Conditions as the Company shall think fit.

Water may be taken to extinguish Fires. LXIX. And be it enacted, That the Company shall at all Times keep charged to the full with Water under sufficient Pressure all the Pipes belonging to the said Company to which any Fire Plugs shall be fixed, and shall permit and suffer all Persons at all Times to take and use such Water for the Purpose of extinguishing Fire, without making Compensation for the same.

Company to affix Fire Plügs.

LXX. And be it enacted, That the Company, at the Request of the Magistrates and Cómmissioners of Police of Gorbals, or the Magistrates and Town Council of Pollockshaws, shall and they are hereby required to fix proper Fire Plugs into the Main and other Pipes belonging to the Company which may be laid by them within the Limits of this Act, at such convenient Distances from each other, and at such Places, as may be considered most proper and necessary for the Supply of Water in extinguishing Fire; and in case any Difference of Opinion shall arise as to the proper Position or Number of such Fire Plugs, and the repairing and renewing the same, such Dispute shall be settled in a summary Manner by the Sheriff of Lanarkshire on Complaint made to him for that Purpose.

Keys of the Fire Plugs to be deposited.

Cost, and Charges of the said Magistrates and Commissioners of Police of Gorbals, or the said Magistrates and Town Council of Pollockshaws, from Time to Time repair, renew, and keep in proper Order every such Fire Plug; and as soon as any such Fire Plug shall have been completed, the said Company shall deposit a Key thereof at each Place within the Limits of this Act where any public Fire Engine shall be kept for extinguishing Fire, and in any other Places directed by the said Magistrates and Commissioners of Gorbals, or the said Magistrates and Town Council of Pollockshaws, and affix a public Notification in some conspicuous Place by the Side of each Street, Highway, or Place in which such Pipes shall be situate, to denote the Situation and Distance of such Fire Plug, and which Notification the Company are hereby authorized to put up on any House or Building on the Side of such Street, Highway, or Place.

Expence, how to be borne.

LXXII. And be it enacted, That the Cost of such Fire Plugs, and the Expence of fixing, placing, and maintaining the same in repair, and of providing such Keys as aforesaid, shall be defrayed by the said Magistrates and Commissioners of Police of Gorbals, or the said Magistrates and Town Council of Pollockshaws requiring the same.

Company to place Stop-cocks at Expense of

LXXIII. And be it enacted, That it shall at any Time be competent to any Person being the Owner or Occupier of any Building or Manufactory situated near to any Main or other Pipe of the said Company

to

to require them to place Stopcocks and Fire-plugs, at the Expence of Party rethe Party requiring the same, opposite or near to such Building or Manufactory, and to attach the same to the Pipes most suitable for that Purpose, to be used for extinguishing Fires only, unless it shall be otherwise agreed upon by and between such Owner or Occupier and the said Company, and that exclusively of and in addition to the Fire-plugs to be provided by the said Company.

quiring same.

LXXIV. And be it enacted, That the Company shall provide and Constant keep constantly laid on a Supply of pure and wholesome Water suffi- Supply of cient for the domestic Use of all the said Inhabitants who are entitled to demand a Supply as herein provided, and who shall or may be Purposes. willing to contract for the Purchase thereof upon the Terms herein mentioned; and the Company shall cause Pipes to be laid down, and Water to be conducted to every Part of the said Places where a sufficient Number of the Owners or Occupiers of the Houses therein agree to take such a Supply of Water for Three Years at least as that the annual Payment for the same, at the Rates herein specified, shall be equal to One Tenth Part of the Expence of providing and laying down such Pipes.

Water for : domestic

LXXV. And be it enacted, That if for Twenty-eight Days after Penalty for Demand in Writing made to the Secretary or Treasurer of the Company, Neglect to and Tender made to such Secretary or Treasurer, of the Amount of lay Pipes. the Rate payable in advance, the Company shall neglect or refuse to lay down Pipes as aforesaid, then the Company shall forfeit to the Owner or Occupier making such Demand as aforesaid treble the Amount of Rate so tendered, and shall also forfeit the further Sum of Ten Shillings for every Day during which they shall so neglect or refuse to lay down such Pipes.

LXXVI. And be it enacted, That the Company shall provide, in the Pipes to which any Fire-plugs shall be fixed, a sufficient Supply of Water for cleansing the Sewers and Drains, or for cleansing and watering the Streets, at such Rates, in such Quantities, and upon such other public Terms and Conditions as may be agreed upon by and between the said Magistrates and Commissioners or the said Town Council and the said Company, or, in case of Disagreement, as shall be settled in the same Manner as is herein provided in regard to Disputes as to the Number and Position of the Fire-plugs.

Supply of Water for Sewers, Drains, and Purposes.

LXXVII. And be it enacted, That if the Company shall wilfully neglect or refuse to furnish to the said Magistrates and Commissioners or Town Council, or to any Owner or Occupier entitled to receive a Supply, a sufficient Supply of Water during any Portion of the Period Supply. for which the Rates for such Supply shall have been paid or tendered, they shall forfeit to the Persons having so paid or tendered the Rate the Sum of Ten Shillings for every Day during which such Refusal or Neglect shall continue after Notice in Writing shall have been given to the Company of the Want of Supply; but no Penalty shall be payable by the Company if the Want of such Supply shall arise from Frost,

Penalty for Refusal or occasional Failure of

Frost, or other unavoidable or unforeseen Cause or Accident, or from the Works, Mains, or Pipes being under Repair.

Company to lay down Service Pipes on Request of Occupier, and with Consent of Owner.

LXXVIII. And whereas the Houses of the Poor may in many Cases not be supplied with Water, on account of the Inability of the Owners or Occupiers to lay down the Communication Pipes and other Apparatus; be it enacted, That it shall be lawful for the Company, and they are hereby required, upon the Request of the Owner of any House, Building, or Premises in any House, Street, or Place where Pipes shall have been laid down by the Company, or upon Request of the Occupier, with the Consent in Writing of the Owner or reputed Owner thereof, or of his Agent or Factor, and upon Payment or Tender of the Water Rate in respect thereof, hereby made payable in advance, to lay down Communication Pipes and other proper or necessary Apparatus for the Supply of such House, Building, or Premises with Water for domestic or other Purposes, and to keep the same in repair, and to charge for the same such reasonable annual Rent or Remuneration in Money as shall be agreed upon, or, in case of Dispute, as shall be settled by the said Sheriff in the same Manner as is before provided in regard to Disputes as to the Number and Position of Fire Plugs; and such Rent or Remuneration shall be chargeable on and recoverable from the Occupier, or, in his Default, from the Owner of such House, Building, or Premises, or his Agent or Factor, at the same Terms and in the same Manner as Rents due to the Company in respect of such Supply of Water; and such Pipes and other Apparatus shall not be subject to be attached or hypothecated for Rent, nor be liable for the Debts of such Owner or Occupier, nor be subject to Sequestration or other legal Diligence, any Law or Practice to the contrary notwithstanding: Provided always, that the Company shall not be liable to make good any Loss or Damage which may arise by Leakage of Water or otherwise from any Pipe or Apparatus so laid down by them.

Penalty for refusing to lay Communication Pipes.

LXXIX. And be it enacted, That if the Company shall wilfully neglect or refuse to lay down such Service Pipes or other Apparatus upon such Request and Consent, and upon Tender or Payment of such Rates or Remuneration as aforesaid, for the Period of Four Weeks thereafter, the said Company shall be liable to forfeit and pay to the Person so making such Request the Sum of Twenty Shillings.

Company to be at liberty to remove the Pipes and recover Expences.

LXXX. And be it enacted, That in case the Occupier of the Premises in which such Water Pipes or other Apparatus shall have been affixed by the Company shall refuse to receive and pay for such Supply of Water, or in case of the Non-occupation of such Premises, the Company may demand and enforce Payment, from the Person liable to pay the Rent or Remuneration, of the Amount of the Principal Money invested by them in supplying and affixing such Pipes and other Apparatus; and may, if such Person shall, after Ten Days Notice given to him by the Company, neglect or refuse to pay such Principal Money, enter and remove such Pipes and other Apparatus, and deduct the Value thereof from such Principal Money; and such Principal

Principal Money, or any Part thereof remaining due, together with all Arrear of Rent for such Pipes and Apparatus, shall, in default of Payment, be recovered, together with the Costs incurred, under Suit, before the Sheriff of Lanarkshire, in the same Manner as Rents for Water are directed by this Act to be recovered, or otherwise under the usual Form of summary Action.

LXXXI. Provided always, and be it enacted, That it shall be Owner to be lawful for such Owner or reputed Owner of any House, Buildings, or at liberty to Premises where any such Service Pipes or other Apparatus shall have purchase been laid down by the Company at any Time to pay off the Amount which shall be then due to the Company in respect of the Cost of such Service Pipes and other Apparatus, and thereupon such Pipes and Apparatus shall become the Property of such Owner, and all farther Rent in respect thereof shall cease to accrue to the Company.

Pipes.

LXXXII. And be it enacted, That the Owners of all Dwelling Owners Houses or Parts of Dwelling Houses occupied as separate Possessions, and the Occupiers of which receive a Supply of Water from the Company, the annual rateable Rent or Value of which Houses shall Houses let not exceed the Sum of Ten Pounds, and which Houses shall be let monthly. for Periods not exceeding One Month, shall, in the Option of the Company, be liable and subject to the Payment of all Rates, Rents, and other Charges made by the Company; and the Powers and Provisions herein contained for the Recovery of Rates, Rents, and other Charges from Occupiers shall be construed to extend and apply to the Owners of such Houses: Provided always, that in the event of the Company exacting such Rates from the Owners, the Company shall be bound to allow an Abatement after the Rate of Five per Centum on the Amount of the Rates so exigible, to cover Risk and Trouble in collecting the same from the Occupiers.

liable to pay Water Rates for

LXXXIII. And in order to prevent any Dispute touching the What Per-Meaning of the Word "Owner" for the Purpose of recovering any sons deemed Rates, Rents, or other Charges under the Provisions of this Act, be it enacted, That the Persons receiving the Rents of any Houses or Tenements supplied with Water by the said Company from the Occupier thereof, on his own Account, or as Agent or Factor for any Person interested therein, shall be deemed the Owner of such Houses or Tenements.

LXXXIV. And be it enacted, That poor Persons receiving Parochial Paupers to Relief shall be entitled to draw Water from the Wells and Fountains of the Company for their domestic Use only, but without causing or permitting undue Waste of Water, without paying any Rate or Rent for the same; provided always, that they shall produce to the Collector or other Officer of the Company, when required, a Certificate under the Hands of the parochial Authorities, or any Officer appointed by them for that Purpose, that such Person stands on the List of Paupers, and is actually in Receipt of regular Relief from the Parish Funds; but with Power to the Directors, in Cases where they may be otherwise [Local.]

sons may be satisfied exempt.

satisfied of the Poverty of the User of the Water, to remit or modify the Rates leviable under this Act.

Public Baths to be supplied.

LXXXV. And be it enacted, That, so far as is consistent with giving a proper Supply of Water for the other Purposes of this Act, the Company shall be bound to furnish, without Charge, Water for public Baths for the Use of the working Classes, so soon as such Baths shall be erected in the Barony of Gorbals and in Pollockshaws: Provided always, that the Supply to such Baths shall be put under proper Restrictions and Regulations, at the Expence of the Parties requiring the Water, to prevent undue Waste of Water.

Company not to be exempt from Provisions of general Acts.

LXXXVI. And be it enacted, That nothing herein contained shall be deemed to exempt the said Company from the Provisions, Regulations, and Conditions which may be contained in any general Act for improving the Condition of Towns and populous Districts which may be passed in this or any future Session of Parliament.

Penalty for suffering to be out of repair.

LXXXVII. And be it enacted, That if any Person supplied with Water by the Company shall suffer any Cistern, Place for Water, Cisterns, &c. Pipe or Cock, belonging to him to be out of repair, so that the Water supplied to him by the Company shall be wasted, he shall forfeit for every such Offence a Sum not exceeding Five Pounds.

Company may repair, and recover the Expences.

LXXXVIII. And be it enacted, That it shall be lawful for the Company to repair any such Cistern, Place for Water, Pipe or Cock, and the Expences of such Repair shall be payable by the Person so allowing the same to be out of repair, and be recovered in manner herein provided for Recovery of the Water Rate or Rent, or by the usual Form of summary Procedure before the Sheriff of Lanarkshire.

Power to Company's\_ Surveyor to enter Houses to inspect.

LXXXIX. And be it enacted, That it shall be lawful for the Surveyor, or any other Person acting under the Authority of the Company, between the Hours of Nine of the Clock in the Forenoon and Six of the Clock in the Afternoon, to enter into any House, Building, or Premises supplied with Water by virtue of this Act, in order to inspect and examine if there be any Waste or improper Use of such Water; and if such Surveyor or other Person acting by the Authority of the Company shall at any such Time be refused Admittance into such Dwelling House, Building, or Premises for the Purpose aforesaid, or shall be prevented from making such Inspection and Examination as aforesaid, it shall be lawful for the Company to turn off the Water supplied by the Company from such House, Building, or other Premises.

Penalty for allowing Persons to use the Company's Water...

XC. And be it enacted, That every Person supplied with Water under the Provisions of this Act who shall supply Water to any other Person, or wilfully permit any other Person to take any Water supplied by the Company, from any Cistern, Pipe, or Place for Water belonging to him, shall forfeit for every such Offence a Sum not exceeding Five Pounds: Provided always, that the Supply of Water for the Purpose

of extinguishing any Fire, or in any sudden Emergency, or to any Person supplied with Water by the Company during any Time that the Pipes or Cock belonging to such Person may be out of repair, if such Pipe or Cock shall not have been out of repair during a longer Time than was necessary for the Repair thereof, shall not be deemed an Offence within the Meaning of this Act.

XCI. And be it enacted, That if any Person not having agreed to Penalty for be supplied with Water by the Company shall take any Water from Water withany Reservoir, Aqueduct, Pipe, Cistern, or other like Place containing out Agree-Water belonging to the Company, he shall forfeit for every such ment. Offence a Sum not exceeding Five Pounds.

XCII. And whereas many of the Houses occupied by the said Penalty on Inhabitants are possessed in Flats or Floors, so that several Families frequently inhabit the same Tenement, and it may be found most Keys. convenient for the Supply of those Families with Water to erect Stopcocks in or near to Staircases, and Wells or Fountains at or near to the Bottom of the Stairs, or in the Closes or Areas adjoining to the different Tenements, or in such other Places as may be found most convenient for the Parties, and to furnish each Family with a Key to the Wells or Fountains, in order that they may take Water therefrom when wanted; be it therefore enacted, That whoever shall be found turning such Stopcocks, or using any Key which has not been furnished to such Person by the Company, or any false Key, or any improper Instrument, for the Purpose of opening any Well or Fountain which may be so erected, or whosoever shall be found taking Water from the Pipes connected with such Stopcocks, or from the Wells or Fountains, without having first agreed with the Company to pay for the same, every such Person shall be liable in a Penalty not exceeding Five Pounds for every such Offence.

Persons using false

XCIII. And be it enacted, That every Person who shall wilfully or Penalty for carelessly break, injure, or open any Valve, Pipe, or Cock belonging to, or shall flush or draw off the Water of the Company, or shall do any other wilful Act whereby such Water shall be wasted, shall forfeit for every such Offence a Sum not exceeding Five Pounds.

destroying Valves, &c.

XCIV. And be it enacted, That every Person who shall commit Penalties any of the following Offences shall for every such Offence forfeit a for fouling Sum not exceeding Five Pounds, besides being liable in Damages for the Water. the Injury done; (that is to say,)

- 1. Every Person who shall bathe in any Reservoir or Water belonging to the Company, or who shall cause any Dog or other Animal to go into any such Reservoir or Water, or shall bathe or wash any such Dog or Animal therein:
- 2. Every Person who shall throw any Gravel, Stone, Rubbish, Filth, or other offensive Thing into, or cleanse any Cloth, Wool, Leather, or Skin of any Animal, or any Wearing Apparel or other Thing, in any such Reservoir or Water as aforesaid:

3. Every

3. Every Person who shall cause or permit the Water of any Sink, Sewer, or Drain, or other filthy Water belonging to him or under his Control, to run or be conveyed into any of the Water belonging to the Company, or into any Spring, Drain, or Watercourse communicating therewith, or shall commit or cause any Act whereby the Water of the Company shall be fouled or corrupted:

4. Every Person who shall cause or permit the Water from any Lint Dams, Ponds, or Steeps, or Impurities from any Sewer or Drain, or other filthy Water, belonging to him or under his Control, to run into or be conveyed into any of the said

Streams, Brooks, or Reservoirs:

5. Every Person who shall cause or permit the Springs or Streams which naturally flow into any Reservoir belonging to the Company to be fouled, contaminated, or polluted.

Penalty on for corrupt-

XCV. And be it enacted, That if any Person making or supplying Gas-makers any Gas shall at any Time cause or suffer to be conveyed or to flow into any Stream, Reservoir, Aqueduct, Pond, Pipe, or Place for Water belonging to the Company, or into any Drain, Sewer, or Ditch communicating therewith, any Washing, Substance, or Thing which shall be produced in making or supplying Gas, or shall do any Act to the Water contained in any such Stream, Reservoir, Aqueduct, Pond, Pipe, or Place for Water, whereby the Water therein shall be fouled or corrupted, then such Person shall forfeit for every such Offence the Sum of Two hundred Pounds.

Penalty to be sued for before the Sheriff of Lanarkshire, or in the Court of Session, within Twelve Months.

XCVI. And be it enacted, That the said Penalty of Two hundred Pounds shall be recovered, with full Costs of Suit, under summary Process before the Sheriff of Lanarkshire, or in the Court of Session, by the said Company, or by the Person into whose Water such Washing, Substance, or Thing shall be conveyed or shall flow, or whose Water shall be fouled or corrupted thereby: Provided always, that the said Penalty shall not be recoverable unless the same be sued for within Twelve Months after the Offence in respect of which such Penalty shall have been incurred shall have ceased.

Daily Penalty during Continuance -òf the

XCVII. And be it enacted, That in addition to the said Penalty of Two hundred Pounds (and whether such Penalty shall have been recovered or not) the Person making or supplying Gas as aforesaid Offence. shall forfeit the Sum of Twenty Pounds (to be recovered in like manner) for each Day such Washing, Substance, or Thing shall be conveyed or shall flow as aforesaid, or the Act by which such Water as aforesaid shall be fouled or corrupted shall continue after the Expiration of Twenty-four Hours from the Time at which Notice of the Offence shall have been served on such Person by the Person into whose Water such Washing, Substance, or Thing shall be conveyed or shall flow, or whose Water shall be fouled or corrupted thereby; and such Penalty shall be paid to such last-mentioned Person.

XCVIII. And

XCVIII. And be it enacted, That whenever any Gas shall escape Daily Pefrom any Pipe which has been or shall be laid down or set up by any Person making or supplying any Gas, such Person shall, immediately Gas after after receiving such Notice in Writing of any such Escape of Gas, Notice. prevent such Gas from escaping; and in case such Person shall not, within Twenty-four Hours next after Service of such Notice, effectually prevent the Gas from escaping, and wholly remove the Cause of Complaint, then he shall for every such Offence forfeit the Sum of Five Pounds for each Day after the Expiration of Twenty-four Hours from the Service of such Notice during which the Gas shall be suffered to escape.

nalty during Escape of

XCIX. And be it enacted, That whenever the Water supplied by Penalty on the Company shall be contaminated by the Gas of any Person making Gas-makers if Water or supplying Gas, such Person shall forfeit for every such Offence a contami-Sum not exceeding Twenty Pounds to the Person whose Water shall nated. be so contaminated or affected.

C. And be it enacted, That if the Person so making or supplying Daily Pe-Gas shall not, within Twenty-four Hours next after Notice in Writing nalty during of any Water being contaminated or affected served on him by the Person whose Water shall be so contaminated or affected, prevent the the Contami-Gas from contaminating or affecting such Water, such Person shall, nation after over and above the before-mentioned Penalty of Twenty Pounds, forfeit for every such Offence to the Person whose Water shall be contaminated or affected a Sum not exceeding Ten Pounds for each Day during which the said Water shall remain contaminated or affected after the Expiration of Twenty-four Hours from the Service of such Notice.

the Continuance of

CI. And whereas it may become a Question upon any such Com- Power to plaint as aforesaid, whether the said Water be contaminated or affected by the Gas of any Person making or supplying Gas as aforesaid; be ascertain it therefore enacted, That it shall be lawful for the Company, or the Person to whom the Water shall be supposed to be contaminated or affected by Gas may belong, to dig and examine the Pipes, Conduits, Notice. and Apparatus of the Person making or supplying Gas, for the Purpose of ascertaining whether the said Water has been contaminated or affected by the Gas of such Person: Provided always, that before proceéding so to dig and examine Twelve Hours Notice shall be given to the Person making or supplying such Gas of the Time at which such digging and Examination are intended to take place.

examine Gas Pipes to Cause of the Contamination after

: CII. And be it enacted, That if upon such Examination it shall appear that such Water has been contaminated or affected by the Gas pences to belonging to such Person, the Expences of the digging, Examination, Result of and Repair of the Street or Place which shall be disturbed in any the Examisuch Examination shall be paid by the Person making or supplying nation. Gas; but if upon such Examination it shall appear that the Water has not been contaminated or affected by the Gas of such Person, then the Person causing such Examination to be made shall pay all [Local.] 69 Mthe

The Ex-, abide the

the Expences of Examination and Repair, and also make good to the said Person any Injury which may be occasioned to the Works of the said Person by such Examination.

The Amount of the Expences to be ascertained and recovered as other Damages.

CIII. And be it enacted, That the Amount of the Expences of every such Examination and Repair, and of any Injury done to the Person making or supplying Gas, shall, in case of any Dispute about the same, together with the Costs of ascertaining and recovering the same, be ascertained and recovered in a summary Action before the Sheriff of Lanarkshire.

Persons
supplying
Gas, to be
liable to Indictment for
Nuisance.

CIV. Provided always, and be it enacted, That nothing in this Act contained shall prevent any Person making or supplying Gas as aforesaid from any Indictment for any Nuisance or any other legal Proceeding to which he may be liable in consequence of the making or supplying such Gas.

Pipes of Glasgow Water Company may be moved if necessary.

CV. And whereas in an Act passed in the First and Second Years of the Reign of Her Majesty Queen Victoria, intituled An Act to alter, amend, and in part repeal the Powers of certain Acts for supplying the City of Glasgow and Suburbs with Water, to enable the Company of Proprietors of the Glasgow Waterworks to purchase the Cranston Waterworks, and to raise a further Sum of Money; and to alter the Rates leviable by the said Company of Proprietors, it is enacted, that if it shall be found necessary for enabling any new Company, or other Body Politic, Corporate, or Collegiate, or any other Person or Persons duly authorized by Parliament to supply the City of Glasgow and Suburbs with Water, to lay their requisite Pipes, the Company of Proprietors of the Glasgow Waterworks shall be bound, when required by such new Company or Persons, to alter, lift, shift, remove, or adapt the Pipes, Mains, or other Conduits for the conveying or distributing the Water belonging to the said Company of Proprietors of "the Glasgow Waterworks" then laid or carried in or through the Streets, Lanes, Squares, Closes, or other Places of the said City and Suburbs, so as to make room for and to admit of the Introduction of the necessary Pipes, Mains, or other Conduits of such new Company or other Body of Persons as aforesaid, along with the Pipes and Mains of the said Company of Proprietors of the Glasgow Waterworks; and the Expence attending the shifting or altering, removing or relaying of the said Pipes, Mains, or Conduits shall be paid one Half by the said Company of Proprietors of the Glasgow Waterworks, and the other Half by the said new Company or other Body or Persons as aforesaid; and in the event of any Difference of Opinion as to the Necessity of altering, lifting, shifting, relaying, or removing the Pipes, Mains, or Conduits, or as to the Mode of executing such Operations, such Difference shall be referred to the amicable Determination of Two Engineers, one to be named by such new Company or other Body of Persons, and the other by the said Company of Proprietors of the Glasgow Waterworks, or of an Oversman to be named by such Two Engineers in case of their differing in Opinion, whose Decision shall be final and binding on both Parties: Provided always, that the said

Company of Proprietors of the Glasgow Waterworks shall not be liable in Damages to their Tenants in consequence of the temporary Interruption of the Supply of Water by the said Operation, beyond a rateable Proportion of the Rent payable by such Tenants, corresponding to the Period during which they may be deprived of Water by the said Operations; and in the event of any Claims being made for Payment of such rateable Proportion, the Amount of the same shall be borne and paid, one Half by the Company of Proprietors of the Glasgow Waterworks, and the other Half by such new Company or other Persons duly authorized as aforesaid; be it enacted, That all and every the Obligations and Provisions above recited shall, within the Limits of this Act, be binding and obligatory on and available to the Company hereby incorporated, as well in respect to any Pipes, Mains, or Conduits laid or to be laid by the said Glasgow Water Company, as to those to be laid by the Company hereby incorporated, or by any new Company or other Body Politic, Corporate, or Collegiate, or any other Person or Persons, duly authorized by Parliament to supply the said City and Suburbs with Water.

CVI. And be it enacted, That Pipes which may hereafter be laid and used for the Conveyance of Gas within the Limits of this Act shall be laid at the greatest practicable Distance; and whenever the the Water Width of the Carriageway will allow thereof, such Pipes shall be laid Pipes, and at the Distance of Four Feet at the least from the nearest Part of any Pipe laid down for the Conveyance of Water within the Limits of lar Manner. this Act, except in Cases where it shall be unavoidably necessary to lay any Gas Pipe across any such Water Pipe, in which Case the said Gas Pipe shall be laid over or under such Water Pipe, as the Case may require, at the greatest practicable Distance therefrom, and shall therewith form a Right Angle, or as nearly such as may be practicable; and in such Case the Gas Pipe so crossing the Water Pipe shall be at least Nine Feet in Length, and be so placed that no Joint of any such Gas Pipe shall be nearer to any Part of such Water Pipe than Four Feet; and in laying down the said Gas Pipes the Person or Corporation to whom the same shall belong shall in no Case join Two or more Gas Pipes together previously to their being laid in the Trench, but shall lay each Pipe as near as may be in its Place in the Trench, and shall in such Trench properly form the jointing of such Pipes with other Pipes connected therewith with proper and sufficient Materials, and shall also make and keep all such Pipes, and all Pipes connected or communicating therewith, and all the Screws, Joints, or Openings therein, respectively Air-tight, so as to prevent the Gas from escaping therefrom, upon pain of forfeiting the Sum of Five Pounds for every such Offence, to be paid to the Person or Persons who in the Judgment of the Judge before whom the Conviction takes place shall have sustained any Annoyance or Injury or Damage by any such Act so done or committed.

Gas Pipes to be laid Four Feet from in a particu-

CVII. And be it enacted, That if it shall be found necessary for Provisions enabling this Company to lay the Pipes thereof, and to place them as herein prescribed, all Companies or Persons having Pipes laid within Company.

for Pipes of

the Limits of this Act, or may hereafter lay such Pipes, shall be bound to lay, alter, lift, shift, remove, or adapt the Pipes or Mains belonging to such Company, so as to make room for and to admit of the Introduction of the necessary Pipes, Mains, or other Conduits of this; Company, along with the Pipes and Mains of such Companies or Persons, and, in the Cases of Gas Companies, to have the Gas Pipes and Mains placed at the greatest practicable Distance from the Pipes and Mains of this Company, and in the least objectionable Position; and the Expence attending the shifting or altering, removing or relaying of the Pipes, Mains, or Conduits of such Companies or Persons shall be paid, one Half by this Company, and the other Half by such Company or Persons; and in the event of any Difference of Opinion as to the Necessity of altering, lifting, shifting, relaying, or removing the Pipes, Mains, or Conduits, or as to the Mode of executing such Operations, such Differences shall be referred to the amicable Determination of Two Engineers, one to be named by this Company and the other by such Companies or Persons, or of an Oversman to be appointed by such Two Engineers in case of their differing in Opinion, whose Decision shall be final and binding on both Parties.

Town Wells not to be interfered with.

CVIII. And be it enacted, That nothing herein contained shall take away or impair any Rights competent to the said Magistrates and Commissioners of Police from continuing and maintaining the public Wells within the said Barony.

Construction of Term
"Barony or
Regality of
Gorbals."

CIX. And be it enacted, That in the Construction of this Act the Words "Barony or Regality of Gorbals" shall mean and comprehend and be co-extensive with the Limits of the Parliamentary Franchise Boundary of the City of Glasgow, so far as the same is situated on the South Side of the River Clyde, and as described by Schedule M. of the Act 2 and 3 Will. IV. Cap. 65, intituled An Act to amend the Representation of the People of Scotland.

Magistrates, &c. may purchase Works. CX. And be it enacted, That it shall be in the Power of the Magistrates and Commissioners of Police of the Barony of Gorbals, at any subsequent Period, on giving Premonition of Twelve Months to the Company, through their Secretary, of their Intention, to purchase the whole Works and Interest of the Company, at a fair Valuation, for behoof of the Community of the Barony of Gorbals, with the view of supplying Water at the lowest Rate, or applying the surplus Profits of the Rates to the Reduction generally of Assessments leviable within the said Barony; and on such Purchase being made, the said Magistrates and Commissioners shall be vested with the same Powers as may be previously possessed by the Company, and shall, along with the Provost of Pollokshaws, be the Commissioners for managing the said Undertaking.

Mode of proving Value.

CXI. And provided always, and be it enacted, That in the event of a Difference arising between the Company and the said Magistrates and Commissioners as to the Value of the said Works and Interest, the same may be referred to Arbitration; and, failing such Mode of Settlement

Settlement being agreed to, it shall be competent to either Party to apply to the Sheriff, who shall summon a Jury to determine the Worth and Value of the said Works and Interest; and the Amount of the Sum specified in the Verdict of the Jury shall constitute the Price payable to and exigible by the Company: Provided always, that the said Price shall at least amount to, but not exceed, the actual Cost of establishing. the Company and constructing and maintaining the Works, and of allowing the Company at least Five per Cent. on the Capital expended from the Time of expending the same, provided the Proprietors have not previously received a Dividend beyond that Rate, as the said Cost shall be established by the Books of the Company, which shall be probatio probata on that Point.

CXII. And provided also, and be it enacted, That before the said Sum to be Magistrates and Commissioners shall be entitled to claim to purchase the said Works and Interest of the Company, they shall be bound to consign One Third Part of the said Capital Stock in One of the view to Purchartered Banks of Scotland to await the Award of the Arbiters or chase. Verdict of the Jury and Decision of the Sheriff thereon; and provided also, that the said Magistrates and Commissioners shall defray the whole Expences attending such Arbitration or Valuation by a Jury, and Proceedings before the Sheriff.

consigned before Valuation with

CXIII. And provided also, and be it enacted, That all Bonds, Liabilities Securities for Money, Conveyances, Contracts, Agreements, and Obli- to be transgations granted, made, or entered into, or Debts owing by the said ferred in Company, previously to the Completion of any such Purchase by the chase. said Magistrates and Commissioners of Police, to or with any Person whatsoever, and all Liabilities arising out of the same, shall be chargeable upon the Stock so to be purchased and against the common Property and Assets of the said Magistrates and Commissioners, and the said Company shall be freed and relieved thereof in all Time thereafter.

case of Pur-

CXIV. And be it enacted, That to ensure the more speedy and Sheriff of convenient Enforcement of the Provisions herein contained, and Lanarkcontained in the Acts herein-before recited, the Sheriff of Lanarkshire, shire's Juris-diction. under the usual Form of summary Process, or in the Form herein or by the said recited Acts prescribed, shall have Jurisdiction, and he is hereby required, to entertain and determine all Actions and Suits which may be brought before him, notwithstanding that the Cause of Action may have arisen, or that the Party complained against may be resident, beyond the County of Lanark; and his Warrants and Decrees thereanent may be lawfully executed in any other County, without being endorsed by any other Judge.

CXV. And be it enacted, That the Costs, Charges, and Expences of For defrayobtaining and passing this Act, and of making the Survey, Plans, and ing Expences Estimates, and all other Costs and Charges and Expences in any way of this Act. incident thereto, shall be paid and defrayed by the said Company out of the Money already raised and received, or out of the first [Local.] Money

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Money to be raised and received by them, in preference to any other Payment whatsoever.

Public Act.

CXVI. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Trustees, and others.

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