Anno octavo

Georgii III. Regis.

An Act for the better ſupplying the Town of *Dunbar* with Freſh Water.



WHEREAS the Magiſtrates and Town Council of the Royal Burgh of Dunbar have contracted with William Hay of Lawfield, Eſquire, for the Purchaſe of certain Springs of Water, and have, with the Conſent of the Proprietors of certain Grounds, laid Pipes for conveying Water through ſuch Grounds, for the Purpoſe of ſupplying the ſaid Burgh with freſh and wholeſome Water; but as ſuch Proprietors are incapable of making the neceſſary Conveyances for effectually binding their reſpective Heirs and Succeſſors, by which Means the Inhabitants of the ſaid Burgh are liable in future to be deprived of the Benefit of the ſaid Water; May it therefore pleaſe your Majeſty, that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, Preamble.

The Contract with Mr. *Hay*, &c. to be binding.

That the Contract made with the said William Hay, shall be, and is hereby declared to be, binding and conclusive upon the said William Hay, his Heirs and Assigns, and also upon the said Provost, Magistrates, and Town Council, and their Successors in Office for the time being.

Magistrates, &c. may contract.

And be it further enacted by the Authority aforesaid, That the said Provost, Magistrates, and Town Council, shall and may, and they are hereby impowered to contract and agree with any Person or Persons, Bodies Politick or Corporate, for laying Pipes, or doing other Works for the Purpose of conveying Water from the said Springs to the said Burgh of Dunbar; which Contracts and Agreements when made, shall be, and they are hereby declared to be, absolutely binding and conclusive, as well to and upon the present Proprietors, as to and upon their Heirs and Successors.

Springs, &c. vested in Magistrates for the time being.

And be it further enacted by the Authority aforesaid, That the Right and Property of the said Springs, and the Watercourse issuing therefrom, and also the Water to be conveyed to the said Town, and all Reservoirs, Conduits, Water-houses, Engines, Buildings, Aqueducts, Pipes, or other Necessaries, erected, made, or used, for the Purposes of this Act, and of the Materials for making, providing, or preserving the same, shall be, and the same are hereby vested in the said Provost, Magistrates, and Town Council, for the time being, and they are hereby impowered to dispose thereof as they shall think proper; and to bring Actions, or to prefer Bills of Indictment, against any Person or Persons who shall disturb them in the Possession of the Property thereof.

Penalty on Persons injuring the Works.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall wilfully break the Door or Lock, or any Part of the Building of any Conduit, Water-house, or Engine, erected, or to be erected and provided in pursuance of this Act; or shall fetch or carry away any Water either for his, her, or their own Use, or the Use of any other Person; or shall wilfully cause the Water to run to Waste from any such Conduit, Water-house, or Engine, or from any Reservoir provided for the Purposes of this Act; or shall wilfully and maliciously cut, damage, break, steal, carry away, or destroy, any or any Part of the Aqueducts or Pipes laid under Ground, or otherwise made use of for the Purpose of this Act; or any Part of any Building or Materials used or provided for the Purposes aforesaid; or shall cast or put into any of the Conduits, Watercourses, Reservoirs, Cisterns, or Pipes, provided or

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used for the Purposes of this Act, any Filth, Dirt, Rubbish, Soil, Gravel, Stones, Dogs, Cats, dead Carcases or Carrion, or other unwholesome Thing; or shall wash or cleanse therein any Cloaths, Wool, Hemp, Flax, or other noisome Thing; or make or convey any Sink, Sewer, or Ditch, into any of the said Conduits, Watercourses, Reservoirs, or Cisterns, or to have any Fall into the same, or do any other Annoyance thereto; every Person so offending, in any of the said Cases, and being thereof convicted by his or her own Confession, or by the Oath of One or more credible Witness or Witnesses before any Justice of the Peace for the County of East Lothian, shall, for every such Offence, pay to the said Provost, Magistrates, and Town Council, or to such Person or Persons as they shall appoint to receive the same, so much Money as shall be adjudged to be adequate by the said Justice to the Damage done by any such Offender respectively; and if any such Offender shall not on such Conviction forthwith pay the said Money so to be adjuged to be by him or her paid, or give Security for the same to the Satisfaction of the said Provost, Magistrates, and Town Council, it shall and may be lawful to and for such Justice to commit every such Offender to the House of Correction, there to remain and be kept to hard Labour for any Time not exceeding One Month, at the Discretion of such Justice, unless such Offender shall sooner pay the said Money; and the said Justice shall and may, if he thinks proper, order such Offender to be whipped in the publick Market Places of the said Town, or in the said House of Correction, before his Discharge out of the same, if he shall not pay the said Money.

Water may be collected into Reservoirs.

And be it further enacted by the Authority aforesaid, That the said Provost, Magistrates, and Town Council, or their Servants or Workmen, or others employed by them, may enter upon, dig, or break up, the Soil of any publick Highway or Street, or any Common or Waste Ground, or any private Grounds or Possessions so agreed for as aforesaid; and make a Reservoir or Reservoirs sufficient for the receiving and keeping such Water; or erect Conduits, Water-houses, or Engines, necessary for distributing such Water into the several Parts of the said Town; and also with Horses, Carts, Carriages, and Workmen, to enter into the private and several Grounds and Possessions of any Person or Persons whatsoever, and Bodies Politick or Corporate, lying between the said Springs and the said Town, and to lay under Ground, or across any Bridge or publick

Liberty to enter into private Grounds, paying the Damage.

Highway, Aqueducts, and Pipes, in such Manner, and in such Places, as shall be most convenient for conveying Water from such Springs, Reservoir or Reservoirs, Conduits, Water-houses, or Engines, to the said Town; and in like Manner from time to time, and at all Times hereafter, to repair or alter such Reservoir or Reservoirs, Conduits, Water-houses, or Engines, or to repair or alter all or any of such Aqueducts or Pipes as shall be needful, doing as little Damage as may be, and making all reasonable Satisfaction to the Proprietors of such Lands as may be damaged thereby.

Satisfaction to be made to the Minister for Damage done to the Glebe.

And whereas Part of the said Water is conveyed through certain Glebe Lands belonging to the Minister of Dunbar, be it further enacted by the Authority aforesaid, That the said Provost, Magistrates, and Town Council, shall, and they are hereby required to make Satisfaction to the said Minister and his Successors for the Damage which shall accrue to him and them by carrying the said Water through the said Glebe Lands, or which may at any Time be occasioned thereby.

If any Dispute, how the same to be determined.

Provided always, and be it further enacted, That in case any Question or Dispute shall arise between the said Provost, Magistrates, and Town Council, of the said Burgh of Dunbar, and any of the Possessors or Owners of the Ground through which the said Aqueduct or Pipes shall be laid, concerning the Damage done in laying, repairing, or altering, the said Pipes, or doing any other Act relative to the bringing the Water to the said Town, the same shall be determined upon Proof taken by the Sheriff Depute of the said County of East Lothian, subject to the Review of the Court of Session.

Publick Act.

And be it further enacted by the Authority aforesaid, That this Act shall be adjudged, deemed, and taken to be, a Publick Act; and shall be judicially taken Notice of as such by all Judges, Justices, and other Persons whomsoever, without specially pleading the same. 7

FINIS.