ANNO TERTIO & QUARTO

VICTORIÆ REGINÆ.

****

Cap. xcii.

An Act for supplying the Town of *Ayr*, and Suburbs of *Newton* and *Wallacetown*, and Places adjacent, in the County of *Ayr*, with Water.

[3d *July* 1840.]

WHEREAS the Town of *Ayr*, and Suburbs of *Newton* and *Wallacctown*, and Places adjacent, in the County of *Ayr*, are at present very scantily supplied with pure Water: And whereas it is essential to the Comfort of the Inhabitants of the said Town, Suburbs, and Places adjacent, that they should have a constant and abundant Supply of pure and wholesome Water, which can be obtained from the Sources herein-after mentioned, and the several Persons herein-after named, and others, are willing, at their own Expence, to procure and supply the same; but the said Object cannot be accomplished without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *John Adair*, *Robert Alexander* junior, *Robert Austin*, *John Douglas Boswell*, *John Brown*, *Robert Boyle*, *James Ballantine*, *Francis Borland*, *Hugh Brown*, *John Brown*, *James Brown* junior, *David Cowan*, *Cuthbert Cowan*, *Patrick Cowan*, *George Dunn*, *George Douglas*, *David Ewen*, *John Fleming*, *James Gray*, *Margaret Gray*, *William Gunn* junior, *Elias Gibb*, *Andrew Galloway*, *Archibald Hamilton*, *Montgomerie Hamilton*, *John Hall*, *Adam Hunter*, *Hugh Hamilton*,

Proprietors incorporated.

Alexander Hunter, *Archibald Harvey*, *James Heron*, *Francis Hay*, *Thomas King*, *William Primrose Kennedy*, *James Kennedy*, *Robert Kennedy*, *William Kirkland*, *John Kay*, *Alexander M'Kenzie Kirkland*, *Arthur Lang*, *Alexander Lawrie*, *George M'Taggart*, *James M'Derment*, *John M'Lachlan*, *Adam M'Hutchon*, *John M'Ilwrath*, *James M'Nabb*, *John Orr M'Taggart*, *Robert Mackay*, *John Macneille*, *James Morton*, *James Miller*, *John Mitchell*, *John Miller*, *Adam Nicol*, *James B. Neilson*, *John Neilson*, *William Pollock*, *James Paton*, *William Peebles*, *John Parker*, *John Paul*, *James Rankine*, *James Rodger*, *Thomas Reid*, *Hugh Robb*, *James Sinclair*, *David Shaw*, *Charles Stewart*, *Robert Taylor*, *James Templeton* junior, *George Taylor*, *Andrew Williamson*, *Andrew Wilson*, *Alexander Wise*, *James Watson*, and all other Persons, and Bodies Politic or Corporate, who shall at any Time hereafter be possessed of One or more Shares of the Capital Stock after mentioned of the said Undertaking, and their respective Successors, Executors, and Assigns, shall be and they are hereby united into a Company for supplying the said Town of *Ayr*, and the Suburbs of *Newton* and *Wallacetown*, and Places adjacent thereto, with Water, and shall for that Purpose be One Body Politic and Corporate by the Name of "The *Ayr* Water Company," and by that Name shall have perpetual Succession and a Common Seal, and shall and may sue and be sued, and shall also have full Power, from Time to Time and at all Times after the passing of this Act, to purchase and hold Lands, Tenements, Rights of Servitude, and other Heritages, to them and their Successors, for the Use of the said Undertaking, but for no other Use or Purpose, and also to resell and dispose of such Lands and other Heritages, and to convey the same to the Purchasers thereof, without incurring any Penalties or Forfeitures, and shall have and exercise all other Powers and Authorities which are hereinafter given or mentioned.

Interpretation Clause.

II. And be it enacted, That where in this Act any Word shall be used importing the Singular Number only, such Word shall extend and be applied to several Persons or Things as well as one Person or Thing, and where any Word importing the Plural Number shall be used the same shall extend and be applied to One Person or Thing as well as several Persons or Things; and where any Word shall be used importing the Masculine Gender only such Word shall be understood to include Females as well as Males; and where the Word "Lands" shall be used the same shall be understood to include Tenements, Buildings, and all Heritages whatsoever; and where the Word "Corporation" shall be used the same shall be understood to mean any Body Politic, Corporate, or Collegiate, Civil or Ecclesiastical, Aggregate or Sole; and where the Word "Sheriff" is used the same shall be understood to include Sheriff Substitute; and where the Word "Month" is used the same shall be understood to mean Calendar Month; and where the Word "Company" shall be used the same shall be understood to mean the "*Ayr* Water Company;" unless in any of the Cases aforesaid it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction.

III. And

Company may enter upon Lands, and construct Reservoirs and other Works.

III. And be it enacted, That it shall and may be lawful for the said Company and they are hereby authorized and empowered, by themselves, and their Deputies, Servants, Agents, Engineers, Surveyors, and Workmen, to enter into and upon the Lands and Grounds, Houses, Buildings, Works, and other Properties of or belonging to any Person whatsoever, and to survey and take Levels of the same or any Part thereof, and to set out and appropriate for the Purposes of this Act such Parts thereof as they shall think necessary and proper for supplying the said Town and Suburbs thereof, and Places adjacent thereto, with Water, from the Sources herein-after mentioned, and to make, construct, and maintain Reservoirs at any Places upon such Lands and Grounds, or the Lands and Grounds on which such Houses, Buildings, and Works are situate, and to erect on such Lands such Houses and Buildings as may be thought necessary for the Accommodation of the Servants of the said Company; and particularly to make, construct, and maintain a Reservoir, partly on the Farm of *Mid Brockloch*, and partly on the Farm of *East Brockloch*, the Property of *John Dunlop* of *Brockloch*, Esquire, and another Reservoir in a certain Plantation on the Farm of *Laigh Grange*, the Property of Mrs. *Marion M'Miken Torrance*, both situate in the Parish of *Maybole* and County aforesaid; and to take and use, for supplying and filling such Reservoirs so to be constructed, the Waters of certain Springs, Streams, Burns, or Rivulets situate in the said Parish of *Maybole* and County aforesaid, together with the whole Springs and Drainage Water to be collected from all or any of the other Lands contiguous to the said Lands, by means of Catch-water Drains, Aqueducts, or otherwise; and also to make such Cuts, Conduits, Drains, Aqueducts, and Works as shall seem expedient to the said Company for connecting together the said Reservoirs and other Works, and all such Embankments, Mounds, Cuts, Trenches, Tunnels, Bridges, Canals or Conduits, Aqueducts, Tanks, Filters, Sluices, and other Works, in or along the said Lands, and the Highways, Roads, and other Places within the said Parish, and the several Parishes of *Ayr*, *Newton-upon-Ayr*, and *St. Evoix* in the County aforesaid, as shall be thought necessary, for conveying the Water to be collected as aforesaid to all or any of the said Reservoirs, and from all or any of the said Reservoirs to the said Town of *Ayr* and Suburbs of *Newton* and *Wallacetown*, and Places adjacent, and to take and acquire the Lands, Grounds, and Premises necessary for the Formation of such Reservoirs, Catch-water Drains, Conduits, Aqueducts, and other Works, and for making the necessary Roads and Footpaths to and around the same, and for inclosing, cleaning, repairing, improving, and enlarging such Works, and for the Accommodation of the Servants of the said Company, and other Persons to be intrusted with the Charge of the said Works; and, when needful, to clean, alter, repair, maintain, enlarge, and improve all or any of the said Reservoirs, Catch-water Drains, Conduits, Aqueducts, and other Works; and also to loose, dig, cut, trench, sough, get, remove, take, carry away, and use Earth, Clay, Stone, Rubbish, Beds of Gravel or Sand, or other Soil, Minerals, or Materials, and all that shall happen to be growing on the said Lands or Heritages, which may be got or may be necessary for carrying on the said Works, or out of the Lands adjoining the same, and which the said Company

Company are hereby empowered to enter for the Purpose of getting such Materials, and to make such Roads as may be requisite for removing the same, and also to place, lay, and work the same, and to make and burn Bricks and Tiles required in constructing the said Reservoirs, Aqueducts, Conduits, and other Works; and the said Company are hereby authorized to obtain Access to the Lands and Grounds upon, in, or through which the said Reservoirs, Drains, Aqueducts, Conduits, or any other Works are hereby authorized to be constructed, by the Gates or other Modes of Entry thereto, at all reasonable Times during the Day; the said Company doing as little Damage as may be in the Execution of the several Powers hereby granted, and making Satisfaction in manner herein-after mentioned to the Owners and Occupiers of and other Persons interested in any such Lands or other Heritages, Subjects, or Materials which shall be taken, used, removed, or prejudiced, for the Value of the Lands and other Heritages so to be taken, and for all actual Damage to be by them sustained in or by the Execution of all or any of the Purposes of this Act.

Notice to be given of the Intention to take Lands.

IV. Provided always, and be it enacted, That the said Company shall give One Month's Notice of their Intention to take or use such Lands, Grounds, or other Heritages, to the Owners or Occupiers thereof, or their known Factors or Agents, before taking the same; and provided also, that no Engineer or other Person acting under the Authority of this Act shall begin to dig, gather, or carry away any Materials for the Purposes aforesaid out of or from any inclosed Land, other than the Lands and Grounds to be taken and acquired by the said Company as aforesaid, until Notice in Writing, signed by the said Engineer or other Person, shall have been first given to the Owner or his known Agent, or to the Occupier of the Land from which such Materials are intended to be taken, or left at such Owner or Occupier's usual Place of Residence, to appear before any Two Justices of the Peace acting for the County of *Ayr* at any Time not sooner than Three Days after the giving such Notice, to show Cause why such Materials should not be had therefrom; and in case such Owner, Occupier, or Agent shall not attend pursuant to such Notice, or attending shall not show sufficient Cause to the contrary, such Justices shall, if they think proper, authorize such Engineer or other Person to dig, get, gather, take, and carry away such Materials at such Times as to such Engineer or to such Justices shall seem proper: Provided always, that such Justices shall, before giving any such Authority, settle and fix the Rate at which such Materials shall be paid for; and if such Owner or Occupier shall neglect or refuse to attend, by himself or his Agent, such Justices shall and may make such Order thereon as they shall think fit, as fully and effectually to all Intents and Purposes as if such Owner or Occupier or his Agent had attended; and the Order of such Justices shall be final and conclusive to and upon all Parties.

Ascent of Bridges for carrying PublicRoads over Works.

V. And be it enacted, That where any Bridge shall be erected for carrying any Turnpike Road, public Highway, or Occupation Road over any of the said intended Works, the Road over such Bridge shall be formed and shall at all Times be continued of such Width as to

to leave a clear and open Space between the Fences of such Road of not less than Twenty-five Feet for the Purpose of a Turnpike Road, and for the Purpose of any public Highway of not less than Fifteen Feet, and for the Purpose of any Occupation Road of not less than Fifteen Feet; and the Ascent of every such Bridge for the Purpose of such Turnpike Road shall not be more than One Foot in Thirty Feet, and for the Purpose of any such public Highway, not being a Turnpike Road, not more than One Foot in Twenty Feet, and with respect to any private Carriage Road or Occupation Way not more than One Foot in Fifteen Feet; and a good and sufficient Fence shall be made on each Side of every such Bridge, which Fence shall not be less than Four Feet above the Surface of such Bridge.

Plan deposited with the Sheriff Clerk to remain there and be open to Inspection.

VI. And whereas a Map or Plan of the Reservoirs, Catch-water Drains, Aqueducts, Conduits, and other Works proposed to be constructed by the said Company, and of the Lands and Grounds on and through which the same are to be situate or carried, and of the Springs and Streams intended to be taken, used, and diverted for the Purposes aforesaid, together with a Book of Reference containing Lists of the Names of the Owners, Lessees, and Occupiers of the Lands, Grounds, and Places on, under, along, or through which it is intended to form and carry such Reservoirs, Conduits, Aqueducts, Drains, and other Works, have been deposited with the principal Sheriff Clerk of the County of *Ayr;* be it enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of such Sheriff Clerk, to the end that all Persons may at all seasonable Times have Liberty to inspect and peruse the same, and obtain Copies or Extracts thereof, paying to such Clerk the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every Hundred Words of such Copies or Extracts; and it shall not be in the Power of the said Company, in forming the Works hereby authorized, to deviate more than One hundred Yards from the Sites or Lines described in such Map or Plan respectively, without the Consent in Writing of the Owners, Lessees, and Occupiers of the Lands or other Heritages on or through or into which such Deviation beyond One hundred Yards is to be made being first had and obtained thereto, nor to lay any Pipe or make any Works in any of the Fields marked on the said Plan Numbers 61, 62, 63, 64, and 65, in the Parish of *Maybole*, the Property of the Marquis of *Ailsa*, nor to lay any Pipe or make any Works in any of the Fields on the said Plan Numbers 94, 96, 97, 98, 103, and 104, in the Parish of *Ayr*, the Property of *James Ballantine* Esquire, of *Castlehill*, without the Consent in Writing of the said Owners respectively, or their Heirs or Successors in the said Lands.

Company not to deviate more than One hundred Yards from Plan.

No House or Building, &c. to be taken without Consent except those specified in the Schedule.

VII. And be it enacted, That nothing herein contained shall authorize or empower the said Company, or any Person acting by or under their Authority, to take or use, for any of the Purposes before specified, any House or other Building which was erected at or before the passing of this Act, or any Land or Ground which was then set apart and used as and for a Garden, Orchard, Yard, Policy, Paddock, planted Walk or Avenue to a Mansion House, without the Consent in Writing of the Owners and Occupiers thereof, and Persons interested

terested therein respectively, other than and except the Avenue leading to *Monkwood House* and the Policy thereof.

Misnomers not to prevent Proceedings.

VIII. Provided always, and be it enacted, That if any Lands, Grounds, Houses, Tenements, Rivulets, Streams, Springs, or other Heritages required for the Purposes of this Act, or the Persons to whom they belong or by whom they are occupied, shall happen to be omitted, misnamed, or improperly described in the said Book of Reference, such Omission, Misnomer, or inaccurate Description shall not retard the Execution of this Act, but the same shall and may be taken and used for the Purposes of this Act in such and the same Manner in all respects as if the Owners, Lessees, and Occupiers thereof had been therein properly named and described, in case it shall appear to any Two or more Justices of the Peace for the County of *Ayr*, and be certified in Writing under their Hands, that such Misnomer, Omission, or inaccurate Description proceeded from Mistake.

How Water to be carried through Lands of Monkwood.

IX. And be it enacted, That in passing through the Lands of *Monkwood* in the Parish of *Maybole*, belonging to *William Paterson*, the said Company shall be bound to carry the Water by or through an Iron Pipe, which shall be of Double Strength and capable of resisting Double the Pressure to which the same may be subjected, from a Point near to the Plantation marked Number 99. in the said Map or Plan, in the Direction and by the East Front of the Offices of *Monkwood*, along the Road from the said Offices to near the River of *Doon*, and from thence along the Water Side, and so as to cross the said River of *Doon* at the Point laid down on the said Plan opposite the Inclosure or Field marked Number 2. on the said Map or Plan; and the said Iron Pipe shall be so laid and carried and maintained at the Expence of the said Company, and at the Sight and to the Satisfaction of the said *William Paterson*, his Heirs or Successors on the said Lands, or of any Person appointed by him or them for that Purpose, and in case of any Difference of opinion as to any Matter relative to the laying, maintaining, or carrying the said Pipe, or as to the Strength of the said Pipe as aforesaid, the same shall be fixed and determined by the Sheriff of the said County of *Ayr*, by summary Application of the said Company, or the said *William Paterson* or his foresaids, as the Case may be, and the said Sheriff is hereby empowered to make such Orders in the Premises as shall seem just and reasonable.

Providing Supply of Water for Mansion House and Offices of Monkwood.

X. And be it enacted, That the said Company shall and they are hereby required, at their own Costs and Charges, to lay or cause to be laid and maintained a Branch or Service Pipe from the Main Pipe of the said Company to the Mansion House and Offices of *Monkwood*, belonging to the said *William Paterson*, with all proper Cocks, Stop Cocks, and other Apparatus necessary for providing and securing a regular and sufficient Supply of Water for the Use of the Owners and Occupiers of the said Mansion House and Offices, not exceeding Four hundred Gallons in any One Day, nor more than Two thousand Gallons in any One Week, which Quantity as aforesaid shall be so provided and secured to the said Owners and Occupiers free of any

any Rent or Charge whatsoever; and the same may be taken or used by the said Owners or Occupiers in such Way or Manner as they think proper, subject to the Conditions herein contained; and in case of any Dispute as to the laying and maintaining of the said Service Pipe, or as to the Supply of Water to be furnished to the said Mansion House and Offices as aforesaid, the same shall be determined in a summary Manner by the said Sheriff of *Ayr*, who is hereby empowered to make such Orders in the Premises as shall seem just and necessary.

For preserving Supply of Water to the Farm of Laigh St. Murrays.

XI. And be it enacted, That in order to secure to the Farm of *Laigh St. Murrays* in the Parish of *Maybole*, the Property of the Most Noble the Marquis of *Ailsa*, a sufficient Supply of Water for all domestic Purposes of the Tenants of the said Farm, and for the Use of the Cattle and other Animals thereon, it shall not be lawful for the said Company to do or perform any Act or Operation which will have the Effect of diminishing the Quantity of Water at present flowing through the said Farm by the Course or Channel of the Burn or Rivulet known by the Name of the *Slateford Burn*, or to alter or cover in or in any way intermeddle with the Channel or Course of the said Burn, so far as it flows within or bounds the said Farm of *Laigh Saint Murrays*, but the same shall continue in its present State, without prejudice nevertheless to the said Marquis of *Ailsa*, his Successors and Tenants, at any Time to do what may be necessary for confining the said Burn within its present Embankment, for preventing Injury being done to the adjoining Land, and for repairing any Injury which may at any Time have taken place: Provided always, that if any such Injury should arise through the Acts of the said Company the same shall be repaired at the Expence of the said Company.

Further Protection to Farm of Laigh St. Murrays.

XII. And be it enacted, That in the event of the said Company at any Time making a Reservoir in the Estate of *Brockloch*, or at any Point higher up the said Burn than where it enters the said Farm of *Laigh Saint Murrays*, for the Purpose of collecting and retaining the Water which at present flows into the *Slateford Burn* before it reaches the said Point, or executing any Work or performing any other Operation which shall in any way interfere with the Supply of Water which at present runs in the Course of the said Burn, where it either flows in or forms the Boundary of the said Farm of *Laigh Saint Murrays*, then the said Company shall be bound to allow a constant and regular Supply of Water to run in the said Burn; and the said Company shall not make any Footpaths in or interfere in any way with the said Farm of *Laigh Saint Murrays*.

Company to form a Reservoir for Supply of Water to the Farm of High Smithston.

XIII. And whereas by the said intended Operations the said Company are to appropriate to its own Purposes the Water of the Springs in the Farm of *Brockloch* and *Laigh Grange*, and other Farms adjoining, and which Springs at present flow into and form the Burn or Rivulet commonly called the *Smithston Burn*, which at present affords to the Lands of *High Smithston*, belonging to the said Marquis of *Ailsa*, not only a sufficient Supply of Water for all domestic Purposes, and the Use of Cattle on the said Lands, but also to propel

Machinery

Machinery for thrashing the Grain and churning the Milk thereof, for which there is an adequate Fall; and it is just and necessary to secure to the said Marquis a Continuation of the Supply of Water sufficient for each and all of the said Purposes: Be it therefore enacted, That the said Company shall, within Six Months after Demand in Writing shall be made to the said Company by the said Marquis or his Successors in the said Lands, at the Expence of the said Company, construct, and keep at all Times in good and sufficient Repair, a Reservoir, to contain not less than One hundred and seventeen thousand Cubic Feet of Water, on such Part of the said Farm of *High Smithston* as the said Marquis, or those appointed to act for him, shall fix and determine; which Reservoir shall be the Property of the said Marquis, and his Successors in the said Lands, and shall be filled with Water by the said Company once in every Twenty-four Hours, for the Use of the said Marquis and his Successors, and the Tenants and Possessors of the said Farm of *High Smithston*, who shall be at liberty to take Water therefrom at Will for the following Purposes only; *videlicet*, for propelling Machinery for thrashing the Grain and churning the Milk of the said Farm, for the Use of the Cattle and other Animals thereon, and for the other domestic Uses thereof; which Reservoir, with the Dykes, Sluices, and other Pertinents, shall be executed and kept in repair at the Sight and to the Satisfaction of such Persons of Skill as the said Marquis shall name and appoint; and the said Company shall pay such Price for the Ground to be occupied by such Reservoir and Inclosure as shall be fixed and determined by Two Arbiters mutually chosen, who shall have Power to name an Umpire; and the said Company shall not make any Footpaths to or from such Reservoir, nor exercise any Right of Ownership over the said Farm of *High Smithston*, or any Part or Portion thereof, or such Reservoir, or the Water therein: Provided always, that in the event of a Thrashing Mill being erected on the said Farm the Wheel of such Mill shall be made in such Manner that Advantage shall be taken of all the Fall on the said Burn, according to the Direction and Judgment of the Engineer of the said Marquis of *Ailsa*, who shall fix the Site of the said Mill at some Point which shall not be farther down the said Burn than One hundred Yards from the present Burn on the said Lands of *High Smithston*: Provided also, that the said Company shall repay to the said Marquis all reasonable Charges in the Employment of an Engineer or Surveyor, or otherwise, to which he may have been put by the said Company, in relation to the said intended Reservoir, and also all reasonable Costs and Charges to which the said Marquis or his Successors may be put through the Refusal or Neglect of the said Company to fulfil the Obligations hereby imposed on the said Company in favour of the said Marquis, of which Costs and Charges the Sheriff of the said County, or his Substitute, shall be the sole Judge, in case of Dispute.

Company may acquire Lands, Streams, and Heritages.

XIV. And be it enacted, That it shall and may be lawful to and for the said Company, and they are hereby empowered, as often as it may be necessary, to contract, agree for, and purchase all such Lands, Grounds, Houses, Tenements, Rivulets, or Streams of Water, Springs, Drainage Water, or other Heritages as they may consider requisite for the making and constructing, and supplying and filling, the

the necessary Reservoirs, Basins, Tanks, Filters, Wells, and Cisterns, Cuts, Catch-water Drains, Conduits, Tunnels, and Aqueducts, and for making Bridges and Roads, and laying Pipes, or for obtaining sufficient Access to and along and around such Reservoirs, Aqueducts, Conduits, and other Works, and inclosing and fencing such Reservoirs and other Works, and for the further Extension and Improvement of the said Works, when deemed expedient, or for any other of the Purposes of this Act, and such Privileges and Servitudes in and affecting such Lands, Houses, Streams, Springs, or other Heritages as may be necessary for the Purposes aforesaid, with and from any Body Politic, Corporate, or Collegiate, Heirs of Entail in Possession, Life-renters, Tenants for Life, Fiars, Trustees, Executors, Husbands or Married Women, Tutors or Curators for Minors or fatuous and furious Persons, and Persons under any legal Incapacity whatever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of the respective Persons interested, whether Infants, Minors, Substitutes of Entail, Issue unborn, fatuous or furious Persons, Married Women, or others, who are or shall be seised, possessed of, or interested in their own Right, or with and from any other Persons whomsoever, for the Purposes of this Act, and it shall and may be lawful for all such Bodies Politic, Corporate, or Collegiate, Trustees, Heirs of Entail in Possession, Tutors and Curators for Infants, Minors, Idiots, fatuous or furious Persons, and for Persons absent from *Scotland*, or others, and to and for all other Persons whomsoever under any other Disability or Incapacity, who are or shall be seised, possessed of, interested in, or entitled to any of the Lands, Grounds, Houses, Tenements, Rivulets, or Streams of Water, Springs, Privileges, and Servitudes, or other Heritages required for the Purposes of this Act, or any Part or Portion thereof or Interest therein; and all such Bodies, Trustees, and other Persons aforesaid are hereby required to sell and convey the same to the said Company, or otherwise to agree with them for the Use and Possession thereof for the Purposes aforesaid, and that either in Perpetuity or for a limited Period; and all Contracts, Agreements, Sales, and Conveyances made, entered into, or executed in respect of such Lands, Grounds, Houses, Tenements, Rivulets, or Streams of Water, Springs, Drainage Water, Privileges, and Servitudes, or other Heritages, hereby authorized to be purchased, shall be valid and effectual in Law to all Intents and Purposes, any Law or Statute to the contrary notwithstanding; and all Persons whomsoever so conveying as aforesaid are hereby indemnified for what they shall respectively do in virtue or in pursuance of this Act; and such Contracts, Agreements, Sales, and Conveyances as shall be made of or for any Lands, Tenements, Houses, Rivulets, Streams, Springs, Drainage Water, Privileges, and Rights of Servitude, or other Heritages, with or to the said Company, may be lawfully and effectually made in the Form or to the Effect following; *videlicet*,

Form of Conveyance of Land, &c.

‘ I *A. B.* of in consideration of the Sum of
‘ paid to me [*or* in consideration of the annual
‘ Rent to be hereafter yielded and paid to me by yearly or half-yearly
‘ Payments, *or other Consideration, as may be agreed upon,*] by the
‘ *Ayr* Water Company, do hereby sell, dispone, and convey to the
‘ said *Ayr* Water Company all and whole [*describing the Subjects to*

'*be conveyed*], and all Right, Title, and Interest in the same competent to me and my Heirs and Successors [*or* to the Heirs of Entail in my Estate, *as may be*], to be holden by the said Company and their Successors for ever, by virtue of an Act passed in the Third Year of the Reign of Her Majesty Queen *Victoria*, intituled '[*here insert the Title of this Act, and a Testing Clause, according to the Form of the Law of Scotland*].'

And all such Conveyances, being registered in the general Register of Sasines for *Scotland*, or in the particular Register of Sasines for the County of *Ayr*, and which the respective Keepers of these Registers are hereby authorized and required to record, shall receive the same Effect, and be as valid and effectual, to all Intents and Purposes, as if a formal Disposition had been executed, and followed by Charter and Sasine duly recorded, according to the Form of the Law of *Scotland*, any Law or Custom to the contrary notwithstanding; and the Originals of all such Conveyances shall be kept by the Clerk to the said Company, who shall from Time to Time, when required, deliver attested Copies thereof to any Person or Persons requiring the same, upon receiving Sixpence for every Hundred Words of such attested Copy, and so in proportion for any less Number of Words; or it shall be competent to the said Company to cause such Deeds to be recorded for Preservation, either in the Books of Council and Session, or in the Sheriff Court Books of the said County of *Ayr*, the Keepers of such Books respectively being hereby authorized and required to record the same, and to give out Extracts thereof; which Extracts shall bear equal Faith in Judgment with the original Deeds so to be recorded, according to the Provisions of the Law of *Scotland* made in regard to the Registration of Deeds for Preservation.

Satisfaction to be made for Lands taken or used.

XV. And be it enacted, That the said Company shall make or tender Satisfaction to the Owners and Occupiers and Persons interested in any Waters, Lands, Grounds, Tenements, or Heritages which shall be required for any of the Purposes of this Act, before they shall in anywise take possession of or make use of the same, and also for any other Lands, Grounds, Tenements, or Heritages which shall be damaged in the Execution or by virtue of any of the Powers hereby granted, for the Lands, Grounds, Tenements, and Heritages so to be taken, used, or damaged.

In case of Disagreement as to Price, the same to be settled by a Jury.

XVI. And be it enacted, That in case the Price or Value to be paid for any Lands or Heritages taken or used for the Purposes of this Act, or the Recompence to be given for Damage caused to the same, cannot be settled, adjusted, and agreed upon by and between the said Company or their Agents and the Proprietors or Occupiers of and Persons interested in the said Lands and Heritages, or if any such Proprietors or Occupiers of or Persons interested in such Lands or other Heritages shall, for the Space of One Calendar Month after Notice in Writing given to any of the principal Officers of any Bodies Politic, Corporate, or Collegiate, or to the Proprietors or Persons interested as aforesaid, or left at the last or usual Place or Places of their Abode, or in case such Person shall be absent or not known with

with the Tenants or Occupiers, or any of them, of such Lands or Heritages, neglect or refuse to treat, or shall not agree with the said Company, or by reason of Absence shall be prevented from treating, or through Disability cannot treat for themselves, or make such Agreement as shall be convenient for promoting the said Undertaking, or shall not produce and evince a clear Title to the Premises in dispute, or to the Interest which they claim therein, to the Satisfaction of the said Company, or if the said Company shall, for the Space of One Calendar Month after Notice in Writing given to their Clerk or Treasurer for the Time being by any Proprietor or Occupier of or Person interested in any Lands or Heritages taken or used for the Purposes of this Act, neglect or refuse to treat with such Proprietor or Occupier or other Person, or cannot agree with him, then and in every such Case the said Company, or the said Proprietor or Occupier, or other Person interested in or entitled to such Lands or Heritages, shall be and they are hereby respectively empowered to make Application in Writing to the Sheriff or Sheriff Substitute of the County of *Ayr*, for the Purpose of having such Price or Value or Recompence ascertained by the Verdict of a Jury; and the said Sheriff or Sheriff Substitute is thereupon required to summon an Assize of Persons in the Manner in which Juries are in use to be summoned in *Scotland*, to meet at such Times and Places as such Sheriff or Sheriff Substitute shall think fit to appoint, not being less than Twenty Days after such Application being made, of whom the said Sheriff or Sheriff Substitute shall impannel a Jury of Fifteen Persons, all Parties concerned having their lawful Challenges or Exceptions against any of such Jurymen; and the said Sheriff or Sheriff Substitute is hereby empowered and required to summon and call before him all Persons who shall be thought necessary by either Party to be examined as Witnesses touching the Matter in question by or before such Jury; and the said Sheriff or Sheriff Substitute may order and authorize such Jury, or any Eight or more of them, to view the Place or Places or Premises in controversy; and such Jury, upon their Oaths (which Oaths, as well as the Oaths to such Persons as shall be called upon to give Evidence, the said Sheriff or Sheriff Substitute is hereby empowered to administer), shall inquire of, assess, and fix by their Verdict the Sum of Money to be paid for such Lands or Heritages, or the Recompence to be given for the Damages that may be sustained as aforesaid; and the said Sheriff or Sheriff Substitute shall give Judgment for such Purchase Monies or Recompence assessed by such Juries; which Verdict, and the Judgment thereupon, shall be signed by the said Sheriff or Sheriff Substitute, and shall be binding and conclusive to all Intents and Purposes upon and against all Bodies and Persons whomsoever, without being subject to Reduction, Advocation, or Suspension, or to any Question or Review in any way whatsoever; and if such Sheriff or Sheriff Substitute shall make default in the Premises he shall for every such Offence forfeit and pay any Sum not exceeding Fifty Pounds; and if any Person so summoned and returned as aforesaid upon such Jury shall not appear, or appearing shall refuse to give in his Verdict, or in any other Manner wilfully neglect his Duty, contrary to the true Intent and Meaning of this Act, or if any Person so summoned to give Evidence shall not appear, or appearing shall,

shall, after having been paid or tendered a reasonable Sum, to be fixed by the said Sheriff or Sheriff Substitute, for his Costs, Charges, and Expences, refuse to be sworn and examined, or to give Evidence, every Person so offending, and offering no reasonable Excuse to the Satisfaction of the said Sheriff or Sheriff Substitute, shall for every such Offence forfeit and pay any Sum, to be fixed by the said Sheriff or Sheriff Substitute, not exceeding Twenty Pounds.

Juries to distinguish between Value and Damages.

XVII. And be it enacted, That such Juries respectively shall, if required by the said Company, award the Value of Lands or Heritages separately and distinctly from the Consideration for any other Damages sustained or to be sustained by any Person in consequence of the Execution of any of the Powers of this Act, and shall distinguish the Value set upon the Lands and other Heritages and the Money assessed or adjudged for such Damages.

Verdicts to be recorded.

XVIII. And be it enacted, That the Verdicts of the Juries, and the Judgments of the said Sheriff or Sheriff Substitute thereon, shall be kept by the Sheriff Clerk of the County of *Ayr*, and shall be deemed Records to all Intents and Purposes, and the same or true Copies thereof shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, paying for each Inspection the Sum of One Shilling and no more, and to take Copies thereof or Extracts therefrom, paying for every Copy or Extract after the Rate of Sixpence for every Hundred Words.

Expences of Juries how to be paid.

XIX. And be it enacted, That in every Case in which the Verdict of a Jury shall be given for the same or a greater Sum than shall have been previously offered by the said Company for the Purchase of any Lands or Heritages to be taken or used by them for the Purposes of this Act, or as Compensation or Satisfaction for any Damage or Loss which may happen or arise in the Execution of any of the Powers hereby granted, all the Costs of summoning such Jury, and the Expences of Witnesses, and of Counsel, and other Expences necessarily attending such Trial, shall be defrayed by the said Company, and such Costs and Expences shall be settled and determined by the said Sheriff or Sheriff Substitute; and in case such Costs and Expences shall not be paid to the Party entitled to receive the same within Fourteen Days after the same shall have been demanded, then the same shall and may be levied and recovered by Distress and Sale of any Goods or Chattels of the said Company, unless the Treasurer of the said Company shall pay such Costs and Expences out of any Monies received by him by virtue of this Act (and which he is hereby authorized to do), under a Warrant to be issued for that Purpose by any Justice of the Peace for the County of *Ayr* not interested in the Matter in question, which Warrant such Justice is hereby authorized and required to issue under his Hand, on Application made to him for that Purpose by any Party entitled to receive such Costs and Expences; but if the Verdict of the Jury shall be given for a less Sum than shall have been previously offered by the said Company, one Half of such Costs and Expences shall be defrayed by the Party with whom the said Company shall have such Controversy or Dispute, and the Remainder shall be defrayed by the said Company;

Company; and the other Half of such Costs and Expences, having been ascertained and settled in manner herein-before mentioned, shall and may be deducted out of the Money adjudged to be paid to such Party as aforesaid as so much Money advanced to and for his Use, and the Payment or Tender of the Remainder of the Money so adjudged shall be deemed and taken to all Intents and Purposes to be a good Payment or Tender in satisfaction of the whole thereof: Provided always, that in Cases in which, by reason of Absence in Foreign Parts, or from any other Cause or Disability not herein-before provided for, any Person shall have been prevented from treating and agreeing as aforesaid, the whole of such Charges and Expences shall be borne and paid by the said Company.

Persons requiring Juries to enter into Bonds to prosecute their Complaints and to pay Expences.

XX. And be it enacted, That all Parties with whom the said Company shall have any Dispute respecting Damages, and who shall require a Jury to be summoned as aforesaid, shall, on Tender thereof by the Company, and before the said Sheriff shall issue his Warrant for summoning such Jury, enter into a Bond to the said Company in a Penalty of One hundred Pounds to prosecute their Claim, and to bear and pay their Proportion of the Costs, Charges, and Expences attending such Inquiry as herein-before mentioned, in case any Part of such Costs, Charges, or Expences shall fall upon them.

As to Jurymen.

Persons giving false Evidence to be prosecuted.

XXI. And be it enacted, That every such Jury and Juryman as aforesaid shall be under and subject to the same Regulations, Pains, and Penalties as if such Jury or Juryman had been returned to pass upon any Justiciary Trial in *Scotland*; and all and every Person who, in any Examination to be taken in virtue of this Act shall wilfully and corruptly give false Evidence before any such Jury as aforesaid shall and may be prosecuted for the same, and upon Conviction thereof shall be subject to such Punishments and Disqualifications as any Person can or may be subject to for wilful and corrupt Perjury by the Laws or Statutes of that Part of the United Kingdom called *Scotland*.

Upon legal Tender of Money agreed for or assessed, Works not to be impeded.

XXII. And be it enacted, That upon Payment or legal Tender of such Sums of Money as shall have been contracted or agreed for between the Parties, or assessed for by a Jury, for the Purchase of any Lands or Heritages to be taken for the Purposes of this Act, or as a Compensation for Damages, as herein mentioned, within One Calendar Month after the same shall have been contracted, agreed for, or assessed as aforesaid, to the Proprietor of such Lands or Premises, or to such other Person as shall be interested therein, or entitled to receive such Money or Compensation respectively, or if the Person so entitled or interested shall not be able to deliver a good Title thereto to the Satisfaction of the said Company, or cannot be found, or shall refuse to receive such Price or Compensation, or execute such Conveyance, then, upon the Payment of such Sums of Money, within One Calendar Month after the same shall have been contracted for or assessed as aforesaid, into any Bank in *Scotland* established by Act of Parliament or Royal Charter, for the Use of such Person so interested and entitled as aforesaid, then and in all or any of such Cases, as often as the same shall happen, it shall be lawful for the said

said Company immediately to enter, or if they shall have entered to continue, upon such Lands or Heritages, and receive or retain the yearly Profits thereof; and all the Estate, Use, Trust, and Interest of any Person therein shall from thenceforth be vested in and become the sole Property of the said Company and their Successors, to and for the Purposes of this Act, for ever; and such Payment, Tender, or Deposit shall not only bar all Right, Title, Claim, Interest, and Demand of the Person entitled to or interested in such Lands or other Heritages, but shall also extend to and be deemed and construed to bar the Courtesy of the Husband and the Terce of the Wife of every such Person, and all Right, Title, and Interest of every other Person whomsoever therein: Provided nevertheless, that before such Payment, Tender, or Deposit shall have been made as aforesaid it shall not be lawful for the said Company, or any Person acting under their Authority, to dig or cut the Lands or Grounds of the Persons entitled to such Payment, for the Purpose of making the said Works, without the Consent in Writing of such Persons respectively.

Application of Compensation Money when exceeding 200*l.*

XXIII. And be it enacted, That if any Monies shall be agreed to be paid for any Lands or Heritages purchased, taken, or used for the Purposes of this Act, which shall belong to any Corporation, Married Woman, Infant, Lunatic, or Person under any other legal Disability or Incapacity, or as a Recompence for Damages caused thereby, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into any such Bank, without Fee or Reward; to the Intent that such Money shall be applied, under the Direction and with the Approbation of the Court of Session, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person who would have been entitled to the Rents and Profits of such Lands or Heritages, in the Purchase of the Land Tax, or towards the Discharge of any Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands or Heritages, or affecting other Lands or Heritages standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands or Heritages, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands or Heritages which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime, and until such Purchases shall be made, the Interest or annual Produce of such Money shall from Time to Time be paid, by Order of the said Court, to the Person who would for the Time being have been entitled to the Rents and Profits of the Lands and Heritages so hereby directed to be purchased, in case such Purchase or Settlement were made.

XXIV. Pro-

Application where less than 200*l.* and not less than 20*l.*

XXIV. Provided always, and be it enacted, That if any Money so agreed or awarded to be paid for any Lands or Heritages purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person under legal Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall (at the Option of the Person for the Time being entitled to the Rents and Profits of the Lands or Heritages so purchased, taken, or used, or of his Guardians, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands,) be paid into one of such Banks, and shall be ordered to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person making such Option, and approved of by the said Company, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties,) in order that such Principal Money, and the Interest arising thereon, may be applied in any Manner herein-before directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court.

Application where less than 20*l.*

XXV. Provided also, and be it enacted, That where such Money so agreed or awarded to be paid as last before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person who would for the Time being have been entitled to the Rents and Profits of the Lands or Heritages so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Company shall think fit, or in case of Infancy or Lunacy, then to his Guardians, to and for the Use and Benefit of such Person so entitled respectively.

In case of not making out Titles, the Price or Compensation to be deposited.

XXVI. And be it enacted, That in case the Persons to whom any Sums of Money shall be awarded as aforesaid shall refuse to accept the same, or shall not be able to make good a Title to the Premises to the Satisfaction of the said Company, or in case the Person to whom any such Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person entitled to such Lands or Heritages be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Company to pay the Sums of Money so awarded as aforesaid into any of such Banks, to the Credit of the Parties interested in such Lands or Heritages, (describing them, if they are known, and if they are not known, then generally to the Credit of the Parties interested in such Lands or Heritages, without any Description of them,) subject to the Order, Control, and Disposition of the said Court of Session; which said Court, or either of the Divisions thereof, on the Application of any Person making claim to such Sums of Money, or any Part thereof, by Petition, shall be and are hereby empowered, in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashiers of any of such Banks who shall receive such Sums of Money are hereby required to give Receipts for the same, mentioning and specifying for what and for whose Use the same are received,

received, to such Person as shall pay any such Sums of Money into such Bank as aforesaid.

Where Questions arise touching the Title to any Money.

XXVII. And be it enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into any such Bank as aforesaid, in pursuance of this Act, for the Purchase of any Lands or Heritages, or of any Estate, Right, or Interest in any Lands or Heritages to be purchased in pursuance thereof, or to any Interest of such Money, the Person who shall have been in Possession of the Lands or Heritages at the Time of such Purchase, and all Persons claiming under such Person, or under the Possession of such Person, shall be deemed and taken to have been lawfully entitled to such Lands or Heritages according to such Possession until the contrary shall be shown to the Satisfaction of the said Court of Session; and the Interest of such Money and also the Principal Sums shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful one, and that some other Person was lawfully entitled to such Lands or Heritages, or to some Estate or Interest therein.

The Court may order reasonable Expences of Purchases and of Investments to be paid by the Company.

XXVIII. Provided always, and be it enacted, That where, by reason of any Disability or Incapacity of any Party entitled to any Lands to be taken or used, or in respect of which any Satisfaction or Compensation shall be payable, under the Authority of this Act, except in Cases where Parties shall refuse to convey such Lands, the Purchase Money for the same, or the Money payable for such Compensation, shall be required to be paid into any of the chartered Banks in *Scotland*, it shall be lawful for the Court of Session to order the Costs, Charges, and Expences attending the Purchase or the taking or using of such Lands, or which may be incurred in consequence thereof, and also the Costs, Charges, and Expences of the Reinvestment of the Purchase or Compensation Money in other Lands, and likewise the Costs, Charges, and Expences occasioned only by the Exercise of the Powers conferred by this Act, and not by Litigation between Claimants or otherwise, of any Proceedings had as herein-before authorized for the Investment of such Purchase or Compensation Money, and for the Payment of the Interest thereof, or so much of such Costs, Charges, and Expences as the said Court shall think reasonable, together with the necessary Costs and Charges of obtaining the proper Orders for such Purposes, to be paid by the said Company out of the Monies to be received by virtue of this Act; and the said Company shall from Time to Time pay such Sums of Money for such Costs, Charges, and Expences as the said Court shall direct.

Company to have Power to clear out Drains.

XXIX. And be it enacted, That in order to render available as far as possible the Drainage of the Lands contributing to the Supply of the Streams and Burns proposed to be intercepted for the Purposes of this Act, and to prevent unnecessary Stagnation and Waste of Water thereon, it shall be lawful for the said Company, as often as to them shall seem necessary, and within reasonable Hours, to enter upon all or any of the aforesaid Lands, and to clear out all stagnant Pools, Water-

Water-runs, Ditches, or Drains thereon communicating in any way with the Drains, Aqueducts, Conduits, or Reservoirs of the said Company: Provided always, that the said Company shall not be at liberty to clear out as aforesaid any Wells or Watering Pools for Cattle on such Lands, and that the said Company shall make full Satisfaction for all Damage which may be occasioned by them in obtaining Access to such Lands, or by such Operations, to the Person sustaining the same.

Company may resell Lands, &c. not wanted.

XXX. And whereas, by reason of the Purchases or Acquisitions of Property which the said Company are by this Act empowered to make, they may happen to acquire Lands, Buildings, Springs, Streams, or other Heritages which may afterwards be considered unnecessary to be made use of for the Purposes of this Act; be it therefore enacted, That it shall be lawful for the said Company to sell, dispone, and convey such Parts of the Lands, Buildings, Springs, Streams, or other Heritages so to be purchased and conveyed to them as aforesaid as shall not be wanted for the Purposes aforesaid; and all such Conveyances from the said Company shall be valid and effectual, any Law or Custom to the contrary notwithstanding; and the Money produced by the Sale or Sales of such Lands or other Heritages shall be applied to the Purposes of this Act: Provided always, that the said Company shall make the first Offer of such Lands, Buildings, Springs, Streams, or other Heritages, at such Price as they shall consider fair and reasonable, to the Proprietors for the Time being of the Lands or other Heritages immediately contiguous to those so to be offered for Sale; and if such Persons shall not accept of the Purchase, then by private Bargain to any other whom the said Company may think fit, at a Price being not less than that for which the said Lands or other Heritages may have been offered to such contiguous Proprietors; or otherwise the said Company shall be at liberty to sell the same by public Sale at such Price as can be got therefor.

Company empowered to open Roads, Streets, &c. and lay Pipes.

XXXI. And be it enacted, That for the Purposes aforesaid, and of distributing the Water to be found and collected in the Places and by the Means aforesaid for the Supply of the different Inhabitants of the said Town of *Ayr* and Suburbs of *Newton* and *Wallacetown*, and Places adjoining, and for effectuating the several Purposes of this Act, it shall and may be lawful to and for the said Company, and they are hereby authorized and empowered, to enter into and upon the several Lands and Heritages delineated on the said Plan, and also into and upon the Highways, Roads, Streets, Lanes, Passages, Closes, Buildings, common Stairs, and other Places within the said Town, Suburbs, and Places adjacent, and there to sink and lay, place and affix, Mains, Pipes, Trunks, and other Conduits and Conveyances for the Purpose aforesaid, and to put Stopcocks, Plugs, or Branches from such Mains, Pipes, Trunks, and other Conveniences in such Places and in such Manner, and to erect, lay, relay, alter, enlarge, amend, continue, and use the said, and such other Pipes, Wells, Drains, Aqueducts, Cocks, Valves, Branches, Plugs, Rider Pipes, Hand Pipes, Stand Pipes, Service Pipes, Soil Pipes, Pumps, Machines, and other Implements, Utensils, and Devices, within the Limits of this Act, as the said Company shall think proper for supplying the Inhabitants of the said

Town, Suburbs, and Places with Water, and regulating such Supply, and also to break up and to remove the Soil, Posts, Curbs, Bulk-heads, Bars, Sewers, Drains, Pavements, and other Ways, Parts or Pertinents of any of the present and future Roads, Streets, Squares, Lanes, Passages, public Courts, Footways, Quays, Closes, and other Places within the said Town of *Ayr*, and Suburbs of *Newton* and *Wallacetown*, and Places adjacent, and to make and construct, in and through the said Streets, Lanes, Passages, and Places, all such Wells, Tunnels, Drains, and Sewers, and Devices, as may by the said Company be deemed needful for effectuating the Purposes of this Act, with the Consent and at the Sight of the Proprietors, Trustees, and Magistrates and Council thereof respectively, or of any Person to be appointed by them; and, if necessary, at their own Expence, to alter the Position of any of the Pipes already laid for supplying the said Town, Suburbs, and Places with Gas in or along the Streets and other Parts of the said Town, Suburbs, and adjacent Places, for the Distribution of Gas, so as to prevent such Gas Pipes from being prejudicial in any respect to the Water Pipes, Aqueducts, or Conduits hereby authorized to be made and laid, such Alterations being made at Sight of and subject to the Approval of the Proprietor of such Gas Pipes: Provided always, that in the event of a general Improvement of the said Streets, Turnpike Roads, or Highways which will render it necessary to lift the Pipes of the said Company, the said Pipes shall be lifted and relaid, under the Direction of the Engineer or Surveyor of the said Company, at the Expence of the Magistrates having Charge of such Streets, or Trustees of such Turnpike Roads or Highways, respectively making such Improvements.

Sewers not to be altered without Consent, and Roads and Streets to be made good.

XXXII. Provided always, and be it enacted, That it shall not be lawful for the said Company to alter or change the Course of any of the public Sewers or Drains of the said Town of *Ayr* and Suburbs of *Newton* and *Wallacetown* without the Consent of the Magistrates and Council thereof respectively; and that whenever any Highway, Road, Pavement, or other Ground shall be opened or broken up by virtue of this Act, for laying, taking up, relaying, altering, enlarging, or repairing any Conduit, Pipe, or Apparatus, either by the said Company or by any Person with their Consent, the Workmen employed in such Operations shall, in the Course thereof, do as little Damage as may be; and such Conduit, Pipe, or Apparatus shall, when laid in or across any Turnpike Road, be so laid at the Sight and under the Superintendence of the Trustees of such Turnpike Road or their Surveyor, so that the same may not interfere with the future Improvement of any Turnpike Road wherein the same shall be laid; and that the said Company, or other Person by whom the aforesaid Openings shall be made, shall forthwith fill in the Trenches, and make good such Highway, Road, Pavement, or other Ground, and carry away the Rubbish occasioned by the aforesaid Operations, without any unnecessary Delay, and shall in the meantime fence and guard, and affix Lamps or Lights during the Night at or near the Places where the Ground shall be opened, in such Manner as to prevent Accidents to Passengers, Cattle, and Carriages, under a Penalty not exceeding Five Pounds, to be forfeited by the said Company, and recovered by summary Prosecution at the Instance of any

any Two of the said Magistrates and Council or Road Trustees having the Charge of such Highway, Street, Pavement, or Road, and applied for the Use of the Poor of the Parish within which such Openings shall have been made; and Notice in Writing shall be given by the said Company, or the Person making any Opening respectively, Three Days before the breaking up of any Highway, Road, Street, or Grounds as aforesaid, to the Owners thereof, or his known Factor or Agent, if private Property, or, if the Property of the Community of the aforesaid Town or Suburbs, to the Magistrates for the Time, by Notice left at the Office of the Town Clerk, or if the Highways, Roads, Streets, or Grounds intended to be broken up shall be under the Management of any Road Trustees, then such Notice shall be made to the Surveyor of such Trustees by Letter left at his usual Place of Abode Three Days at least before such Operations shall be commenced, in order that the Roads, Streets, Pavements, and Grounds, and all Things that shall have been removed or laid open, may, by the said Company or the Person making such Openings as aforesaid, with the least possible Delay, be made good, at the Sight and to the Satisfaction of the said Magistrates, or Trustees of the said Roads, or Proprietors thereof respectively; and the said Company shall from Time to Time, when required by the said Magistrates or Road Trustees, at any and every Period during Nine Calendar Months from and after the Time of making or commencing any such Opening, on receiving written Notice, relay, and again take up and relay, such Roads, Streets, Pavements, and Grounds, until the same shall be made sufficient and complete to the Satisfaction of the said Magistrates, Road Trustees, or Proprietors thereof respectively; and in the event that such Roads, Streets, Pavements, Grounds, and other Things shall not be made good within a reasonable Time as aforesaid, then and thereafter it shall and may be lawful for the said Magistrates, Road Trustees, or Proprietors thereof, as the Case may be, to order and direct the same to be made good at the Expence of the said Company or Person with whom they shall have agreed as aforesaid, and to sue for and recover such Expences as the same shall be ascertained by the Accounts of the said Magistrates or Road Trustees respectively, or the Estimate of their Surveyor, Superintendent of Public Works, or other Person appointed as aforesaid, the latter upon Oath, if required, such Expences to be recovered by the same Ways and Means by which any Penalty may be sued for and recovered by Law, or by virtue of this Act; but declaring always that it shall and may be lawful to and for the said Company or other Person making such Openings to contract and agree with the said Magistrates, Road Trustees, or Proprietors aforesaid respectively, so as the latter may, for the Recompence stipulated, themselves fill up and make good the Streets, Pavements, Roads, or Grounds so opened, to their own Satisfaction, and provided that the said Company shall so conduct their whole Operations as to leave at all Times a free Passage along all of the said Roads and Streets; and in general, as regards the said Roads, the said Company shall relieve the said Magistrates and Trustees respectively thereof of all Damages, Loss of Toll, Rents, Questions, Claims, and Demands whatsoever which they may suffer or be lawfully called on to pay or answer for in relation to the Premises, so far as

the Operations of the said Company may be the Cause thereof: Provided always, that in the event of any Accidents happening to the Pipes of the said Company, it shall be in their Power immediately to repair and amend the same without any previous Notice.

Power to place Pipes in Passages and common Stairs.

XXXIII. And be it enacted, That it shall and may be lawful to and for the said Company, or any Person acting by and under their Authority, to lay Pipes in all Roads, Ways, or Passages, private or common, on Payment of the Amount of the Damage, if any, which shall be fixed by the Sheriff of the said County of *Ayr* or his Substitute, on the Application of any Person having Interest in such Roads, Ways, or Passages, and also to place and maintain in common Stairs, and on the Outside of the back Walls of any Tenements or Buildings, such Pipes as may be necessary for supplying with Water the Inhabitants of the upper Floors in such Tenements, such Pipes being carried up in the Place most convenient for that Purpose, and so as to cause as little Inconvenience as possible; and in case of any Dispute arising between the said Company and Proprietors or Occupiers of such Tenements as to the Places most convenient, the Place shall, if within the Burgh of *Ayr*, be determined by the Master of Works of the said Burgh, or such Person as may be appointed by the Town Council of the said Burgh for superintending the public Works thereof, and if in the Burgh of *Newton* by the Magistrates thereof, and if in the other Suburbs by the Sheriff of the said County of *Ayr* or his Substitute; and the Determination of such Master of Works or other Person so appointed, Magistrates, Sheriff or Sheriff Substitute, shall be final, and shall not be subject to Review by Suspension, Advocation, Reduction, or otherwise.

No Work to be erected which may pollute Streams, &c.

XXXIV. And be it enacted, That from and after the passing of this Act it shall not be lawful to or for any Proprietor or Occupier of any Lands, Streams, or other Heritages to erect, construct, or establish any Bleaching Work, Dye Work, Printing Work, Factory, or other Work of any Description which shall have the Effect of polluting, contaminating, injuring, or affecting in any Degree the Purity and Quality of the Water in any of the Burns, Streams, Rivulets, and Springs which may be intercepted, taken, or used for the Purposes of this Act, or of the Water which may be drained for the said Purposes from all or any of the Lands mentioned upon the aforesaid Map or Plan, by means of the Catch-water Drains, Aqueducts, or Reservoirs delineated upon the said Map or Plan or otherwise, in pursuance of the Powers of this Act.

Company may raise Money.

XXXV. And whereas the said several Works have been estimated to cost a Sum not exceeding Eight thousand one hundred and forty Pounds, and the Sum of Seven thousand seven hundred and twenty-five Pounds has been subscribed by the Persons before-named for carrying into effect the Purposes of this Act, under a Contract binding them, their Heirs, Executors, and Administrators, for Payment of the several Sums of Money subscribed by them respectively; be it therefore enacted, That it shall be lawful for the said Company to raise and contribute among themselves the Sum of Ten thousand Pounds, or as much thereof as may be necessary

sary for the Purposes of this Act, and to apply the aforesaid Sum of Ten thousand Pounds, or so much thereof as shall be found necessary, in purchasing and acquiring the Use, Possession, or Property of such Supply of Water, and the Use, Possession, or Property of such Grounds and other Heritages as the said Company shall deem requisite for Reservoirs, Wells, Filters, Tanks, Aqueducts, Drains, Conduits, Cisterns, Pipes, and other Works before specified, and in otherwise carrying into effect the Purposes of this Act.

Money to be applied to making the Works.

XXXVI. And be it enacted, That the Sum of Ten thousand Pounds shall be the Capital Stock of the said Company, and the same shall be divided into Four hundred Shares of Twenty-five Pounds each, and such Shares shall be and they are hereby vested in the several Persons and Bodies forming the said Company, and raising and contributing as aforesaid the said Capital Stock, and their respective Successors, Executors, and Assignees, but no Person shall be or become Proprietor of less than One Share of the said Capital Stock; and all and every the Shares and Stock of all such Shareholders shall be deemed and held to be Moveable or Personal Property or Estate, and shall be transmissible by Succession and otherwise as such, and shall not be held of the Nature of Heritable or Real Property or Estate, or be transmissible as such.

Capital Stock divided into Shares.

Shares to be Moveable Estate.

XXXVII. And be it enacted, That the several Shareholders in the said Undertaking shall advance and pay proportionally, according to the Number of their respective Shares, such Sums of Money as shall be required from Time to Time for the Purposes of this Act; and after the said Works shall be completed to such Extent as to enable the said Company to deliver Supplies of Water, and to derive a Revenue therefrom, and at such Time as the said Company shall, at a General or Special Meeting to be convened for that Purpose, direct and appoint, such Revenue, after defraying all annual Charges, and setting apart from the net Residue a contingent Fund, as herein-after provided, shall be divided among the whole Shareholders for the Time being, in proportion to the Number of their respective Shares in the said Capital Stock.

Shareholders to contribute in proportion to their Shares, and be entitled to Profits according thereto.

XXXVIII. And be it enacted, That the several Persons who have subscribed or who shall hereafter subscribe any Money for or towards making and maintaining the Works hereby authorized to be made, and for the other Purposes of this Act, shall and they are hereby required to pay the Sums of Money by them respectively subscribed, or such Parts or Portions thereof as shall from Time to Time be called for by the said Company under or by virtue of the Powers and Directions of this Act, at such Times and Places as shall be directed by the said Company or their Committee of Management, in manner herein-after mentioned; and in case any Person shall refuse or neglect to pay the same, or any Part thereof, at the Time and in the Manner appointed for that Purpose, it shall and may be lawful for the said Company to sue for and recover the same in any competent Court of Law in *Scotland* or elsewhere, together with Interest on such Sums of Money at the Rate of Five *per Cent. per Annum*, from the Time when the same became due and payable.

To compel Payment of Subscriptions.

No Person answerable for more than his Stock.

XXXIX. Provided always, and be it enacted, That no Persons, or Body Politic, Corporate, or Collegiate, who are or shall be Proprietors of any Share or Shares of Stock of the said Company, shall be liable personally, or in their Real or Personal Estate, and nothing herein contained shall extend to make them, or any of their Clerks, Treasurers, or other Officers or Servants, except as herein provided, liable for any Debt or Demand whatever due or to become due by or exigible from the said Company, or in anywise relating to the said Undertaking, beyond the Amount of their Share or Shares in the Capital Stock of the said Company; any Law, Custom, or Usage to the contrary thereof in anywise notwithstanding.

Names of Proprietors to be entered, and Certificates delivered.

XL. And be it enacted, That the Committee of Management herein after appointed shall and they are hereby required to cause the Names and Designations of the several Persons who shall be entitled to Shares in the said Undertaking, with the Number of the Shares, and also the proper Number by which every Share shall be distinguished, to be fairly and distinctly entered in a Book to be kept by their Clerk or other Officer appointed by them for that Purpose, and after such Entry to cause the same to be signed by the Chairman or Deputy Chairman and Clerk of the said Company, and shall also cause a Certificate, signed by the said Chairman or Deputy Chairman and Clerk, to be delivered to any Proprietor, on Demand, specifying the Share or Shares to which he is entitled in the said Undertaking; and such Certificate shall be admitted in all Courts whatever as Evidence of the Title of such Proprietor, and his Executors, Administrators, and Assignees, to the Share or Shares therein specified, but the Want of such Certificate shall not hinder or prevent the Owner of any of such Shares from selling or disposing thereof.

Shares may be sold.

XLI. And be it enacted, That it shall be lawful for the several Proprietors of the said Capital Stock, and their respective Executors, Administrators, and Assignees, when and so soon as Fifty Pounds *per Centum* upon the Amount of the said Shares shall have been called for and paid up, but not sooner, to sell and dispose of any Share or Shares to which they may be entitled in the said Capital Stock, to such Persons as may be approved of by the Committee of Management of the said Company, subject to the Rules and Conditions herein mentioned; the Transfer of which Shares may be in the Form and to the Effect following; *videlicet*,

Form of Transfer.

‘ I *A. B.*, in consideration of the Sum of paid
‘ to me by *C. D.*, do hereby sell, assign, convey, transfer, and
‘ make over to and in favour of the said *C. D.* the Sum of
‘ Capital Stock of and in the *Ayr* Water Company, being
‘ One Share [*or so many Shares, as the Case may be,*] in the said
‘ Undertaking, to hold to the said *C. D.*, his Executors, Administrators, and Assignees, subject to the same Rules, Orders, and
‘ Restrictions that I held the same immediately before the Execution hereof; and I the said *C. D.* do hereby agree to take and
‘ accept the said Capital Stock, subject to the same Rules, Orders,
‘ Restrictions, and Conditions. In witness whereof we have subscribed these Presents, written by at
‘ the

‘ the Day of before these Witnesses
‘ .’

And on every such Sale the Transfer shall be kept by the Purchaser for his Security, after the Clerk to the said Company shall have entered in a proper Book or Books to be kept for that Purpose a Copy or Memorial or Specification of such Sale or Transfer, and have testified the Entry of such Copy or Memorial on the Transfer, for which no more than Two Shillings and Sixpence Sterling shall be paid; and the said Clerk is hereby required to make such Entry of such Copy or Memorial or Specification, and grant such Certificate thereof, without any undue Delay; and until such Copy or Memorial or Specification shall have been made and entered, as above directed, such Purchaser shall have no Right to draw any Part or Share of the Profits of the said Undertaking, nor have any Vote in respect of such Shares as a Proprietor of such Undertaking, nor until the Lapse of Six Months thereafter, as herein-after provided.

Power to close Transfer Books at certain Periods.

XLII. And be it enacted, That it shall be lawful for the said Company and they are hereby authorized to close the Books kept for entering Memorials of Transfer of Shares for a Period not exceeding Seven Days before each of the Yearly General Meetings of the said Company, and to fix a Day for that Purpose, during which Time the said Company shall not be bound to take notice of any Transfer which shall not have been registered previously to the Day fixed for closing the Books, but all such Transfers shall, as between the Parties claiming under the same and the said Company, but not otherwise, be considered as made subsequently to such Yearly General Meeting.

Receipt of Guardian of a Minor a sufficient Discharge.

XLIII. And be it enacted, That in all Cases where Money shall be payable under the Provisions of this Act to any Proprietor who shall be a Minor, Idiot, or Lunatic, the Receipt of the Tutor, Curator, or Guardian shall be a sufficient Discharge to the said Company and their Treasurer for the same.

Receipt of One Proprietor of a Share a sufficient Discharge.

XLIV. And be it enacted, That the Receipt of the Person or of any One of the Persons in whose Name or Names any Share in the said Undertaking shall stand in the Books of the said Company or of his Mandatory shall from Time to Time be a sufficient Discharge to the said Company and Treasurer for any Dividend or other Sum of Money which shall become payable and be paid for or in respect of such Share, notwithstanding any Uses or Trusts upon or to which such Share shall be then settled, conveyed, or assigned, whether or not the said Company have Notice of such Uses or Trusts; and the said Company shall not be bound to see to the Application of the Money mentioned in such Receipt.

For ascertaining the Proprietorship of Shares in case of Death, &c., in order to

XLV. And whereas, in Cases in which Proprietors of Shares in the said Undertaking shall die, or marry, being Females, or become insolvent or bankrupt, or go out of the Kingdom, or shall transfer their Right and Interest therein to other Persons, and no Registers shall have been made of the Transfer thereof with the Clerk of the said Company, it may not be in the Power of the said Company to ascertain who

the making of Calls in respect of such Shares.

who are the Proprietors of such Shares, in order to give them, or to their respective Executors, Administrators, Husbands, Successors, or Assigns, Notice of Calls to be made on such Shares, or to maintain Actions, Suits, or other Proceedings against them, or against their respective Executors, Administrators, Husbands, Successors, or Assigns, for the Recovery of the same; be it therefore enacted, That in all Cases where the Right of Property in any Share in the said Undertaking shall pass from the Original or from any registered Proprietor thereof to any other Person or Corporation by any other legal Means than by a Transfer or Conveyance thereof, duly made and executed as herein provided, and such Declaration as is hereinbefore in that Behalf directed shall have been transmitted to the said Company, then and in any of the Cases as aforesaid, after Twenty-one Days Notice in Writing shall have been given under the Hands of Two Directors, or under the Hand of the Clerk of the said Company, to the Person or Corporation stated or claiming in such Declaration to be then Proprietor of such Share, or left at the last or usual known Place of Abode of such Person, or to the Clerk of such Corporation, or by Advertisement inserted in One or more Newspapers published in the County of *Ayr*, to pay his or their Proportion of Money to be called for, and such Person or Corporation shall not have paid such his or their Proportion as aforesaid, it shall be lawful for the said Company, at any General Meeting or Special General Meeting after the Expiration of such Notice, to declare every such Share to be forfeited, and in such Case the same shall become forfeited, and shall and may be sold and disposed of in such Manner, on such Evidence of Title, and with such Powers, and with such Indemnity to Purchasers, as in other Cases of Sale of Shares forfeited for the Nonpayment of Calls thereon, or such Shares may, at the Option of the said Company, be consolidated in the general Fund of the said Company; and in case there shall be no such Declaration made as aforesaid, then such Notice as is hereinbefore directed to be given shall be served upon or left at the last known Place of Abode of the Executors or Administrators of such Proprietors so dying, or of the Husband of such Female Proprietor so marrying, or of the Assignees or Trustees of such Proprietor so becoming bankrupt or insolvent, or, in the event of the Share having been disposed of as aforesaid, of the last Proprietor appearing in the Books of the said Company to have been possessed of the same; and in case the last or usual Place of Abode of any such Proprietor cannot be ascertained upon Inquiry, or in case the Proprietor of the Share shall be out of the Kingdom, such Notice shall be inserted in the "*Edinburgh Gazette*;" and in all such Cases, and after such Notice, on default being made, the said Shares shall be forfeited, and may be sold, or be consolidated with the general Fund of the said Company in manner aforesaid; and the like Evidence of Title shall be sufficient on any Sale, and the like Indemnity to the Purchaser shall exist, as in other Cases of Sales on account of the Nonpayment of Calls: Provided always, that in the Cases of Proprietors being abroad the Shares shall not be forfeited until the Expiration of Six Months after the last Day on which such Notice shall have been inserted in the "*Edinburgh Gazette*" as aforesaid.

XLVI. And

Place of General Meetings.

XLVI. And be it enacted, That all the Meetings of the said Company shall be held in the Town of *Ayr*, and at all General and Special Meetings the Parties attending them shall pay their own Expences, the Hire of the Office or Place of Meeting only excepted.

First and other General Meetings.

XLVII. And be it enacted, That the First General Meeting of the said Company for putting this Act into execution shall be held at *Ayr* upon the Fourth *Wednesday* after the passing of this Act, at Noon, and all future General Meetings of the said Company (except such Special General Meetings as herein-after mentioned) shall be held on the Third *Wednesday* in the Month of *June* in every Year at Twelve o'Clock Noon, of all which General Meetings Eight Days previous Notice at least shall be given by public Advertisement in any Newspaper usually published in *Ayr*, to be fixed by the Committee of Management, and by Circular Letters to be addressed to each Shareholder of the said Company, and dispatched through the Post Office, specifying the Time when and Place where such Meetings are to be held; and at these and all other Meetings Seven Shareholders of the said Company shall constitute a legal Meeting, and the Chairman of the said Company, and in his Absence the Deputy Chairman, shall preside, and in their Absence the Director present whose Name shall stand first in the List of Directors shall be Chairman of such Meeting, and failing any such, then a Person to be elected by the Majority of the Meeting, the largest Shareholder whose Name is entered first in the Books of the said Company having the casting Vote, in case of Equality, as well as an individual Vote in the Election; and such Chairman shall not only be entitled to vote at such Meetings as a Proprietor or Proxy, but in case of an Equality of Votes shall have a decisive or casting Vote, and the Proprietors present at the said Meeting may adjourn from Time to Time until the Period appointed for the next Annual Meeting.

Meetings may be specially convened.

XLVIII. And be it enacted, That if it shall at any Time appear necessary that for the more effectually putting this Act into execution a Special Meeting of the said Company shall be holden, it shall and may be lawful to and for any Five or more of the said Proprietors who may collectively be possessed or entitled to at least Five hundred Pounds of the Capital Stock of the said Company for the Time, or any Three of the Committee of Management for the Time who shall be appointed as herein-before mentioned, upon specifying in a Writing subscribed by them the Object thereof, to require the Clerk of the said Company to call such a Meeting, and the Clerk shall thereupon convene such Meeting by giving at least Eight Days Notice thereof by Circular Letters and by Advertisement in manner directed for intimating the Annual General Meetings, specifying in such Circular Letters the Reason and Intention of requesting such Special Meeting; and if the said Clerk shall neglect or refuse to call such Special Meeting as aforesaid, when so required, it shall be lawful for the Parties requiring such Meeting to be called to convoke such Special General Meeting themselves, giving Eight Days Notice thereof in manner aforesaid; and the Proprietors assembled pursuant to any such Notice shall be a lawful Meeting, and have the like Powers as any of the ordinary General Meetings under this Act, in so far as

relates to the Purpose or Object specified in such Notice; and the Proprietors present personally or by Proxy thereat shall proceed to the Execution of the Powers conferred by this Act on the said Company with respect to the Matters so specified; and the Votes and Acts of the Proprietors, or of the major Part of them, according to the Number of Votes which they may be entitled to as after mentioned, shall be binding and conclusive upon the other Members of the said Company, both present and absent, to all Intents and Purposes, and shall be as valid and sufficient, with respect to the Matters specified in such Notice, as if the same had been done at any Annual General Meeting, and shall be observed and acted upon accordingly; and the Proprietors present at such Special General Meeting may adjourn such Meeting from Time to Time until the Purpose for which such Special Meeting has been called shall have been disposed of.

Voting regulated.

XLIX. And be it enacted, That every Shareholder who shall by virtue of this Act have undertaken for One or more Shares of the said Capital Stock, present at any General or Special Meeting of the said Company, shall, if holding One Share therein, have One Vote, and if holding Three Shares Two Votes, if holding Five Shares Three Votes, if holding Eight Shares or upwards Four Votes, in all Questions concerning the Management of the Affairs of the said Company brought before such Meetings; and every Person who shall be entitled to vote as aforesaid, and who shall not attend such Meetings personally, shall be entitled to vote by Proxy, such Proxy being himself a Proprietor of One or more Share in the said Undertaking, and producing his Mandate or Appointment in Writing under the Hand of the absent Shareholder whom he represents; and every Question, Matter, or Thing which shall be proposed, discussed, or considered at any Meeting of the said Company shall be determined by the Majority of Votes then and there duly given as herein-before regulated.

Appointment of Clerk and Treasurer.

L. And be it enacted, That the said Company shall at their First General Meeting appoint a Clerk and also a Treasurer to the said Company, and such Clerk and Treasurer shall continue in Office (unless they or either of them shall previously die or resign Office) until they shall respectively be removed by the Vote of some other General or Special General Meeting of the said Company; and all Vacancies which shall thereafter occur in the Offices of Clerk and Treasurer shall be supplied by the Vote of a General or Special General Meeting of the said Company.

How joint Proprietors and Bodies Corporate are to vote.

LI. And be it enacted, That whenever Two or more Persons shall be possessed as joint Proprietors of One or more Shares in the said Undertaking, such joint Proprietors shall be entitled to vote by the Person whose Name shall stand first in the List of Shareholders in the Company's Books as joint Proprietor of such Shares, or by a Proxy appointed by him as aforesaid for behoof of the joint Proprietors; and when any Company, or Body Politic, Corporate, or Collegiate, shall be possessed of or entitled to One or more Shares in the said Undertaking, such Company or Body shall be entitled to

vote

vote by their known Manager, Treasurer, Cashier, or Secretary, or by a Proxy appointed by the Person holding one of these Offices.

Purchasers to be in Possession of Shares Six Months before they can vote.

LII. Provided always, and be it further enacted, That after the Expiration of Twelve Calendar Months from the passing of this Act no Person or Body Corporate or Politic who shall purchase any Share in the Joint Stock of the said Company shall be admitted to vote in respect of the same until such Person or Body Corporate or Politic shall have been in Possession of such purchased Shares for the full Term of Six Calendar Months, to be computed from the Date of registering the Transfer thereof in the Books of the said Company; but this Provision shall not operate to prevent or hinder any Person from voting immediately after the same shall have been registered for or in respect of the Share or Shares which shall devolve to him by Marriage or Succession.

Proxies to be transmitted to Clerk of Company.

LIII. Provided always, and be it enacted, That no Person shall be entitled to vote as the Proxy of any Person or Corporation as aforesaid unless the Instrument appointing such Proxy shall have been transmitted to and received by the Clerk of the said Company before the holding of the Meeting at which such Proxy is intended to be used.

Proprietors in arrear not to vote.

LIV. And be it enacted, That no Proprietor of any Share on which any Call shall have been made shall, after the Day appointed for the Payment of the same, be allowed to vote, either personally or by Proxy, at any Meeting of the Proprietors of the said Company, or to act or vote as a Director at any Meeting of the said Directors, until the Money called for in respect of such Share shall have been fully paid.

Appointment of Chairman, Deputy Chairman, and other Directors.

LV. And be it enacted, That Colonel *Hugh Hamilton*, Distributor of Stamps for the County of *Ayr*, shall be Chairman, *Andrew Williamson*, Merchant in *Ayr*, shall be Deputy Chairman, and *James Ballantine* of *Castlehill*, *George M'Taggart*, Merchant in *Ayr*, *Primrose William Kennedy* of *Drummellan*, Doctor *James Rankine* of *Otterden*, *Patrick Cowan*, Banker in *Ayr*, *James Paton*, Builder in *Ayr*, and *John Parker*, Builder in *Ayr*, shall, with the said Chairman and Deputy Chairman, be Directors of the said Company, and shall constitute a Committee of Management of the Concerns of the said Company, until the General Meeting of the said Company to be held upon the Fourth *Wednesday* after the passing of this Act, when the Three last-named Directors shall go out of the Direction, and Three other Directors shall be chosen in their Room; and at the General Meeting to be holden upon the Third *Wednesday* in the Month of *June* in the Year following the Three of the said Directors standing next lowest upon the above List shall in like Manner go out of the Direction, and Three others be chosen in their Room, and so on during the following Year, when the remaining Three Directors upon the said List shall retire, and Three others shall be chosen, and thereafter Three of the Directors constituting the Committee of Management shall by rotation annually go out of Office, and be succeeded by Three others to be chosen

chosen in their Room, but such Persons going out of Office as aforesaid may be re-elected; and the Committee of Management being thus appointed shall, so soon as may be convenient thereafter, nominate and appoint Two of their Number to be Chairman and Deputy Chairman respectively of the said Company: Provided always, that no Person shall be qualified to be Chairman or Deputy Chairman who shall not be possessed of at least Four Shares, or be Partner of a Firm holding Four Shares, or be qualified to be a Director who shall not be possessed of at least Two Shares, or be Partner of a Firm holding Two Shares of the Stock of the said Company; and in the event of any of the said Chairman, Deputy Chairman, or Directors disposing of their Stock, so as to cease to be possessed of the requisite Qualification aforesaid, such Person shall no longer be entitled to act in the official Situations which they hold in the said Company; and it shall and may be lawful to and for the rest of the Committee of Management, if they see proper, to elect another Person, qualified as aforesaid, in the Room and Stead of every Member who shall become disqualified to act, or who shall die, or refuse to act, or cease to be a Shareholder in the said Undertaking to the Extent aforesaid, or become bankrupt; and every Person so elected by the said Committee of Management shall have the like Power and Authority as if he had been nominated and elected at the Annual General Meeting of the Company, but shall go out of the Direction at the same Period at which the Person in whose Room he was elected would have gone out: Provided always, that no Person who shall be concerned or interested in any Contract with the said Company, other than for supplying his Premises with Water as after mentioned, shall be or continue to be a Director or Manager, or hold any Place or Office of Trust in the Management of the Concerns of the said Company.

Meetings of the Committee of Management.

LVI. And be it enacted, That it shall and may be lawful for the Committee of Management for the Time being, and they are hereby authorized, from Time to Time to assemble and meet together at any Place or Places in the Town of *Ayr* in the Course of their Direction and Management of the Affairs of the said Company; and at such Meetings of the Committee of Management the Chairman of the said Company, and in his Absence the Deputy Chairman, shall be Preses, and if the Chairman and Deputy Chairman shall not be present, then the Director whose Name shall stand first upon the List shall preside; and any Three or more Members of such Committee, but not less, shall be a Quorum to constitute a legal Meeting for the Purpose of doing all Acts, Matters, and Things, and exercising all the Powers and Authorities vested in the Directors and Managers of the said Company; and all Questions, Matters, and Things which shall be proposed, discussed, or considered by the said Committee of Management at their Meetings shall be decided and determined by the Majority of those there present; but no Director shall have more than One Vote at any such Meeting, save and except that, in case of an equal Division, the Chairman besides his deliberative shall also have a casting Vote: Provided always, that if on the Day appointed for any such Meeting of the Committee of Management so many Members of such Committee as are hereby required

required to constitute a Quorum for exercising the Powers hereby vested in such Meeting of Committee shall not attend, then and in such Case, and so often as the same shall happen, the Meeting shall be adjourned to any future Day fixed by the Member or Members, or Majority of them, then present, or if no Member shall be present then by the Clerk to the said Company, written or printed Notice of the Meetings or Adjourned Meetings of the said Committee of Management being always given to the Members thereof: Provided also, that it shall and may be lawful for the said Committee of Management to appoint any of their Members, not fewer than Three, to be Sub-Committees for particular Purposes, for the better attending to and transacting the Business of the said Company, but subject to the Approbation of the said Committee of Management or their Quorum before specified, of which Sub-Committees the major Number of Members shall at all Times form a Quorum.

Committee of Management may appoint Officers, taking Security from their Treasurers and Collectors; and settle Accounts.

LVII. And be it enacted, That it shall and may be lawful for the said Committee of Management and they are hereby authorized, from Time to Time to nominate and appoint One or more Collectors of the Rates and Duties, Penalties, and other Sums of Money which may be payable to the said Company, and also such Engineers, Surveyors, and such other Officers (except the Clerk and Treasurer of the said Company) as the said Committee of Management shall think proper and expedient for the better accomplishing the Purposes of this Act, the said Committee of Management always taking such Security, and to such Extent as they shall think proper, from every Treasurer, Collector, and other Officer appointed to receive Money who shall have the Care or Custody thereof, for the due accounting of all such Monies as they may be intrusted with, and for the faithful Discharge of the respective Trusts reposed in them, and also from Time to Time to discharge and dismiss any such Collectors, Engineers, Surveyors, or other Officers, except as aforesaid, and appoint others in their Stead as often as they the said Committee of Management shall think fit, without their being obliged to assign any Reason for such Discharge or Discharges, but the Collectors, Engineers, Surveyors, and other Officers who shall have been so appointed, and who shall not have been removed or dismissed, shall continue to act, notwithstanding any Change in the Committee of Management by new Election or otherwise, without being again elected; and any Bonds or Securities granted by them upon their respective Appointments shall continue in full Force, and shall vest in the Committee of Management for the Time being; and all such Treasurers, Collectors, Clerks, Engineers, Surveyors, and other Officers of the said Company who shall at any Time quit or be dismissed from the Service of the said Company, and the respective Executors or Administrators of those who may happen to die, shall immediately thereupon produce and deliver up to the Committee of Management, or to such other Person as they shall direct and appoint, all Monies, Books, Accounts, Writings, and Papers whatsoever which may be in the Custody or Power of such Treasurers, Collectors, Clerks, Engineer, Surveyors, or other Officers, or their Executors or Administrators respectively, belonging to or in anywise

relating to the said Undertaking; and the said Committee of Management shall have Power and Authority and they are hereby required to balance or cause to be balanced the Account Books of the said Company as at the Fifteenth Day of *May* in every Year, the first Balance being made as on the Fifteenth Day of *May* One thousand eight hundred and forty-one, or at such other Period of each Year as any General Annual Meeting of the said Company may from Time to Time appoint; and the said Books, being so balanced, shall be examined, docquetted, and signed by the major Number or Quorum of the said Committee of Management, and shall be produced at the General Meeting of the said Company to be held upon the Third *Wednesday* of *June* One thousand eight hundred and forty-one, and every Year thereafter, so that any of the Proprietors attending such Meeting may have an Opportunity of inspecting the same; and the Books of the said Company shall be patent and open for the Inspection of all the Proprietors for One Calendar Month subsequent to the said Third *Wednesday* of *June* in each Year as aforesaid, or for such longer Period as may be appointed by the said Company.

Clerk and Treasurer not to be the same Person.

LVIII. Provided always, and be it further enacted, That it shall not be lawful for the said Company to continue or appoint any Person who may be appointed the Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, to be the Treasurer for the Purposes of this Act, or to continue or appoint any Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, to be the Clerk to the said Company; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, shall accept the Office of Treasurer, or being the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, shall accept the Office of Clerk in the Execution of this Act, or if any such Treasurer shall hold any Place or Office of Profit or Trust under the said Company other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds Sterling to any Person who shall sue and prosecute for the same, to be recovered, with Expences, by summary Action in the Court of Session.

Officers to account.

LIX. And be it enacted, That every Officer and Person who shall be appointed and employed by virtue of this Act shall, from Time to Time when thereunto required by the Directors of the said Company, make out and deliver to them, or to such Person as they shall for that Purpose appoint, a true and perfect Account in Writing under his Hand of all Monies which shall have been by him collected and received by virtue of this Act, and such Account shall state how and to whom and for what Purpose the same shall have been disposed of, together with Vouchers and Receipts for such Payments; and every such Officer or Person shall and is hereby required to pay all such Monies as upon the Balance of such Account shall appear to be owing

owing from him to the said Directors or to the said Company, or to such Person as the said Directors or Company shall appoint to receive the same; and if any such Officer or Person shall refuse or neglect to render such Account, or to produce and deliver up the Vouchers and Receipts relating to the same in his Possession or Power, or to pay the Balance thereof when thereunto required in manner aforesaid, or shall refuse or neglect to deliver up to the said Directors or the said Company, or to such Persons as they shall appoint, within Eight Days after being thereunto required by the said Directors or Company, or by such other Persons as last aforesaid, all Books, Papers and Writings, Property, Effects, Matters, and Things in his Possession or Power relating to the Execution of this Act, and belonging to the said Company, then and in every such Case, Complaint being made thereof by the said Directors or the Company, or by any Person on their Behalf, to the Sheriff of the County where such Officer or other Person appointed or employed as aforesaid resides or shall be found, the said Sheriff may and is hereby authorized and required to grant Warrants for bringing such Officer or Person before him, and upon his appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to adjust and declare the Balance on said Account, if produced; and if upon the Confession of the Officer or Person against whom such Complaint shall be made, or by the Oath of any credible Witness, or by the solemn Affirmation of any Person being a Quaker, or by the Inspection of the said Account produced, it shall appear to the said Sheriff that any of the Monies which shall have been collected and received shall be in the Hands of or be owing from such Officer or Person, the said Sheriff may and he is hereby empowered and required, upon Nonpayment thereof, to grant Warrant under his Hand to cause such Money to be levied by Poinding and Sale of the Goods and Effects of such Officer or Person; and if sufficient Goods and Effects shall not be found to answer and satisfy the said Monies, and the Expences of such Poinding and Sale, or if such Officer or Person shall not appear before the said Sheriff at the Time and Place appointed for that Purpose, or if appearing shall refuse or neglect to make out and deliver to the said Sheriff such Account in Writing as aforesaid, or to produce or deliver to the said Sheriff the several Vouchers and Receipts aforesaid relating to such Accounts, or deliver up such Books, Papers, and Writings, Property, Effects, Matters, and Things, or to pay the Balance due as aforesaid, then and in any of the Cases aforesaid the said Sheriff may and he is hereby required, by Warrant under his Hand, to grant Warrant for committing such Officer or Person to some Common Gaol or House of Correction within his Jurisdiction, there to remain without Bail until he shall have made out and delivered such Account, and have delivered up the said Vouchers and Receipts (if any) relating thereto, and have delivered up such Books, Papers, and Writings, Property, Effects, Matters, and Things (if any) as aforesaid, and shall have paid up all the Money which shall appear to be in the Hands of or owing from him, and the reasonable Charges of such Poinding and Sale, or until he shall have compounded with the said Directors or with the said Company for such Monies and Charges, and paid the Composition Money to them, and which said

Composition

Composition the said Directors or Company are hereby empowered to make, or have given Satisfaction in respect of such Vouchers, Receipts, Books, Papers, and Writings, Property, Effects, Matters, and Things, to the said Directors or Company: Provided always, that no Person who shall be committed as aforesaid, except for Refusal or Neglect as aforesaid, shall be detained in Prison for any longer Space of Time than Three Months.

Committee may contract for and purchase Lands, &c., and may generally manage the Business of the Company.

LX. And be it enacted, That the Committee of Management shall also have full Power and Authority, on behalf of the said Company, to purchase and procure, by Contract or otherwise, all such Pipes, Materials, and other Things whatever which shall or may be required for the said Undertaking and the Works hereby authorized to be made, and to treat and agree with any Person whomsoever for or touching the Acquisition of the Property, Possession, or Use of all Lands, Tenements, and Heritages deemed requisite for the Purposes of the said Undertaking, and the Compensation to be made for any Damage to be done in the Exercise of the Powers hereby granted, and in particular to enter into and make such Contracts and Agreements on behalf of the said Company, with any Proprietors, Heirs of Entail, Liferenters, Contractors, Agents, Workmen, Servants, or other Persons, in or about or for the carrying on of the said Undertaking and Works, or any Part thereof, as shall be thought expedient, and to enter into and make all such other Contracts, Bargains, and Agreements whatsoever touching or in anyway concerning the said Undertaking as they shall think proper, and to order and direct how the several Works shall from Time to Time be carried on, and generally to direct and manage all the Affairs and Business of the said Company, and to do, execute, and perform all Acts, Matters, and Things which the said Company are by this Act authorized and empowered to do, save and except such only as are hereby expressly directed to be done by the Proprietors at large at any Meetings of such Proprietors to be held as herein mentioned; and all Contracts so made by the Committee of Management shall be binding on the said Company.

Committee of Management may make Calls for Money.

LXI. And be it enacted, That the Committee of Management shall have full Power and Authority, from Time to Time, at any of their Meetings aforesaid, to make such Calls for Payment of Instalments of their subscribed Amount of Money Stock respectively from the several Subscribers to and Shareholders in the said Undertaking, in order to defray the Expences necessary for the Purposes thereof, until the Sums respectively subscribed are fully paid; but no such Call shall exceed the Sum of Five Pounds for or in respect of every Share in the said Undertaking; and so that no such Calls be made but at the Distance of Three Calendar Months at least from each other; and so that Fourteen Days previous Notice at least shall be given of every such Call by Circular Letter transmitted by Post or otherwise to each Proprietor or his known Agent; all which Money so to be called for as aforesaid shall be paid into the Hands of the Treasurer of the said Company, to be issued, paid, and applied for carrying on the said Undertaking in such Manner as the Committee of Management shall from Time to Time order and direct.

LXII. And

Proprietors to pay their Shares when called on;

LXII. And be it enacted, That every Proprietor of any Share in the said Undertaking shall from Time to Time pay his Proportion of the Instalments of subscribed Stock, to be called for as is herein-before mentioned, into the Hands of the Treasurer or Collector of the said Company, at such Time and Place as shall be appointed for that Purpose by the Committee of Management making such Call, and of which such Notice shall be given as is herein-before directed; and if any Person shall neglect or refuse to pay his proportional Part of the Money so to be called for as aforesaid, at the Time and Place which shall be appointed for that Purpose in manner aforesaid, it shall be lawful for the Committee of Management to sue for and recover the same, with Interest at the Rate of Five Pounds *per Centum per Annum* from the Time appointed for the Payment thereof, in any competent Court in *Scotland;* and in case any such Person shall neglect or refuse to pay his proportional Part of the Money so to be called for from Time to Time as aforesaid for the Space of Six Calendar Months after the Time to be appointed for Payment of such respective Calls as aforesaid, and the same shall not have been sued for by the said Company as aforesaid, or if sued for shall not have been recovered by them, then and in such Case the Person so neglecting or refusing shall absolutely forfeit all his Share, Deposit, and Interest whatsoever in the said Undertaking, and any Monies paid to Account thereof shall revert to and become Part of the general Funds of the said Company; reserving nevertheless to a General Meeting of Proprietors, on reasonable Cause shown to them, to cause such forfeited Money to be refunded in whole or in part to the Person by whom the same was paid, or his Representatives; or, at the Discretion of the Committee of Management of the said Company, in such Case the Shares of such Defaulter shall and may be sold by the said Committee of Management by public Auction for the highest and best Prices that can be got for the same, every such Sale being advertised in some One or more of the Newspapers published in *Ayr*, the major Number of the said Committee being in such Case empowered to convey such Shares; and the said Company or Committee of Management shall in such Case render an Account of every such Sale to every such Person, or his Representatives, when demanded, and pay to such Person or his Representatives any Overplus of any such Price, after deducting all Interest and Charges, and such further proportionable Sums of Money which may remain due upon such Shares by such Person to the said Company; but no Advantage shall be taken of such Forfeiture of any Shares in the said Undertaking as aforesaid unless the same shall be declared at some General Meeting of the said Company, or at some Meeting of the said Committee of Management which shall be held not earlier than Two Months next after such Forfeiture shall happen; and that every such Forfeiture so to be declared shall be an absolute Indemnification and Discharge to and for the Proprietor, and his Executors, Administrators, Successors, and Assignees, so forfeiting, against all Actions, Suits, and Prosecutions for any Breach of Contract or other Agreement between such Proprietor, and his Executors, Successors, and Assignees, and the said Company, with regard to the future carrying on and Management of the said Undertaking; and no Dividend shall be paid in respect of any Share unless the whole Calls

and if Calls not answered within Six Months, Shares to be forfeited.

which have been made for Money on account of such Share, as herein provided, shall have been fully paid.

For making and recovering Calls, Persons whose Names stand in the Books to be deemed Proprietors.

LXIII. And be it enacted, That the Bodies Politic, Corporate, and Collegiate, and all and every Person whose Name shall at any Time hereafter stand in the List of Proprietors in the Books of the said Company as a Proprietor of One or more Shares in the said Undertaking, whether as Subscribers, or as Successors, Executors, or Assignees of Subscribers, shall be deemed and taken to be the Proprietors of the several Shares standing in the said Books in their respective Names, and shall be subject and liable to the Payment of every Call made and to be made thereon, and to all Actions, Suits, Forfeitures, and Penalties to which original Proprietors of Shares in the said Undertaking are made subject and liable by this Act; and all Notices hereby required to be given shall be given to the Party appearing by the Register Book of the said Company herein-before appointed to be kept to be such Proprietors, or their Representatives, or left at their last or usual Place of Abode, and be in all respects good, sufficient, and conclusive; and all Payments of Interest and Dividends due and to become due on such Shares shall be made to such Persons as by the Books of the said Company shall so appear to be Proprietors thereof; and no Assignment, Transfer, and Conveyance or Sale of any Share, or other Instrument giving Title to any Share, which shall not have been enrolled or registered as directed by this Act, shall be admitted as Evidence, either to defeat any Action or Suit brought or to be brought by the said Company to recover such Calls, or to entitle any Person to recover any Share forfeited to the said Company, or to make the said Company liable to the Payment of Dividends to any other Persons than such as appear from the said Books to be Proprietors of such Shares; but in all Cases the said Book shall be considered as sufficient and conclusive Evidence of the Proprietorship of such Shares.

Persons selling Shares after a Call to be liable for such Call.

LXIV. And be it enacted, That after a Call of such Money shall have been made by such Committee as aforesaid every Person selling or transferring any Share which he shall possess in the said Undertaking shall, as well as the Person who shall have purchased and undertaken for such Share, be liable in the Payment of every such Call, in the Manner directed by this Act, unless such Person so selling or transferring shall, at the Time of such Sale or Transfer, have paid and discharged to the Treasurer of the said Company the whole and entire Sum of Money which shall have been called for upon any such Share so sold and transferred.

Committee to enter their Proceedings.

LXV. And be it enacted, That the Committee of Management shall enter or cause to be entered, in Books, to be provided for that Purpose at the Expence of the said Company, a true and full Account of all Money disbursed and Payments made by such Committee, and by all Persons employed by or under them, and of all Monies that shall be paid to or received by them respectively for or on account of the said Company, and also a full and true Account or proper Notes and Minutes of every Contract, Bargain, and Agreement which shall be entered into by them respectively for or on behalf of the said Company,

pany, and of all and singular their respective Orders, Transactions, and Proceedings whatsoever in and about the Affairs and Business of the said Company; but no Money shall be issued or paid by the Treasurer to the said Company, for or on account of the said Company, otherwise than in such Manner as shall be directed by the Committee of Management at any of their Meetings.

Money not to be paid by Treasurer without an Order.

LXVI. Provided always, and be it enacted, That the Committee of Management shall not be answerable for Mistakes or Omissions, nor for the Sufficiency or Responsibility of any Security to be taken under the Authority of this Act, nor for Receipts, Acts, or Commissions of the Treasurer, or any Clerk, Agent, or Servant of the said Company, nor any one of the said Committee for the others, but each of them for his own Receipts and Intromissions only.

Committee of Management not to be answerable for Omissions.

LXVII. Provided always, and be it enacted, That such a Sum as the Committee of Management shall think proper, not being less than Five *per Centum* of the yearly free Revenue to arise from the said Undertaking, shall be set apart and be accumulated until the same shall amount to Three thousand Pounds Sterling as a Fund for Contingencies, and for the Expence of remedying the gradual Deterioration of the Works and perishable Property of the said Company; and the said Committee of Management are hereby authorized and empowered, if they shall see Cause, to continue to set apart and augment the said Contingency Fund in manner aforesaid until the same shall amount to a Sum not exceeding Four thousand Pounds Sterling; and such Sums so set apart from Time to Time and accumulated as aforesaid shall be lodged or invested in a Bank in *Scotland*, or on Government Securities, or lent out at Interest upon such Security as may be approved of by the said Committee of Management, and the Dividends or Interest arising upon such accumulated Fund, as well as the whole yearly Profits to arise from the said Undertaking, shall be divided among the several Proprietors of the said Company according to the Share or Shares which they severally hold in the said Undertaking; but if, from any Accident, Damages, or Contingency which may happen to the said Undertaking, the Sums of Money, or any Part thereof, so set apart, shall be required for the Purposes aforesaid, no Dividend to a greater Extent than Five Pounds *per Centum per Annum* on the Sums advanced by the several Members of the Company towards the said Undertaking shall be made of the Profits to arise from the same, until the Part of the said Fund which shall have been so expended shall be replaced by a Share of the annual Profits set apart in manner before directed, or until another Sum of Money to the foresaid Extent shall be set apart as aforesaid.

Fund to be raised to meet Contingencies and Deterioration of Works.

LXVIII. And be it enacted, That it shall and may be lawful to and in the Power of the said Company, or of the Committee of Management for the Time, by and with the Advice and Direction of any General Meeting of the said Company, when One Half of the Capital hereby authorized to be raised is paid up, to borrow and take up in Loan, at or below legal Interest, any Sums of Money for completing the said Undertaking, if requisite, or for extending the Works

The Company may borrow Money not exceeding 4000*l.*, and convey the Works in Security.

Works of the said Company, not exceeding the Sum of Four thousand Pounds in whole, and to assign and convey the said Undertaking, and the whole Estate, Property, and Profits thereof, or any Portion thereof, in Security of such Sums so raised upon Loan, in the Form or to the Effect following; *videlicet*,

Form of Security.

'BY virtue of an Act passed in the Third Year of the Reign of 'Her Majesty Queen *Victoria*, intituled [*here set forth the Title* '*of this Act*], we, the *Ayr* Water Company, incorporated by the said 'Act, do hereby acknowledge to have borrowed from *A.B.* the 'Sum of in consideration of which Advance we do hereby 'assign to the said *A.B.* and his Heirs, Executors, and Assignees, 'the whole Property, Estate, and Effects of us the said *Ayr* Water 'Company, and the whole Rates and Profits arising and payable to 'us [*or such Portion thereof, describing it, as may be agreed on,*] 'by virtue of the said Act, with Power to the said *A.B.* and his 'foresaids to possess the said Property, Estate, and Effects, and 'Rates and Profits thereof, until the said Sum, with Interest thereof 'at the Rate of *per Centum per Annum* from 'the Day of until Payment, 'and all just and necessary Expences to be incurred in the 'Premises, are fully satisfied and paid. In witness whereof these 'Presents, written on stamped Paper by *C. D.*, are subscribed by 'a Quorum of the Committee of Management of the said *Ayr* 'Water Company at the Day 'of before these Witnesses 'and .'

Which Instrument, being signed by a Quorum of the Committee of Management of the said Company, and being registered in manner after mentioned, shall be a real and effectual Security over the Estate and Effects, and Rates and Profits of the said Company, or such Portion thereof as may be so assigned in Security, any Law or Custom to the contrary notwithstanding; and the Sums of Money for which such Instruments are granted shall be preferable Debts upon the Estate and Effects, and Rates and Profits of the said Company, in competition with all others the Creditors of the said Company, or with the Proprietors of the said Company, or any of them; it being hereby provided, that the Sums so to be raised in Loan, if borrowed in Two or more Sums, shall not be preferable, the one over the other, by reason of Priority of lending, or otherwise, but that the whole Sums so to be borrowed shall form one cumulative Security over the said Company's Estate and Effects, and Rates and Profits; and the Person having Right to the several Sums so borrowed shall each be bound to account to the other for his or their Intromissions with the said Estate and Effects, and Rates and Profits, according to the several Sums due to each by the said Company.

Conveyances to be registered in a Book.

LXIX. And be it enacted, That every such Conveyance in Security, to be granted by the said Committee of Management in manner before mentioned, for the Whole or any Part of the said Sum of Four thousand Pounds, shall be entered in a Book to be kept for that Purpose by the Clerk to the said Company, who shall be bound to grant a Certificate of such Registration on every such Deed which shall be

so

so registered, to which Book any Person interested shall at all reasonable Times have Access, and free Liberty to inspect and take Excerpts therefrom, upon Payment to the said Clerk of a Fee of One Shilling; and for the entering and registering of every such Conveyance in Security the said Clerk shall be paid the Sum of Two Shillings and Sixpence; and such Clerk is hereby required to make such Registration without any undue Delay, and within Three Days after the same shall be presented to him, under a Penalty of One Pound, to be forfeited and recovered by the Holder of the Deed so presented; and the said Clerk shall from Time to Time, when requested, deliver attested Copies thereof to any Person requiring the same, upon Payment of the Sum of One Shilling for every Page thereof containing One hundred and fifty Words.

Securities not to be assigned, except by an Instrument in Writing.

LXX. Provided always, and be it enacted, That no Mortgage, Bond, or other Security made or issued under the Authority of this Act shall be assigned or transferred, except by a Deed or Instrument in Writing duly stamped according to the Laws in force, in which Deed or Instrument the Consideration for the Assignment or Transfer shall be truly specified and set forth.

Capital may be increased by 10,000*l.* of new Stock; but if raised the Monies borrowed by the Company to be repaid therefrom.

LXXI. And be it enacted, That if by reason of the Increase of the Population or Manufactories of the said Town and Suburbs, or from other Causes, it shall at any Time appear to the said Committee of Management that it would be advantageous to extend the Works of the said Company beyond the Means afforded by the Capital Stock hereinbefore specified, it shall and may be lawful to the said Committee of Management, by and with the Consent and Approbation of a General Meeting of the Company, and for the Purpose aforesaid, to raise and contribute among themselves, or by the Admission of new Subscribers and Proprietors, as after provided, a new or additional Stock of Ten thousand Pounds in Four hundred Shares of Twenty-five Pounds each: Provided always, that if any Sums of Money shall have been borrowed by the said Company in virtue of the Powers conferred by this Act, the said Company shall be bound to pay off the same from such additional Stock when and so soon as a sufficient Amount thereof shall have been called up and realized: And provided also, that such additional Stock shall be called up at such Times and by Instalments of such Amount as shall be fixed by the said Company, and which additional Stock so to be raised and contributed shall be held to all Intents and Purposes to be Part of the Capital Stock of the said Company, and subject to the Provisions and Enactments of this Act.

Proprietors of original Stock to have a Preference in Acquisition of new Stock.

LXXII. And be it enacted, That the Persons who shall, at the Date at which it may be resolved so to extend the said Capital, be Proprietors of original Stock of the said Company, and their Heirs, Executors, or Assignees, shall be entitled, in preference to any other Person, to subscribe for and acquire the said additional Capital Stock at the foresaid Rate of Twenty-five Pounds for each Share, and in Proportions not exceeding the Number of Shares of original Stock held by them respectively, each Holder of more than One Share of the original Stock being entitled to subscribe for and acquire One

Share of such new Stock for every Share of the old Stock held by him: Provided always, that if, at the Expiration of Six Calendar Months from the Date at which it shall be resolved to make such Extension of the said Capital, the Whole or any Part of the said additional Capital Stock shall not have been subscribed for or acquired as aforesaid, then the said Preference in favour of Holders of original Shares shall cease, and it shall be lawful to and in the Power of the said Company, as soon thereafter as they may think proper, to sell and dispose of the said additional Capital Stock or Shares, in so far as the same shall not have been taken and acquired as aforesaid, by public Roup, upon previous Advertisement in at least One *Ayr* Newspaper, once in each Week, for at least Three Weeks previous to the Day of Roup, and to ascertain and fix the upset Prices of the Shares so to be sold from Time to Time as they shall think fit; and in case any of such Shares, after being exposed to public Roup, shall not have been sold, then the same may be sold by private Bargain at such Prices as can be obtained for the same, not being less than the last upset Prices at which the same were exposed to public Sale; and the Purchaser of such Shares shall be entitled to draw Dividends corresponding to the Amount of the Capital Stock or Shares purchased only, whatever may be the Amount of the Purchase Money or Price thereof; and the Profit or Loss arising from such private or public Sales, after taking into account all necessary Costs and Charges, shall be added to or taken from the Fund to be raised by the said Company to meet Contingencies herein-before provided for.

Proprietors of new Stock to have the same Profits and Privileges as Proprietors of old Stock.

LXXIII. And be it enacted, That the Parties who shall become Proprietors of Shares in the said new Stock shall, in proportion to the Amount of such Stock, be entitled to the same Profits and Privileges, and be subject to the same Losses, Restrictions, and Conditions, as the Proprietors of Shares in the old Stock of the Company; and the new Capital Stock shall also be deemed to be Personal Property, and sold, transferred, and recorded, entered, administered upon, and held, in the same Manner in all respects as is herein-before provided for the old Capital Stock of the said Company.

Qualifications for voting, and of being elected into Management.

LXXIV. And be it enacted, That the Qualifications for voting, and of being nominated Chairman, Deputy Chairman, or Director, in virtue of holding Shares in the said original Stock or in the new Stock thus to be created, shall be according to the Provisions herein-before specified; and such Qualifications shall be ascertained, and depend, not by or upon the Amount of Stock subscribed for, but of Stock actually paid, whether held in any of the said original Stock or new Stock separately, or in both conjointly.

Company may supply Water for manufacturing Purposes.

LXXV. And be it enacted, That it shall and may be lawful for the said Company to contract with and undertake to supply with Water Manufacturers, Dyers, Printers, Bleachers, Brewers, Distillers, Bakers, Innkeepers, Livery Stable Keepers, Vintners, and all other Persons whomsoever within the Limits of this Act, or Bodies Corporate, or trading or manufacturing Companies, requiring a Supply of

of Water, not only for domestic Purposes, but all other Purposes and Uses whatsoever, at such Rates or Prices for such Water, and on such Terms, as may be agreed upon by and between such Persons and the said Company.

Company to fix the Rates payable for Water.

LXXVI. And be it enacted, That it shall be lawful to and for the said Company to fix and determine the Rate or Rates at which they shall supply Water as aforesaid to the Inhabitants of the said Town and Neighbourhood for domestic or other Purposes, and from Time to Time to alter, raise, or reduce, and again to reduce or raise the same, but so as that the same shall never exceed the Rates specified in the Schedule hereunto annexed.

Rates according to which Water is to be supplied by the Company.

LXXVII. Provided always, and be it enacted, That the said Company shall be obliged, by means of Pipes, to be provided, laid, and maintained at the Costs of the Person requiring the same, to furnish a Supply of Water sufficient for domestic Purposes, at a Height not exceeding Forty Feet above the Level of the Street at the Cross of *Ayr*, to the House of every Inhabitant occupying a private Dwelling House in any Square, Street, or Lane, or other Place where the Pipes of the said Company shall have been laid, for the Use of his own Family, at Rates according to the Amount of the yearly Rent or Value of the Dwelling House so supplied, not exceeding the Rates specified in the Schedule hereunto annexed, which Rates shall be payable according to the Amount of the actual Rent or Value of such Dwelling House: Provided always, that in case of Manufacturers, Dyers, Printers, Bleachers, Brewers, Innkeepers, Alehouse Keepers, Vintners, or other Persons requiring a Supply of Water for other Purposes than those of their own Family Consumption, or in case of Persons requiring a Supply of Water for Hotels, public Chambers, Club Houses, or Subscription Houses, public Baths, Fountains, Ponds, Pools, or Stables, or for washing Carriages, or for Cows or Horses, or for the Purposes of any Trade or Business whatsoever, such Supply shall be furnished by the said Company in such Cases at such Rate as shall be settled by and between the Committee of Management of the said Company, and the Person requiring the same respectively: And provided also, that no Water shall be supplied to Manufacturers and others requiring a Supply for other Purposes than domestic Use sooner than Six Months after the Water is brought into the said Town and Places, and that Persons desiring a Supply for domestic Purposes shall always be preferred to Persons applying at the same Time for such Supply for manufacturing and other Purposes.

Company may supply Shipping.

LXXVIII. And be it enacted, That it shall be lawful for the said Company to supply Ships or Vessels with Water, and for the greater Convenience in furnishing such a Supply of Water to lay Pipes, and to erect Wells or Fountains, in convenient Stations along the Quays, at the Sight and subject to the Approval of the Trustees of the Harbour of *Ayr* for the Time, or such Persons as they may appoint, and to exact and charge such Remuneration or Rate of Payment for the Water supplied to such Ships or Vessels as to the said Company shall from Time to Time seem to be just and reasonable, but in

in no Case exceeding Two Shillings for each Ton of Water so supplied, and to make and establish such Rules and Regulations for supplying Ships or Vessels with Water as to the said Company shall seem proper, and to impose Penalties on the Non-observance thereof, not exceeding Five Pounds for each Offence; but it shall not be lawful to the said Company, under such Rules and Regulations or otherwise, to compel Persons requiring Water for Ships or Vessels to take such Water from the Wells, Fountains, or Pipes to be provided as aforesaid by the said Company.

Inhabitants may lay Pipes to those of the Company.

LXXIX. And be it enacted, That such of the Inhabitants of the Places aforesaid as shall be desirous of having Water from the said Waterworks conveyed into their Houses may and are hereby authorized and empowered, at their own Expence, having given Six Days previous Notice of their Intention so to do to the said Company, and having first obtained the Consent of the Owners of the Premises into or through which Pipes shall be conveyed, to open the Ground between the Company's Aqueducts or Main or Service Pipes and the respective Houses of such Inhabitants, and to lay any Leaden or other Pipes of a Bore not exceeding Three Quarters of an Inch, or of a greater Bore, if the said Company shall require or agree to the same, from such respective Houses to communicate with the said Aqueducts, or Main or Service Pipes, such respective Inhabitants paying to the said Company the Rates herein mentioned; and in case of Default in Payment of such Rates it shall be lawful for the said Company to cause the Pipes belonging to any Person making such Default, and communicating with the Aqueducts or Main or Service Pipes belonging to the said Company, to be separated from the said Aqueducts or Main or Service Pipes, and to cause the Water to be stopped from issuing or running into the Houses or Premises of every Person making such Default: Provided always, that no such Inhabitant shall lay or put any Pipe to communicate with the Aqueducts, Main Pipes, or Service Pipes of the said Company, except under the Superintendence and Control of some Surveyor or other Officer or Person to be appointed by the said Company for the Purpose, unless no Surveyor, Officer, or Person shall attend after Notice served on the said Company at least Six Days previously, such Notice specifying the particular Day and Hour when such Pipe is intended to be laid or put or made to communicate as aforesaid with the Pipes of the said Company: Provided also, that all Persons who shall have laid any Leaden or other Service Pipe as aforesaid shall be at liberty to remove and take away such Pipes, and the Cocks belonging thereto, under the Superintendence of some Surveyor, Officer, or Person appointed by the said Company, after having at first given at least Six Days previous Notice in Writing to the said Company of their Intention so to do, and of the Time of the doing thereof, in like Manner as is herein-before required for laying the same, unless such Surveyor, Officer, or Person shall not attend accordingly, and doing no Injury or Damage to the Pipes or wasting the Water of the said Company; and all such Inhabitants so breaking up or removing the Soil or Pavement in any of the Cases aforesaid shall forthwith make good the same, on pain of forfeiting for every Day's Neglect the Sum of Forty Shillings; and every such Inhabitant

bitant neglecting to make good the same shall also be liable to pay and shall pay any Expences which may be incurred by the said Company or any other Person in making good the same, in addition to such daily Penalty.

When several Houses are supplied by One Branch Pipe, each Occupier to be liable to the Rate.

LXXX. And be it enacted, That where several Houses in the Occupation of several Persons shall be supplied by One common Branch Pipe, to be laid to and introduced into the Aqueducts or Main or Service Pipes of the said Company, the several Owners or Occupiers of such Houses shall respectively be liable to pay for such Supply of Water at and after the same Rate as they would be liable to pay for the same if each of such several Houses were separately supplied with Water by a distinct Branch Pipe from the Waterworks of the said Company, such several Rates or Rents, in case of Nonpayment, to be recovered as herein-after is mentioned.

Rent to be paid in advance.

LXXXI. And be it enacted, That the Rents or Rates payable to the said Company under and by virtue of this Act shall be payable yearly, half-yearly, or quarterly, as the said Company may direct, and shall be payable and become due in advance immediately upon the Commencement of such Period as may be so directed.

By whom Water Rents payable.

LXXXII. And be it enacted, That the said Rents or Rates shall be payable by the Tenants or Occupiers using such Water: Provided that in all Cases where the Rent or Value of the Premises is under Four Pounds the Rents or Rates for Water shall be paid by the Owner of such Premises who may have made Application for the Water, or have given his Consent to his Tenant applying for the same.

Penalty for not supplying Water to the Inhabitants.

LXXXIII. And be it enacted, That in case the said Company shall wilfully neglect or refuse to supply any of the said Inhabitants occupying any private Dwelling House in any Street, Close, Lane, or Place where the Pipes of the said Company shall have been laid, with Water, for the Use of his own Family, (such Inhabitants having provided suitable Service Pipes,) at the Rates hereby granted, for the Space of Six Days next after Demand in Writing shall have been made by such Inhabitant to the said Company for such Supply of Water, and Tender made of the Amount of the Rate for One Year for such Supply, and of all Arrears of Rates that may be due for such Supply, the said Company shall forfeit and pay to such Inhabitant Double the Amount of One Year's Rate so tendered, unless the said Company, at the Time of such Demand and Tender being made, shall be prevented by Frost, or by a Deficiency in the Company's own Supply of Water, or the Repairs, Alteration, or Enlargement of their Works, or by the Insufficiency of any Main Pipe, or the Acts of others not in the Service of the Company, from making Supply, or other Cause beyond the Control of the said Company, or in case such Supply cannot be granted without lessening the Supply to the other Tenants of the said Company, to be levied and recovered by Distress and Sale of the Goods and Chattels of the said Company, and also the further Sum of Ten Shillings for every Day the said Company shall continue to neglect or refuse such Supply.

Penalty on Persons supplied with Water supplying others;

LXXXIV. And be it enacted, That if any Person supplied with Water by virtue of this Act shall wilfully permit any other Person, not having the Authority or Consent of the said Company, to take any Water at the Pipes or Aqueducts of the said Company, or shall supply any such other Person with any Water from such Pipes or Aqueducts in any way whatever, except in the Cases herein-after mentioned, or shall negligently suffer his Pipes or Branches, or the Cocks belonging thereto, to be out of repair, and occasion the Water thereby supplied to run waste and useless, then and in every such Case every Person so offending as aforesaid shall forfeit and pay to the said Company for every such Offence a Sum not exceeding Five Pounds, according to the Direction and Decision of the Magistrate before whom the same shall be recovered, over and above the full Amount of the Damage sustained by the said Company by the Acts or Means in respect of which such respective Penalties shall be incurred; and the said Company shall be at liberty, if Compensation to the Satisfaction of the said Company be not made, to cut off the Supply of Water from any Person so offending from the Reservoirs, Cisterns, and Pipes of the said Company: Provided always, that upon Payment of such Compensation the said Company shall, at the Expence of the Person so having offended, and upon being thereto requested, restore the said Supply of Water to such Inhabitant.

but Persons may supply others in certain Cases.

LXXXV. Provided nevertheless, and be it further enacted, That nothing herein contained shall extend to subject any Person supplied with Water by virtue of this Act to any Penalty or Forfeiture for supplying any other Person with any Quantity of such Water for the Purpose of extinguishing any dangerous Fire, or for supplying any Person who shall have contracted for a Supply of Water under this Act during such Time as the Pipes, Cocks, or Cisterns of such last-mentioned Person shall or may happen to be out of repair, such Pipes, Cocks, or Cisterns nevertheless being repaired without undue Delay after becoming damaged or deranged: Provided always, that Notice of such temporary Supply shall be given by the Party affording such Supply to the said Company within Twenty-four Hours thereafter, under a Penalty of a Sum not exceeding Twenty Shillings for each Offence in not giving Notice as aforesaid.

Water to be supplied in case of Fires.

LXXXVI. Provided further, and be it enacted, That it shall be lawful to and for any Person, at all Times, when any House, Building, or other Property within the Limits of the said Town and Suburbs shall be on fire, to use and employ the Water of the said Company for extinguishing such Fire; and in order to facilitate the procuring of such Water for extinguishing Fires the said Company shall be bound and are hereby required, at their own Expence, when they lay their Main or Service Pipes, to lay and attach to such Pipes, in such Situations as shall be directed by the Sheriff or Sheriff Substitute of the said County of *Ayr*, Ten good and sufficient Fire Plugs, with painted Directions or Marks to distinguish the same on the nearest Houses or other Buildings, and also, when required by the Magistrates and Council of the said Town or any other Person, to lay and attach to their said Main or Service Pipes any additional Fire Plugs in any convenient Place that may be pointed out; provided that the said Magistrates and Council or other Party

Party requiring the same shall furnish such additional Fire Plugs, and shall pay and defray the whole Expence attending or anywise arising from the laying and attaching of such additional Fire Plugs to the Main or Service Pipes; and the said Company shall be bound to deliver a Key or Keys of such Fire Plugs, when erected, at every Place within the said Town where a Fire Engine may be kept, and also at the Office of Police for the said Town; and the said Company shall be bound, whenever an Alarm of Fire is given, to take the most speedy and effectual Means to put the necessary Pressure upon the Water in their Mains and Pipes for supplying Water for extinguishing the same, and shall not be entitled to charge any Rate or Sum of Money for the Water so used in extinguishing Fires.

Company's Officer to have Power to enter Houses.

LXXXVII. And be it enacted, That the Engineer or other Officer specially authorized by the said Company shall have free Access at all reasonable Times to any House or other Premises deriving a Supply of Water as aforesaid, to see that the Pipes and other Apparatus therein are kept in proper and sufficient Repair and Condition, and in order to inspect and examine if there be any Waste, undue Diversion, or improper Appropriation of the Water so supplied by the said Company; and if such Officer, acting by or under the Authority of the said Company, shall at any such Time be refused Admittance into such Dwelling House, Building, or other Premises, for the Purpose of making such Inspection and Examination as aforesaid, or, on being admitted, shall be obstructed in or prevented from making such Inspection and Examination, then and in every such Case it shall be lawful for the said Company to cut the Pipe and turn off the Water supplied by them from such House, Building, or other Premises, besides pursuing for and recovering from the Person offending the Penalty herein-after provided against such Misdemeanor.

Penalty for injuring Works or polluting Water.

LXXXVIII. And be it enacted, That if any Person shall wilfully break, throw down, or damage any Works to be erected and made by virtue of this Act, or destroy, damage, or injure any Pond, Reservoir, Aqueduct, Conduit, Cut, Run, Trench, Cistern, Course, Pipe, Plug, or other Matter or Thing made, constructed, provided, or procured for the Purposes of this Act, or the Materials used or provided for the same, every such Person shall forfeit and pay to the said Company any Sum not exceeding Ten Pounds, and also the full Amount of the Damage, which Damage shall be recovered in the like Manner as such Penalty is hereby authorized to be recovered; and no Person shall bathe or enter into any Reservoir or other Receptacle for Water to be made and constructed by virtue of this Act, or wash any Dog or other Animal therein, or cast, throw, or put any Dog or other Animal, or any Filth, Dirt, or Nuisance, or offensive Matter or Thing, or wash or clean any Cloth or other Thing, in any of the said Reservoirs or other Receptacles, or suffer the Water of any Sink, Sewer, or Drain to run or be conveyed into the same, or into any of the said Aqueducts, Conduits, Cuts, Runs, or Pipes, or knowingly cause the said Water or any Portion thereof to be in any manner of way polluted or deteriorated with any Matter or Substance whatever; and any Person doing or causing any of these prohibited

prohibited Acts shall for each Offence forfeit and pay to the said Company a Sum not exceeding Ten Pounds.

Transient Offenders may be apprehended.

LXXXIX. And whereas Persons guilty of Offences against this Act may be transient Persons, and unknown to the Officers acting under the said Company; be it therefore enacted, That it shall be lawful for any Officer acting under the said Company, with such Aid as shall be necessary, and without any other Warrant or Authority than this Act, to seize and detain any such unknown Person guilty of any Offence against this Act, and forthwith to convey him before any Justice of the Peace for the said County of *Ayr*, to be dealt with according to the Provisions of this Act.

Proceedings for the Recovery of Rates.

XC. And whereas the Rates which will be payable to the said Company for supplying of Water as aforesaid will in general 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 shall refuse or delay to pay the Rates respectively due by him 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 written or printed Requisition, signed by the Collector, Treasurer, or Clerk 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 Collector, Treasurer, or Clerk to apply to any of the said Provost or Bailies of *Ayr*, or to the said Sheriff or Sheriff Substitute of the said County of *Ayr*, or to any Two Justices of the Peace for the said County, for a summary Warrant to recover such Rates or Arrears of Rates, and such Judges or Magistrates are hereby respectively 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 Clerk that such Rates are truly due by such Persons respectively, and that Payment thereof has been demanded in manner foresaid, after summoning and hearing such Person so refusing and delaying to pay such Rates, and in his Absence in the event of his Non-attendance to grant Warrant to any of the Officers of such Judges or Magistrates to enter into the Premises of the Persons in arrear respectively situate within the Bounds of their several Jurisdictions, and to arrest, 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 near 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 Rates, together with the necessary Expences of such Poinding or Seizure, shall not be paid, it shall then be lawful for the Collector, Treasurer, or Clerk of the said Company forthwith to sell and dispose of such Goods and Effects, or such Part thereof as shall be necessary, by public Roup at the Cross

Cross of *Ayr*, or such other public Place as shall be usual or be specially appointed by the Judge or Magistrate aforesaid, and to apply the Proceeds in Payment of the Rates respectively owing, and the Expences of Procedure, as the Amount thereof shall be fixed by the Judge issuing the Warrant, paying over the Surplus, if any, to the Owner; provided that the Clerk to the said Judges or Magistrates respectively issuing such Warrants shall be at liberty to charge, and to recover from the Person applying for such Warrants, or the Persons liable in such Arrears of Rates, Five *per Centum* on the Sums due, and no more, for each such Warrant, or One Shilling for the Name of each Person included in such Warrant; and provided always, that it shall be optional to and in the Power of the said Company to recover such Rates, either in the Manner provided by this Act, or according to the Forms of Procedure for the Recovery of Debts in *Scotland* established by Law, as shall appear to them to be most expedient.

Form of Proceedings for recovering Penalties.

XCI. And be it enacted, That it shall be lawful for the Sheriff of the said County of *Ayr*, or his Substitute, or any of the Magistrates of the said Burgh of *Ayr*, or any Justice of the Peace for the County of *Ayr*, to whom Complaint shall be made by the said Company or any of their Officers of any Offence against this Act, and they are respectively hereby required, to grant Warrant to summon the Offender before him or them, and upon Proof of such Offence by voluntary Confession, or by the Oath of One or more credible Witness, or other legal Evidence, forthwith to give Judgment on such Complaint, without any written Pleadings or Record of Evidence, and to grant Warrant for the Recovery of such Penalties and Expences which may be decerned for, failing Payment within Fourteen Days after Conviction, by Poinding and Sale of the Goods and Effects of the Offender, by Imprisonment in the Common Gaol of *Ayr* for a Period, at the Discretion of the Court, not exceeding Sixty Days, it being hereby provided that a Record shall be preserved of the Charge and of the Judgment pronounced: Provided always, that it shall be competent to the said Company, if they shall deem it to be more advisable, to proceed in the Recovery of such Penalties by Action, according to the ordinary Forms of Procedure in *Scotland* established by the Law.

Acts to be null as to Works not completed in Ten Years.

XCII. And whereas it cannot be ascertained, except by actual Experiment, to what Extent the said Works will require to be executed, in order to provide a sufficient Supply of Water for the said Town, Suburbs, and Places, and the Result cannot be satisfactorily known within any shorter Period than Ten Years; be it therefore enacted, That in case the Works intended to be executed under the Authority of this Act shall not have been completed, so as to answer the Objects of this Act, within the Term of Ten Years from and after the passing of this Act, all the Powers and Authorities given by this Act shall thenceforth cease, save only as to so much of such Works aforesaid as shall have been completed within the said Term of Ten Years.

Actions where to be brought.

XCIII. And be it enacted, That all Actions or Suits relative to this Act, or for Damages and Expences to be sued for and recovered under

under this Act, may, where not otherwise herein provided, be sued by summary Complaint before and be judged of by the Sheriff or Sheriff Substitute or any Two of the Justices of the Peace for the said County, or before and by the Provost and Bailies of *Ayr*; and the Judgments of such Judges in all such Actions and Suits shall be final and conclusive, and not subject to the Review of any Court or Courts whatever, any Law or Custom to the contrary notwithstanding.

Company may sue and be sued in the Name of their Clerk.

XCIV. And be it enacted, That the said Company may lawfully sue in the Name of their Clerk or Treasurer for the Time being, and may be sued for any thing done or ordered by them in virtue of this Act in the Name of any One of the Members of the Committee of Management for the Time being, or in the Name of the Clerk or Treasurer or any Shareholder of the said Company for the Time being; and no Action or Suit wherein the said Company shall be concerned as Pursuers or Defenders, in the Name of any of the said Parties or Officers, shall lapse or fall by the Death or Removal of any such Parties or Officers, but the Committee of Management of and Clerk or Treasurer to the said Company for the Time being shall be deemed to be the Pursuers or Defenders in every such Action or Suit.

Notices on the Company how to be served.

XCV. And be it enacted, That in all Cases wherein it may be necessary for any Person to serve any Notice, Summons, or any legal Proceedings upon the said Company, the Service thereof upon the Clerk or Treasurer of the said Company personally, or by leaving a Service Copy, with Citation, at the Counting-house or Office of such Clerk or Treasurer, or at his last or usual Place of Abode, or at the Counting-house or Office of the said Company, or in case the same respectively shall not be found or known, then Service upon any Two or more Members of the Committee of Management of the said Company for the Time being, in common Form of Law, shall be deemed good and sufficient Service of the same respectively upon the said Company.

Application of Money to be raised.

XCVI. And be it enacted, That all the Money to be raised by the said Company by virtue of this Act is hereby directed to be laid out and applied, in the first place, in defraying all Costs, Charges, and Expences incurred in applying for and obtaining this Act, and in Surveys and otherwise preparatory thereto, and in the next place towards acquiring the requisite Lands, Heritages, and Privileges, and towards completing and maintaining the said Reservoirs, Aqueducts, Conduits, Pipes, and other Works, and defraying all other Expences incident to and requisite for the Purposes of this Act, and to no other Use or Purpose whatever.

Regulations for laying down Gas Pipes.

XCVII. And be it enacted, That all the Pipes and Conduits to be hereafter laid or used for the Conveyance of Gas in, under, below, across, or around any Ground, Road, Street, Square, Market Place, Lane, Passage, Court, or other Place within the Limits of this Act, shall be laid at the greatest practicable Distance from the nearest Part of any Water Pipe to be laid down by the Order of the said Company for the

the Conveyance of Water in, under, through, along, across, or around any of the Roads, Streets, Squares, Lanes, Passages, Courts, or other Places as aforesaid, and whenever the Width of the Carriageway in such Street or Place will allow thereof at the Distance of Four Feet at least from the nearest Part of any such Water Pipe, unless in Cases where it shall be unavoidably necessary to lay the Gas Main Pipes across any of the Water Pipes, in which Cases the Gas Pipes shall be laid over and above such Water Pipes at the greatest practicable Distance therefrom, and shall form therewith as nearly as possible a Right Angle; and in such Case such Gas Pipes so crossing the Water Pipes shall be at least Nine Feet in Length, so that no Joint of any of the Gas Pipes shall be nearer to any Part of the Water Pipes than Four and a Half Feet at least; and in laying down any such Gas Pipes it shall not be lawful for any Gas Light Company, or Person supplying the said Burgh, Suburbs, or Vicinity with Gas, to join Two or more Gas Pipes together previously to their being laid in the Trench, but shall lay each Pipe as near as may in its Place in the Trench, and shall in such Trench properly form the Jointing with the other Pipes to be added thereto 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, Inlets, Apertures, or Openings therein respectively Air-tight, and in all and in every respect prevent such Gas from escaping therefrom and from any Part thereof, upon pain of forfeiting for every such Offence (if the Gas Light Company, or Person supplying the said Burgh with Gas as aforesaid, neglect or refuse to make such Gas Pipes Air-tight within Twenty-four Hours after Notice thereof given to them in Writing,) a Sum not exceeding Ten Pounds.

For preventing the Water from being contaminated by Gas.

XCVIII. And be it enacted, That whenever the Water to be brought into the said Town by the said Company shall be contaminated or affected by the Gas of any Gas Light Company, or Person supplying the said Town, Suburbs, or Vicinity with Gas, through the Fault or Negligence of such Gas Company or Person, such Gas Light Company or Person supplying Gas as aforesaid shall forfeit and pay for every such Offence a Sum not exceeding Twenty Pounds, to be sued for and recovered as any Penalty is hereby directed to be sued for and recovered; and in every such Case the Gas Light Company, or Person supplying the said Town, Suburbs, or Vicinity with Gas, as aforesaid, shall, within Twenty-four Hours next after Notice thereto in Writing, signed by any of the Directors of the said Company, or by any Person using the Water, to be left at the usual Place of transacting Business of such Gas Light Company or Person supplying Gas as aforesaid, cause the most proper and effectual Measures to be taken effectually to stop and prevent the Gas from escaping from their Works, Mains, or Pipes, or contaminating or affecting the Water of the said Company; and in case the Gas Light Company or Person supplying Gas as aforesaid shall not, within Twenty-four Hours next after each and every such Notice so left as aforesaid, effectually stop and prevent Gas from so escaping, and wholly and satisfactorily remove the Cause of every such Complaint, and prevent all and every such Contamination whereof Notice shall be given as aforesaid, then and in every such Case the Gas Light Company or Person

Person supplying Gas as aforesaid shall, on each and every Complaint whereof Notice shall be given as aforesaid, forfeit and pay to the said Water Company, over and above the above-mentioned Penalty of Twenty Pounds, any Sum not exceeding Five Pounds for each and every Day during which the Water of the said Company shall be and remain contaminated, tainted, or affected by the Gas of such Gas Light Company or Person supplying Gas as aforesaid, such Penalty to be sued for and recovered as any Penalty is hereby directed to be sued for and recovered.

For ascertaining if the Water is contaminated.

XCIX. And be it enacted, That in case it shall at any Time or Times be or become a Question, upon such Complaint as aforesaid, whether any such Water be contaminated or affected by the Gas of any Gas Light Company, or Person supplying the said Burgh, Suburbs, or Vicinity with Gas, then and in every such Case it shall be lawful to and for the said Water Company or Person so complaining, after giving Notice in Writing to the Magistrates, Trustees, Surveyors, or other Persons under whose Control or Superintendence any public Streets, Roads, Lanes, or other public Passages and Places may be, or to the Party or Person having the Property of or in any Ground, Stones, Soil, or Pavement, as the Case may be, and having an Order signed by any Justice of the Peace, (which Order such Justice is hereby required to grant on Oath made before him that such Water is believed to be contaminated,) to dig to and about and search and examine the Mains, Pipes, Conduits, and Apparatus of any such Gas Light Company or Person supplying Gas as aforesaid, for the Purpose of ascertaining whether such Contamination proceeds from or be occasioned by the Gas of any such Gas Light Company or Person supplying Gas as aforesaid; and if it shall appear that the said Water has been contaminated by any Escape of Gas by such Gas Light Company or Person supplying Gas as aforesaid, the Costs and Expences of such Digging, Search, and Repair of the Pavement of the Streets, Roads, or other public Places, or such Parts thereof as shall be so taken up or disturbed, and the filling in of the Soil so taken up, shall be borne and paid by such Gas Light Company or Person supplying Gas as aforesaid; which Costs and Expences shall be ascertained and determined, if necessary, by the Sheriff of the County of *Ayr* or his Substitute, and be recovered in like Manner as any Penalty is hereby directed to be sued for and recovered: Provided always, that if upon such Examination it shall appear that such Contamination has not arisen from any such Escape of Gas from any of the Main Pipes or Conduits of any such Gas Light Company or Person supplying Gas as aforesaid, then and in such Case the said Water Company or Party so complaining shall bear and pay all the Costs and Expences of such Examination, Repair, and Search, and shall also forthwith pay and make good to the Magistrates, Trustees, Surveyors, or other Persons respectively under whose Control or Superintendence any such public Streets, Roads, Lanes, and other public Passages and Places, or any Part thereof, shall be, or to the Party or Persons having the Property of or in the Ground, Stones, Soil, or Pavement (as the Case may be) which shall or may have been so broken up for the Purposes aforesaid, all Costs, Charges, and Expences which shall or may be incurred by such Magistrates,

Magistrates, Trustees, Surveyors, or Party or Persons respectively, in repairing, restoring, and making good any public Street, Road, Lane, or other public Passage or Place, or any Part thereof, which may have been so broken up; and the said Water Company, or Party or Persons so complaining, shall also, in the Case aforesaid, forthwith pay and make good to the said Gas Light Company, or Person supplying Gas as aforesaid, any Loss, Injury, or Damage which may be occasioned to the Mains, Pipes, Conduits, or Apparatus of such Gas Light Company, or Person supplying Gas as aforesaid, in and by such Search and Examination, the Amount of such Injury, Loss, or Damage to be ascertained in the said Cases respectively, if necessary, by the Sheriff of the County of *Ayr* or his Substitute.

Penalty for conveying Washings into Streams, &c.

C. And be it enacted, That if any Gas Light Company, or Person supplying the said Town, Suburbs, and Places adjacent, or any other Town or Place, with Gas, shall at any Time empty, drain, or convey, or cause or suffer to be emptied, drained, or conveyed, or to run or flow, any Washings or other waste Liquids, or any noisome or offensive Liquids, Substances, or Things whatsoever, which shall arise or be produced in the Gas Works of such Gas Light Company or Person supplying Gas as aforesaid, or in the Manufacture or Process of making or procuring Gas by such Gas Light Company or Person supplying Gas as aforesaid, into any River, Canal, Aqueduct, Pipe, Pond, Stream, or into any Drain or Sewer, or Waterworks, or do or cause to be done any other Annoyance, Act, or Thing to the Water contained in such Reservoir, Canal, Aqueduct, Waterway, Pond, Well, Drain or Sewer, or Waterwork, whereby the said Water or any Part thereof shall or may be soiled, fouled, or corrupted, then and in every such Case such Gas Light Company or Person supplying Gas as aforesaid shall forfeit and pay for every such Offence the Sum of Two hundred Pounds; and such Penalty and Forfeiture shall and may be sued for and recovered, together with full Costs of Suit, before any Court competent within *Scotland*, and the Whole thereof shall be paid to the Person or Persons who shall inform or sue for the same: Provided always, that no such Penalty or Forfeiture shall be recoverable unless the same be sued for within Six Calendar Months from the Time that such Conveyance, Nuisance, Injury, Damage, Act, or Thing shall have ceased and determined: Provided also, that over and above and in addition to the said Penalty of Two hundred Pounds (and whether such Penalty shall have been sued for or recovered or not), in case any of the Washings or other waste Liquids, or noisome or offensive Liquids, Substances, or Things, shall be emptied, drained, conducted, or conveyed, or caused or suffered to run or flow, in manner aforesaid, into any Reservoir, Canal, Aqueduct, River, Brook, or running Stream, Waterway, or Well, or into any Drain or Sewer communicating therewith, or any such Annoyance, Act, or Thing shall be done or caused to be done as aforesaid, and Notice thereof in Writing shall have been given by any Body Politic or Corporate or Person whomsoever to such Gas Light Company or Person supplying Gas as aforesaid, and such Gas Light Company or Person supplying Gas as aforesaid shall not, within Twenty-four Hours after such Notice shall have been given to them

as aforesaid, stop, hinder, and prevent all and every such Washings, waste Liquids, or noisome or offensive Liquids, Substances, or Things, from being emptied, drained, conducted, or conveyed, or from running or flowing, in manner aforesaid, and every such other Annoyance, Nuisance, Injury, Damage, Act, or Thing from being done as aforesaid, then and in every such Case such Gas Light Company, or Person supplying Gas as aforesaid, shall forfeit and pay the Sum of Ten Pounds for each and every Day such Washings, waste Liquids, or noisome or offensive Liquids, Substances, or Things, shall be so emptied, drained, conducted, or conveyed, or caused or suffered to run or flow, in manner aforesaid, or such other Annoyance, Act, or Thing shall be so done or caused to be done as aforesaid; and such last-mentioned Penalty shall and may be recovered and levied in such and the like Manner as any other Penalty or Forfeiture is hereby directed to be recovered and levied, and shall be paid to the Informer, or to the Person who, in the Judgment of the Sheriff of the said County or his Substitute, or other Judge competent before whom the Conviction shall take place, shall have sustained any Annoyance, Injury, or Damage by any Act so done or committed.

Provision for Deficiencies of Land Tax.

CI. And whereas, by reason of the Exercise of the Powers by this Act granted, there may be Deficiencies in the Assessments for Land Tax in the several Parishes through or in which the several Works hereby authorized may pass or be situate; be it therefore enacted, That the said Company shall, from and after they shall have become seised or possessed by virtue of this Act of any Premises charged with the Land Tax, and until the Works hereby authorized to be made shall be completed and assessed to such Land Tax, unless the said Company shall think fit to redeem the same under the Powers of the Acts for the Redemption of Land Tax, be subject and liable from Time to Time to pay and make good, to or in aid of such several Parishes as aforesaid, out of the Monies to arise by virtue of this Act, all such Sums of Money as shall be deficient in the said several Assessments for Land Tax within the said several Parishes, by reason of taking down or using, for the Purposes of this Act, any Premises liable to such Assessments, according to the Rental at which the same were valued or rated at the Time of the passing of this Act; and the Treasurer or Collector to be appointed under this Act is hereby required to pay all such Deficiencies, on Demand thereof, to the Collector of the said Assessments.

Public Act.

CII. 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, Justices, and others.

SCHE-

SCHEDULE referred to in this Act.

TABLE OF RATES.

			Annual Rates.		
			£	s.	d.
Where the Rent is under	-	£5	0	8	0
Amounting to	£5 and under	£10	0	15	0
Amounting to	£10 and under	£15	1	5	0
Amounting to	£15 and under	£20	1	12	0
Amounting to	£20 and under	£30	2	5	0
Amounting to	£30 and under	£40	3	0	0
Amounting to	£40 and under	£60	4	0	0
Amounting to	£60 and under	£80	4	10	0
Amounting to	£80 and under	£100	5	10	0
Amounting to	£100 and all above		6	0	0

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