ANNO DECIMO QUINTO

VICTORIÆ REGINÆ.

****

Cap. lviii.

An Act to explain and amend the Act for supplying the Burghs of *Dumfries* and *Maxwelltown* and Suburbs with Water. [28th *May* 1852.]

WHEREAS in the Fourteenth Year of the Reign of Her present Majesty " The *Dumfries* and *Maxwelltown* Waterworks Act, 1850," was passed, by which Act Commissioners (13 & 14 Vict, c. 34.) were appointed, with Powers to make and maintain the Works therein mentioned for supplying the Burghs of *Dumfries* and *Maxwelltown* and the Suburbs thereof with Water, and for that Purpose to borrow, on the Security of the Rates granted by the Act, any Sums not exceeding Ten thousand Pounds: And whereas the Commissioners have executed the Works and introduced into the Burghs and Suburbs an ample Supply of Water, and have borrowed on the Security of the Rates, and expended for the Purposes of the Act, the Sum of Ten thousand Pounds: And whereas, in addition to the Rates authorized by the Act to be levied from Persons demanding and receiving a Supply of Water, the Commissioners were by the Act empowered, (Sect. 29.) once in every Year, to cause a Rate, to be called the " Public Water Rate," to be made upon all Dwelling Houses, Inns, Hotels, and Taverns, and all Shops, Warehouses, Offices, Manufactories, and other Premises used for Trade or Business, situated within the Limits of the

Act, excepting as therein mentioned, such Rate not exceeding Sixpence in the Pound of the Rackrent or annual Value of the Property rated: And whereas the Commissioners have, in virtue of those Powers, caused Two several Rates, the One of Threepence in the Pound and the other of Sixpence in the Pound, to be made upon all such Property, but Difficulties have occurred in recovering Payment thereof: And whereas One of those Rates was made in the first instance on the Owners of such Property, and was afterwards amended by making it on the Occupiers thereof: And whereas Doubts are entertained as to the Construction and Effect of the Act; and it is expedient more distinctly to define the Parties from whom the Public Water Rate shall be levied and recovered, and to confirm the Rates already made, and to confer further Powers on the Commissioners for the Recovery of the Rates granted by the Act, and in other respects to amend the Act; but these Objects cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Recited Act and this Act to be construed as One.

I. That the recited Act as amended by this Act, and this Act, shall be construed together as One Act, and carried into execution accordingly.

Public Water Rate to be levied from Occupiers, who may deduct One Half fromOwners.

II. That, excepting as by this Act otherwise provided, the Public Water Rate granted by the recited Act shall be chargeable upon the Occupiers of all Dwelling Houses, Inns, Hotels, and Taverns, and all Shops, Warehouses, Offices, Manufactories, and other Premises used for Trade or Business, situated within the Limits of the Act, excepting as therein mentioned, and shall be recoverable from such Occupiers in the same Manner as other Water Rates may be recovered under the Authority of the recited Act, and of the Waterworks Clauses Act, 1847, therewith incorporated: Provided always, that every Occupier from Time to Time paying any such Public Water Rate may deduct One Half of the Amount paid by him from any Rent payable by him within One Year thereafter to the Owner of the Premises in respect of which such Payment is made.

Owners in certain Cases to pay Rate instead of Occupiers.

III. That the Owners of all Dwelling Houses or Parts of Dwelling Houses occupied as separate Tenements, the annual Value of which Houses or Tenements shall not exceed the Sum of Two Pounds, and all Owners of Houses or Tenements which shall be let for a shorter Term of Occupation than One Year, or for Rents payable quarterly or at more frequent Periods, shall be liable to the Payment of the Public

Public Water Rate, instead of the Occupiers thereof; and the Powers and Provisions contained in the recited Act, and in the Waterworks Clauses Act, 1847, therewith incorporated, for the Recovery of Rates from Occupiers, shall apply to the Owners of such Houses and Tenements; and the Person receiving the Rents of any such House or Tenement from the Occupier thereof, on his own Account or as Agent or Receiver for any Person interested therein, shall for the Purposes of this Act be deemed the Owner of such House or Tenement.

Provision of recited Act for Payment of Rates half-yearly repealed.

IV. That so much of the recited Act as provides that all Water Rates under that Act shall be paid in advance by equal half-yearly Payments at *Martinmas* and *Whitsunday* in each Year shall be and is hereby repealed.

Rates to be paid yearly in advance.

V. That the Public Water Rate and the other Water Rates payable under the recited Act and this Act shall be paid yearly in advance at the Term of *Whitsunday* in each Year.

Confirming Rates already made, &c.

VI. That the Two several Public Water Rates already made by the Commissioners upon the Occupiers of the Dwelling Houses, Shops, and other Premises described in the recited Act as chargeable with such Rates, and all Payments and Demands of Payment made in virtue thereof, and all Elections of Commissioners for the Purposes of that Act, and all other Proceedings by or under the Authority of the Commissioners, or otherwise had and taken with a view to the carrying of that Act into effect, are hereby confirmed, and shall be as valid and effectual as if this Act had been in force at the Date thereof respectively; and *William Nicholson*, Provost of *Dumfries ex officio*, *George Dunbar*, *William McGowan*, *Andrew Crombie*, *John Balieff*, *Miles Leighton*, and *James Dinwiddie*, Six of the Town Council of *Dumfries*, *William Gillies*, *Philip Forsyth*, and *Joseph Welsh*, Three of the Town Council of *Maxwelltown*, and *Walter Grierson*, *James Swan*, *Francis Nicholson*, *Thomas Hairstens McGowan*, *James Caldow*, and *James Gibson*, the Persons now claiming to be in Office as the Commissioners under that Act, are hereby declared to be of Right such Commissioners: Provided always, that those Two Public Water Rates, so far as they respectively are unpaid, shall be recoverable by the Commissioners from the Occupiers, and not from the Owners, and Credit shall be duly given by the Commissioners for all Payments already made to them in respect thereof: Provided also, that every Occupier who has already paid or shall hereafter pay those Two Public Water Rates or either of them shall be entitled to recover Payment of One Half of the Amount paid by him from the Owner of the Premises for the Period in respect of which such Payment is made: Provided also, that every Owner who has already paid those Two Public Water Rates or either of them shall be entitled to

recover

recover Payment of One Half of the Amount paid by him from the Occupier of the Premises for the Period in respect of which such Payment is made.

Explaining Qualification of Commissioners.

VII. That the Rating to qualify a Person to be elected a Commissioner under the recited Act, and the Rating to entitle a Person to vote in the Election of Commissioners to be elected by the Ratepayers under that Act, means a Rating either as Owner or as Occupier.

Expenses of Act.

VIII. That the Expenses of applying for and obtaining this Act and incident thereto shall be paid by the Commissioners out of the Rates leviable under the recited Act and this Act.

Short Title.

IX. That in citing this Act for any Purpose it shall be sufficient to use the Expression "The *Dumfries and Maxwelltown* Waterworks Amendment Act, 1852."

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