ANNO SEPTIMO

GEORGII IV. REGIS.

****

Cap. cviii.

An Act for more effectually supplying the City of *Edinburgh* and Places adjacent with Water; and for supplying the Town and Port of *Leith* and Places adjacent, and His Majesty's Dock Yards at *Leith*, with Water. [26th *May* 1826.]

WHEREAS an Act was passed in the Fifty-ninth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for more effectually supplying the City of* Edinburgh *and Places adjacent with Water;* and a Joint Stock Company was by the said Act incorporated for those Purposes: And whereas it is expedient that the said Company should be empowered to supply the Town and Port of *Leith* and Places adjacent with Water: And whereas, although the Supply of Water is more than sufficient for the Use of the Inhabitants of *Edinburgh*, and for the Town and Port of *Leith* at present, it is also expedient that the said Water Company should be empowered to secure, for the Supply of the City of *Edinburgh*, which is rapidly increasing in Size, and for the Town and Port of *Leith*, a farther and additional Supply of Water, with a view to which the said Company have made an Aqueduct Pipe, about Nine Miles in Length, of a greater Size than would otherwise have been necessary: And whereas the said Company are willing and desirous to effect the Pur- 59G.3.c.116.

pose aforesaid, on the Terms and Conditions herein-after mentioned: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act and all the Provisions therein contained shall remain in full Force in every respect, and shall be held to extend to every thing to be acted or done under this present Act, except such Parts of the said recited Act as are varied, altered, and repealed.

Provisions of recited Act to extend to this Act.

II. And be it further enacted, That it shall and may be lawful to and for the *Edinburgh* Joint Stock Water Company in all Times hereafter to be called and designed The *Edinburgh* Water Company; and that it shall be lawful for the said Company or their Committee of Management named by Authority of the aforesaid Act, in order to enable them to obtain the Use of the necessary Springs and Quantity of Water, and Ground necessary for Reservoirs, Cisterns, Pipes, necessary Machinery, and for the other Purposes herein-after specified, in addition to the Sum of One hundred and thirty-five thousand Pounds already raised and contributed by the said Company of Proprietors by virtue of the before-recited Act, to raise, in such Proportions as may be required and in the Manner herein-after directed, any Sum or Sums of Money not exceeding in the whole the Sum of One hundred and eighteen thousand Pounds Sterling.

Company authorized to raise a further Sum.

III. And be it enacted, That the said Sum of One hundred and eighteen thousand Pounds, or so much thereof as shall be raised and contributed, shall be divided into Shares of Twenty-five Pounds each, and such Shares shall be and they are hereby vested in the several Bodies Politic, Corporate, or Collegiate, and Persons so raising and contributing the same, and their several and respective Successors, Executors, Administrators, or Assigns.

Sum to be divided into Shares.

IV. And be it enacted, That the said Bodies Politic, Corporate, or Collegiate, and Persons so becoming Proprietors of Shares as aforesaid, and their several and respective Successors, Executors, Administrators, or Assigns, shall be entitled to and receive the entire and net Distribution of an equal and proportional Part, according to the Money so by them respectively paid, of the aforesaid Sum of One hundred and eighteen thousand Pounds, or so much thereof as shall be contributed and raised, and of the Sum of One hundred and thirty-five thousand Pounds, raised by virtue of the before-recited Act, of the Profits and Advantages which shall and may arise and accrue from the Sums of Money to be raised, recovered, or received by the said Company of Proprietors by the Authority of this and of the before-recited Act, in manner herein and in the aforesaid Act directed and appointed.

Distribution of Profits.

V. And whereas it was provided by the before-recited Act that the Lord Provost, Magistrates, and Council of the City of *Edinburgh* should be entitled to and hold One thousand two hundred Shares, being

Alteration as to Stock due to the City of Edinburgh.

being Thirty thousand Pounds of the Stock of the said Company, for which Interest at the Rate of Five Pounds *per Centum per Annum*, from and after the Term of *Whitsunday* One thousand eight hundred and nineteen, in lieu of all Profits, should be paid half-yearly, at the Terms of *Martinmas* and *Whitsunday*, to the said Lord Provost, Magistrates, and Council, or their Assigns: And whereas the said Interest at the Rate of Five Pounds *per Centum per Annum* has accordingly been so paid by the said Company to the said Lord Provost, Magistrates, and Council from the Term of *Whitsunday* One thousand eight hundred and nineteen to the Term of *Martinmas* last: And whereas the said Lord Provost, Magistrates, and Council are desirous that they should, from and after the Term of *Martinmas* One thousand eight hundred and twenty-five, be entitled, in lieu of receiving the aforesaid Interest, to an equal Part of the Profits and Advantages arising and accruing from the Sums of Money raised or to be raised by this or of the before-recited Act; be it therefore enacted, That from and after the Term of *Martinmas* One thousand eight hundred and twenty-five the aforesaid Lord Provost, Magistrates, and Council shall be entitled to and receive the entire and net Distribution of an equal and proportionate Part, according to the aforesaid Sum of Thirty thousand Pounds, on the aforesaid Sum of One hundred and eighteen thousand Pounds, or so much thereof as shall be contributed and raised, and on the Sum of One hundred and thirty-five thousand Pounds raised by virtue of the before-recited Act, of the Profits and Advantages which shall and may arise and accrue from the Sums of Money to be raised, recovered, or received by the said Company of Proprietors by the Authority of this and of the before-recited Act, in manner herein and in the aforesaid Act directed and appointed; and the said *Edinburgh* Water Company shall no longer have the Power of paying off and discharging the said Stock of Thirty thousand Pounds in Whole or in Parts.

If Repayment is made, the Number of Directors to be chosen by Lord Provost, &c. shall be reduced.

VI. Provided always, and be it enacted, That if the Lord Provost, Magistrates, and Council shall at any Time make a Sale to the full Extent of One Half of the aforesaid Stock of Thirty thousand Pounds, the Number of the Directors to be chosen annually by the said Lord Provost, Magistrates, and Council, in Terms of the before-recited Act of the Fifty-ninth Year of the Reign of King *George* the Third, shall be reduced to Three in Number; *videlicet*, the Lord Provost and Two Members of the Town Council for the Time being; but no Reduction in the Number of Directors authorized to be chosen by them in virtue of the before-recited Act shall take place on account of any partial Sale of the said Stock to a less Amount than the One Half thereof; and the Lord Provost and Two Members of the Town Council for the Time being shall continue to be annually chosen as Directors, in manner directed by the said recited Act, in all Time coming, even although a Sale should be made of the whole of the aforesaid Stock of Thirty thousand Pounds.

Distribution not to exceed 6*l.* 10*s.* per Centum per Annum.

VII. Provided always, and be it enacted, That the aforesaid net Distribution shall not exceed the Rate of Six Pounds Ten Shillings *per Centum per Annum* so long as no other Water Company for the Supply of the City of *Edinburgh* and the Places adjacent, and the

the Town and Port of *Leith* and Places adjacent, or either for the Supply of the City of *Edinburgh* or Town of *Leith*, shall be established.

No Persons answerable for more than their respective Stock.

VIII. Provided always, and be it enacted, That nothing herein contained shall stand to charge or make liable any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, who is, are, or shall be Proprietor or Proprietors of the Stock of the said Company, or Contributor or Contributors thereto, or his, her, or their Real Personal Estate, with any Debt or Demand whatsoever due or to become due from the said Company, beyond the Extent of his, her, or their Capital Stock or Share or Shares in the Stock of the said Company; any Law, Custom, or Usage to the contrary thereof in anywise notwithstanding.

Shares to be Personal Estate.

IX. And be it further enacted, That all and every the Shares and Proportions of all Bodies Politic, Corporate, or Collegiate, and of all and every other Person or Persons whatsoever, of and in the Works or the Joint Stock or Fund of the said Company, shall be deemed Personal Estate, and transmissible as such, and not of the Nature of Real Property.

Annual General Meeting of Company.

X. And whereas by the before-recited Act it was enacted that the Committee of Management of the said Company shall have full Power and Authority, and they were thereby required, to balance or cause to be balanced the Books of the said Company at the Term of *Martinmas* in every Year; and the same, being so balanced, should be examined by disinterested Persons unconnected with the said Company, and should be doqueted and signed by them, and by the major Number or Quorum of the said Committee of Management, and should be produced at the General Meeting of the said Company of Proprietors to be held in every Year thereafter: And whereas great Inconvenience has resulted from the Annual General Meeting of the said Company of Proprietors being held on so early a Day after the Term of *Martinmas* in every Year; be it therefore enacted, That the General Meeting of the said Company of Proprietors shall be held on the Second *Monday* of *December* in the Year One thousand eight hundred and twenty-six and every Year thereafter; and at that Meeting the Books of the said Company, balanced, examined, doqueted, and signed as aforesaid, shall be produced for the same Purpose as specified in the before-recited Act.

Appointment of Commissioners, and Annual Report by them on Accounts.

XI. And be it further enacted, That the Lord Provost of the City of *Edinburgh*, the Convener of the Trades of the City of *Edinburgh*, the Lord Advocate of *Scotland*, the Dean of the Faculty of Advocates, the Deputy Keeper of the Signet, the Master of the Merchant Company of *Edinburgh*, and the Convener of the Southern Districts, shall be and they are hereby appointed Commissioners for the Purposes herein-after mentioned; and they are hereby required to assemble and meet together at the Place appointed for the Management of the Affairs of the said Company in *Edinburgh* as often as they shall be called together by the Clerk to the said Company by Desire of the Lord Provost, or of the said Committee of Management of the said Company;

Company; and any Four or more Members of such Commissioners, but not less, shall be a sufficient Number or Quorum to constitute a Meeting for the Purpose of doing all the Acts, Matters, and Things, and exercising all the Powers and Authorities vested in them; and the Members present shall, in the Absence of the Lord Provost, who, when present, shall always be Chairman, choose their own Chairman; and the Chairman besides his own Vote shall, in case of Equality, have a casting or decisive Vote: Provided always, that the said Commissioners shall annually hold a Meeting on the Fourth *Monday* of *November* to examine the Books of the said Company, and to report that the Rates or Duties collected during the Year previous to the Term of *Martinmas* preceding have been laid out and expended in paying the Interest of the Sum of Thirty thousand Pounds authorized to be borrowed by virtue of the before-recited Act, in keeping in repair the Works belonging to the said Company, and necessary for the Supply of the City of *Edinburgh* and Town and Port of *Leith* and Places adjacent with Water, or with constructing or keeping in repair the Works hereby authorized to be made, or in paying to the Proprietors of the Stock of the said Company the Profits to which they are entitled by virtue of this and the before-recited Act, or in Office Rent and Salaries, and contingent Expences to the Office-bearers, Turncocks, and other Servants of the said Company; and it shall not be lawful for the said Committee of Management to take Credit in their annual Account for any Articles which shall not be allowed in the said Report of the aforesaid Commissioners.

In case there be not a sufficient Number of Commissioners, the Meeting to be adjourned.

XII. Provided always, and be it enacted, That if on the Day before appointed for the annual Meeting of Commissioners a Quorum of their Number shall not attend, then and in such Case, and when and so often as the same shall happen, the Meeting shall be adjourned to any future Day within Eight Days thereafter to be fixed by the Member or Members or Majority of them then present, or if no Member shall be present, by the Clerk to the said Company of Proprietors: Provided always, that One Member of the Committee of Management of the said Company, appointed by the said Committee, may be present at all the Meetings of the said Commissioners, with a view to afford them requisite Explanations; and farther, that Notice of each Meeting of the Commissioners shall be given by the Clerk in Writing or in Print signed by him, to each Member thereof, at least Three Days before it is to take place.

For raising additional Sums for new Works.

XIII. And whereas the said Company or their Committee of Management will necessarily expend a large Sum of Money in securing the additional Supply of Water, and in obtaining the Use of the necessary Springs and Ground required for Reservoirs, Pipes, and necessary Machinery; be it therefore enacted, That the said Company or their Committee of Management shall once in every Year lay before the said Commissioners an Account, certified by their Engineer, of the probable Amount of the Sum to be expended during the following Year in obtaining the Use of the aforesaid Springs and Ground necessary, and in the Surveys, Plans, and Estimates of the Ground and Springs already made or to be made; and it shall and may be lawful for the said Commissioners and Committee of Management to sell for

Behoof of the Company by public Auction, but not otherwise, and after due Advertisement in at least Two Newspapers published in *Edinburgh* at least Ten Days before the Day of Sale, as many of the aforesaid Shares of Twenty-five Pounds each hereby authorized to be subscribed as shall be equal to the Amount of the aforesaid Account, and the said Committee shall charge themselves in their next Account with the Prices paid to them for the said Shares.

For satisfying Advances already made.

XIV. And whereas the said Company were by the aforesaid Act authorized to raise and contribute amongst themselves any Sums of Money not exceeding the Sum of One hundred and thirty-five thousand Pounds, in order to enable them to obtain the Use of the necessary Springs, and for the other Purposes therein mentioned: And whereas the aforesaid Sum of One hundred and thirty-five thousand Pounds has accordingly been raised and contributed by the aforesaid Company: And whereas that Sum, together with the Sum of Thirty thousand Pounds Sterling, which the said Company were authorized to borrow for completing the said Undertaking, have been employed in completing it: And whereas the said Company have in completing it been obliged to make Advances of farther considerable Sums of Money, the Account of which shall be submitted by the said Committee of Management to the aforesaid Commissioners hereby named, to be audited, revised, and doqueted by them; be it therefore enacted, That the Amount of the aforesaid Advances, after it shall be ascertained by the Doquet of the said Commissioners, shall be paid to the Company out of the Price of the said additional Stock; and it shall and may be lawful for the said Committee of Management named by the aforesaid Act to sell for Behoof of the Company by public Auction, but not otherwise, and after due Advertisement in at least Two Newspapers published in *Edinburgh* at least Ten Days before the Day of Sale, as many of the aforesaid Shares of Twenty-five Pounds each hereby authorized to be subscribed as will satisfy and pay the Amount of the aforesaid Advances, as ascertained by the Doquet of the aforesaid Commissioners.

For paying Expences already incurred in laying down Pipes, &c.

XV. And whereas it was declared by the aforesaid Act that such of the Inhabitants of the said City of *Edinburgh*, its Liberties and Places adjacent, as should be desirous of having Water conveyed to their Houses or other Premises might, at their own Expence, open the Ground between the Pipes belonging to the said Company and their respective Houses or other Premises, and lay Leaden or other Pipes from such Houses or other Premises to communicate with the Reservoirs or Pipes belonging to the said Company: And whereas it has been found necessary that the said Company should, at their own Expence, open the Ground between the Pipes and Streets adjacent to the Houses to be supplied with Water, and to lay the Distribution Pipes necessary from such Streets or other Premises to communicate with the Reservoirs or Pipes belonging to the said Company, and have thus been obliged to make considerable Advances of Money, the Account of which is hereby directed to be submitted by the aforesaid Committee of Management to the aforesaid Commissioners hereby named, to be audited, revised, and doqueted by them; be it therefore enacted, That the Amount of the aforesaid Advances, after it is so

ascertained by the Doquet of the said Commissioners, shall be paid to the Company out of the Price of the said additional Stock; and it shall and may be lawful for the said Committee of Management named by the aforesaid Act to sell for behoof of the Company by public Auction, but not otherwise, and after due Advertisement in at least Two Newspapers published in *Edinburgh* at least Ten Days before the Day of Sale, as many of the aforesaid Shares of Twenty-five Pounds each, hereby authorized to be subscribed, as will satisfy and pay the Amount of the aforesaid Advances, as ascertained by the Doquet of the aforesaid Commissioners.

Future Expence of laying Pipes to be borne by the Company.

XVI. And be it further enacted, That the Expence of opening the Ground between the aforesaid Pipes belonging to the said Company and the respective Streets adjacent to the Houses or other Premises to be supplied with Water, and of furnishing and laying Leaden or other Pipes from such respective Streets or other Premises to communicate with the Reservoirs or Pipes belonging to the said Company, shall hereafter be borne by the aforesaid Company in all Cases where the Houses or Premises for which a Supply of Water is required are adjacent to Streets or Lanes in which are Distribution Pipes belonging to the aforesaid Company, and also in all Cases where the Proprietors of Grounds situated in the Parishes of *Saint Cuthbert, North* and *South Leith, Canongate*, and *Duddingstone*, desirous of having Water conveyed to their Houses by the said Company, shall become bound, if the said Committee of Management shall require it, to the said Company, by regular Deeds of Obligation, with Security to the Satisfaction of the said Committee of Management, that the Amount of Rates and Duties to be derived from Water conveyed by the Pipes to be laid shall annually amount to at least Ten Pounds *per Centum* of the Amount of the said Expence, reserving to the said Commissioners to give Relief, if the Party applying in such Cases for a Supply of Water shall be dissatisfied with the Order of the said Committee, to execute the said Deeds of Obligation and to give Security.

Annual Account of Expence of Distribution Pipes to be made out.

Sums to be raised for Discharge of the same.

XVII. And be it further enacted, That the said Company or their Committee of Management shall annually make up an Account of the Amount of the Sums of Money expended by them in so opening the Ground and laying Leaden or other Pipes, to be submitted to the aforesaid Commissioners hereby named, to be audited, examined, and doqueted by them; and that the Amount of the aforesaid Account, after it shall be ascertained by the Doquet of the said Commissioners, shall be paid by the said Company out of the Price of the said additional Stock; and that it shall and may be lawful for the said Committee of Management named by the aforesaid Act to sell for Behoof of the Company by public Auction, but not otherwise, after due Advertisement in at least Two Newspapers published in *Edinburgh* at least Ten Days before the Day of Sale, as many of the aforesaid Shares of Twenty-five Pounds each hereby authorized to be subscribed as will satisfy and pay the Amount of the aforesaid Account.

Application of Price of Stock if

XVIII. And be it enacted, That if at the respective Sales of the aforesaid additional Stock to be made by Auction as before mentioned the

above or below nominal Value.

the Price obtained, after Payment of the Expence of the Sale, shall be greater than the nominal Amount of the Stock, the Committee of Management shall give Credit for the Difference in the Account to be submitted to the Commissioners before the next Sale takes place; and in like Manner, if the Price obtained shall be less than the nominal Amount of the Stock, the Commissioners shall give them Credit for the Difference in the Account to be submitted to them before the next Sale takes place.

Owners and Inhabitants of Houses, &c. may lay Pipes to those of the Company.

XIX. And be it further enacted, That such of the Owners of Buildings within or Inhabitants of the said several Places aforesaid as shall be desirous of having Water conveyed in Pipes into their Houses, Factories, Warehouses, Workshops, or other Buildings and Premises, may and are hereby authorized and empowered, at their own Expence, having first given Six Days previous Notice in Writing to the said Company of his, her, or their Intention so to do, and having first obtained the Consent of the Owner or Owners, Occupier or Occupiers, of any inclosed Lands or Grounds in which such Pipes shall be conveyed, to open the Ground between the said Company's Distribution Pipes and the respective Houses, Buildings, Brewhouses, Manufactories, Offices, Yards, and other Premises of such Owners or Inhabitants, and at the Sight of the Company's Engineer or Superintendent for the Time; and also, in case the Streets of the City must be opened, at the Sight of their Superintendent of Public Works, to lay any Leaden or other Pipe or Pipes, the Bore thereof to be of the Dimensions of Three Quarters of an Inch, without the Consent of the said Company, or of a greater Bore if the said Company shall consent thereto, from such respective Houses, Buildings, or other Premises, to communicate with the said Distribution Pipes, such respective Owners of Buildings or Inhabitants previously paying to the said Company the Rates herein-after mentioned: Provided always, that all and every Person and Persons who shall have laid any Leaden Pipe or Pipes as aforesaid shall be at liberty to remove and take away such Pipe or Pipes, and the Cock or Cocks belonging thereto, doing no Injury or Damage to the Pipes of the said Company.

Penalty for not supplying Water to Inhabitants.

XX. And be it further enacted, That in case the said Company shall neglect or refuse to supply any of the said Inhabitants occupying any private Dwelling House in any Square, Street, Close, or Lane where the Pipes of the said Company shall be laid with Water for the Use of his or her own Family, at the Rate herein-after mentioned, for the Space of Five Days, (after Demand in Writing shall have been made by such Inhabitants to the said Company for such Supply of Water, and Tender made to the said Company of the Amount of the Rate for One Year for such Supply,) the said Company shall forfeit and pay to such Inhabitants Treble the Amount of the Rate so tendered, to be levied and recovered by virtue of a Warrant under the Hand and Seal of any of His Majesty's Justices of the Peace acting for the said City or County of *Edinburgh* (as the Case may be) by Distress and Sale of the Goods and Chattels of the said Company, and also the further Sum of One Pound for every Day the said Company shall continue to refuse such Supply, to be recovered as

as the above-mentioned Penalty is herein-before directed to be recovered.

Rates to be paid.

XXI. And be it enacted, That the said Company or their Committee shall have full Power and Authority from Time to Time to fix and ascertain the annual Rates and Duties to be paid to the said Company by all and every Person or Persons whatsoever having Water conveyed to their private Houses and other Premises from the Reservoirs and Pipes belonging to the said Company: Provided always, that from *Whitsunday* next until the Term of *Whitsunday* One thousand eight hundred and twenty-nine such Rates and Duties shall not exceed Eleven-pence *per* Pound on the real Rent of the said Houses, as they may be assessed for the Police Tax of the City of *Edinburgh*, if within the Bounds of the Police of the City of *Edinburgh*; and if without the said Bounds, then the said Rates and Duties may be fixed at any Sum not exceeding Eleven-pence *per* Pound upon Four Fifths of the actual Rent or actual Value of the said Premises; and that at and after *Whitsunday* One thousand eight hundred and twenty-nine the said Rates and Duties shall not exceed Ten-pence *per* Pound on the real Rent of the said Houses at which they may be assessed for the Police Tax of the City of *Edinburgh*, or, if without the Bounds of Police, upon Four Fifths of the actual Rent or annual Value of the said Premises.

Supply of Water to the Poor.

XXII. And in case it shall be found necessary to afford a further Supply of Water to any of the poorer Classes of the Inhabitants of the said City and Places adjacent *gratis*, in Situations different from those of the existing public Wells, be it enacted, That it shall and may be lawful to and for the said Company and their Committee of Management, and they are hereby empowered, to contract and agree with the Lord Provost, Magistrates, and Council for such farther Supply at such Rate of Duty as shall be agreed on between the Parties; and in case of any Difference of Opinion between the said Committee and the Lord Provost, Magistrates, and Council as to the Amount of the Rate, it shall be referred to the Sheriff Depute of the County of *Edinburgh*, and his Judgment shall be final, and not subject to Review.

Company may contract for the Purchase of Springs, &c.

XXIII. And be it further enacted, That it shall and may be lawful to and for the said Company or their Committee of Management, and they are hereby empowered, as often as it may be necessary, to contract and agree for the absolute Purchase of any Springs, Streams, Cuts, Reservoirs, and Runs of Water, and of any Lands, Tenements, or Heritages which they may require for the Purposes of this Act.

Bodies Politic may treat and agree.

XXIV. And be it further enacted, That it shall and may be lawful to and for all Bodies Corporate or Collegiate, Husbands, Heirs of Entail, Tutors, Curators, or other Guardians, Trustees for charitable and other Purposes, Executors, and Administrators, and all and every other Person or Persons whomsoever, though under any legal Disability or Incapacity whatsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of any Infant,

Issue unborn, Married Women, Minors, Lunatics, or Idiots, or others who are or shall be seised, possessed of, or interested in their own Right, or entitled by Deed of Settlement or other Interest therein, and for every other Person or Persons whomsoever, who is or are or shall be seised, possessed of, or interested in any Lands, Grounds, Tenements, or Heritages which shall be necessary for the Purposes aforesaid, to contract for, sell, and convey the same and every Part thereof unto the said Company of Proprietors, and all Bodies Politic, Corporate, or Collegiate, and all other Persons whomsoever so conveying as aforesaid are hereby indemnified for what they shall respectively do in relation to any such Sale which he, she, or they, or any of them, shall make by virtue and in pursuance of this Act; and all such Contracts, Agreements, Sales, Conveyances, and Assurances shall be made at the Expence of the said Company of Proprietors; and such of them as shall be made of any Lands, Tenements, or other Heritages, or Privileges and Servitude therein, to the said Company of Proprietors, may be effectually made according to the following Form, or in Terms to the same Effect:

Form of Conveyance.

'I *A. B.* of in consideration of the Sum to me paid by the Company of Proprietors of the *Edinburgh* Water Company, do hereby sell, dispone, and convey from me, my Heirs and Successors whomsoever, to the said Company, all [*describing the Premises to be conveyed*], and all my Right, Title, and Interest to and in the same and every Part thereof, to hold to the said Company and their Successors for ever, by virtue of an Act passed in the Seventh Year of His present Majesty King *George* the Fourth, intituled [*here insert the Title of this Act*]. In witness whereof I have subscribed these Presents, consisting of this and the preceding Pages of Paper stamped according to Law, written by at the Day of in the Year before these Witnesses, and '

Which said Conveyance, being registered in the General Register of Seisines for *Scotland*, or in the Register of Seisines for the County of *Edinburgh*, and which the respective Keepers of the said Registers are hereby authorized to register, 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 Seisine according to the Forms of the Law of *Scotland*, any Law, Statute, or Custom to the contrary notwithstanding; and the Originals of all such Conveyances shall be kept by the Clerk of the said Company of Proprietors, who shall from Time to Time, when required, deliver attested Copies thereof to any Person or Persons requiring the same, and shall have and receive Sixpence for every One hundred Words of each such attested Copy, and so in proportion for any less Number of Words.

Company empowered to take Water and Ground necessary for the Purposes of this Act.

XXV. And in order that the said City and extended Royalty of *Edinburgh* and Town and Port of *Leith* and Places adjacent, and His Majesty's Dock Yards at *Leith*, may be better supplied with good and wholesome Water; be it enacted, That it shall and may be lawful to the said Company, and they are hereby authorized and empowered, to take and use such of the Springs and Feeders of the River or Water

of *Leith*, and *Bavelaw Burn* or Brook, and *Stream Burn* or Brook, situated in the Lands of *Listonshiells*, belonging to the Right Honourable Sir *Robert Liston*, the Lands of *Bavelaw* belonging to *William Johnstone* Esquire, the Lands of *Kirkton* belonging to *Robert Ferguson* Esquire, of *Raith*, and the Lands of *Malleny* belonging to Lieutenant General *Thomas Scott*, within the Parishes of *Kirknewton*, *Penicuick*, and *Currie*, and County of *Edinburgh*, as the said Company shall deem expedient, the Quantity of the Water to be taken from the said Springs, Feeders, River, or Burns, not exceeding in whole Twelve hundred Imperial Gallons *per* Minute, and any Quantity of Ground adjoining to the said Springs, Feeders, Burns, or River, not exceeding in all Ten Acres, for the Purpose of forming proper Conduits, Reservoirs, and Cisterns for collecting and receiving the Water of the said Springs, Feeders, River, and Brook, and for the Accommodation of the Persons to be entrusted with the Charge of such Conduits, Reservoirs, and Cisterns: Provided always, that the said Company shall purchase such of the said Springs and Feeders as they shall require within Seven Years from and after the passing of this Act, and shall erect no Engine to be worked by Steam, nor any Building on any Part of the said Ten Acres, nor more than One Dwelling House at each Reservoir or Cistern upon the said Ten Acres of Ground, the Plan of which shall be previously approved by the Proprietor or by the Sheriff Depute of the County of *Edinburgh* for the Time being; and provided also, that the said Company shall first give One Month's Notice of such their Intention to take the said Springs, Feeders, and Waters and Ground, to the Owner or Owners and Occupier or Occupiers thereof, and making Satisfaction to such Owner or Owners and Occupier or Occupiers in manner herein-after directed.

Measurement of Springs.

XXVI. And be it further enacted, That the Engineers after mentioned, or any Two of them to be named by the Sheriff Depute of the Shire of *Edinburgh*, or any Two qualified Persons to be appointed by them, shall and they are hereby respectively required, as often as they shall see it necessary, at least once in the Months of *August*, *September*, *October*, and *November* in the Year One thousand eight hundred and twenty-six, the Months of *April*, *May*, *June*, *July*, *August*, *September*, *October*, and *November* One thousand eight hundred and twenty-seven, and *April*, *May*, *June*, and *July* One thousand eight hundred and twenty-eight, to measure, gauge, and estimate, in such Manner as to them shall seem proper, the average ordinary Discharge of such of the said Springs and Feeders of *Bavelaw Burn*, *Stream Burn*, and the River *Leith*, exclusive of Flood Water, as shall be intended to be taken or used by the said Company; and the said Engineers shall by Writing under their Hands declare what is the average ordinary Discharge, exclusive of Flood Waters, of each of the said Springs and Feeders during the Months of *April*, *May*, *June*, *July*, *August*, *September*, *October*, and *November*.

Compensation for Spring Water to the Edinburgh Roperie and

XXVII. And be it further enacted, That in the Event as aforesaid of taking the Springs and Feeders of *Bavelaw Burn* and *Stream Burn*, in order to compensate the *Edinburgh* Roperie and Sail Cloth Company of *Leith*, and Lieutenant General *Thomas Scott* of *Malleny*, for the Loss of pure Water for bleaching at the Works of the said Company

Sail Cloth Company of Leith.

pany on *Bavelaw Burn*, situated on the Property of the said Lieutenant General *Thomas Scott*, by Diversion of the said Springs and Feeders of *Bavelaw Burn* and *Stream Burn*, the said Water Company shall be and they are hereby required, at their sole Expences, previous to their beginning to execute any of the Works hereby authorized to be made which may affect the Purity of the *Bavelaw Burn*, to collect the Water of the Springs in *Balerno Muir*, acquired by the said Company from *George Reid* of *Rathobank*, into a Cistern, and to convey the Water discharged by such Springs by a Pipe into a Pond to be formed by the said Water Company on Part of the said *Balerno Muir*, belonging to the said Lieutenant General *Thomas Scott*, adjoining to the Works of the said *Edinburgh* Roperie and Sail Cloth Company at *Malleny Mills*, which Pond shall contain a Surface of Water equal to Two thousand Yards, and of the Depth of Three Feet Six Inches, and to lay out the Banks of the said Pond for Bleaching Ground, and to form a Road from the said Roperie Company's Works by the said Bleaching Ground to the Road leading from *Bavelaw* to *Balerno*, (which Pond, Bleaching Ground, and Road to contain in the whole Three *Scotch* Acres of Ground,) and to complete the Inclosure round such Pond, Bleaching Ground, and Road with a Stone Dyke, and to lay a Pipe of Six Inches Diameter from the said Pond into a Cistern Five Feet Square and Six Feet in Depth, inside Measure, to be made by the said Water Company at the Washing Mill of the said Roperie Company, and to carry the Three Pipes of the said Washing Mill into the said Cistern: Provided always, that all such Works before mentioned shall be completed, and the said Bleaching Ground in proper Condition for bleaching upon, within Twelve Months from and after the passing of this Act.

Compensation Reservoir for certain Mills.

XXVIII. Provided always, and be it enacted, That before taking or conveying away the Water of the said Springs and Feeders the said Company shall provide a Compensation Reservoir or Reservoirs, to be formed at or near the Junction of the *Stream Burn* with the *Bavelaw Burn*, on the Property of the said Lieutenant General *Thomas Scott* and *William Johnstone* and *Robert Ferguson*, at the Place pointed out in the Map or Plan herein-after mentioned, which shall be made capable of containing a Quantity of Water equal to the average ordinary Discharge, exclusive of Flood Waters, during the Months of *April*, *May*, *June*, *July*, *August*, *September*, *October*, and *November*, of such of the said Springs and Feeders as shall be taken or used by the said Company, to be ascertained and declared in manner before mentioned, in order to compensate the Owners and Occupiers of Mills and Lands on the *Bavelaw Burn*, and on the Water of *Leith* below its Confluence with the *Bavelaw Burn*, for the said Springs and Feeders.

Company to form Compensation Reservoirs;

XXIX. And be it further enacted, That it shall and may be lawful to the said Company, and they are hereby authorized and empowered, to take and use Grounds and Premises for the Purpose of forming a Reservoir or Reservoirs, and preventing the Flood Waters from running into the Tunnel and Fountainhead at *Crawley Springs*, all within the Parishes of *Glencorse*, *Penicuick*, and *Currie* aforesaid, in the County of *Edinburgh*, or any of them, at the Places described in the Map or Plan

Plan herein-after mentioned, and to make the necessary Cuts, Trenches, Mounds, or other Works for connecting together the Springs and Water herein-before authorized to be taken, and also the necessary Cuts, Trenches, Conduits, Mounds, or other Works for conducting the Water thereof to the said City, by the Aqueduct already constructed by the said Company for conducting the Water of the *Crawley Springs* to *Edinburgh*, in the Line or Lines pointed out in the said Map or Plan, and to construct the necessary Aqueduct or Aqueducts, Mounds, and other Works, and lay the necessary Pipe or Pipes for that Purpose; and also to take and use Grounds and Premises at the Place described in the aforesaid Plan, for the Purpose of forming Part of a public Road leading from *Glencorse Bridge* to *Harelaw*, in lieu of that Part of the present Road to be occupied by the aforesaid Reservoir on *Glencorse Burn*, first giving One Month's Notice of such their Intention to the Owner or Owners and Occupier or Occupiers of such Grounds and Premises, and making Satisfaction to such Owner or Owners and Occupier or Occupiers in manner herein-after directed; and the said Company, or their Committee of Management, are authorized to obtain Access to the Grounds through which the Water may be conducted by the Gates or other Mode of Entry to the Inclosures used as Access for other Purposes, at all reasonable Times during the Day, not earlier than Six of the Clock in the Morning nor later than Sunset, to the said Company or their Committee, or their Engineer or Superintendent specially named by the Company, to inspect the Line or Tract of the Aqueduct or Aqueducts, and, in the Event of Repairs being found necessary, to obtain the like Access for the other Servants of the said Company to repair the same, the Company indemnifying the Owner or Occupier for all Damages thereby done in manner herein-after directed.

and to make Cuts, and lay Pipes to conduct Water to City.

XXX. And be it further enacted, That it shall and may be lawful to the said Company or their Committee of Management, and they are hereby authorized and empowered, to collect and dam up all the Flood Waters of *Bavelaw Burn* and its tributary Streams in the Compensation Reservoir or Reservoirs, to cover in Extent not exceeding One hundred and eighty Imperial Acres of Land or thereby, to be formed at the Junction of the *Bavelaw Burn* and *Stream Burn*, upon the Property of the said Lieutenant General *Thomas Scott* and *William Johnstone* and *Robert Ferguson*, or at such other Place or Places, not lower down than the Junction of the *Bavelaw* and *Stream Burns*, as may be deemed more advisable as aforesaid, for the Purposes of making Compensation to the said Owners and Occupiers of the Mills and Land Owners on the Course of *Bavelaw Burn*, and on the River *Leith* below the Confluence of the said Burn and River, for the Water herein-before authorized to be taken from the said Feeders and Springs for the Purposes of this Act.

Power to dam up the Flood Waters on Bavelaw Burn.

XXXI. And be it further enacted, That the Supply of Water to be delivered into the *Bavelaw Burn* from the said Compensation Reservoir or Reservoirs, to be made at or near the Junction of *Bavelaw Burn* and the *Stream Burn*, shall at all Times after the Completion of the same be regulated by a Committee to be from Time to Time appointed by the Mill Owners on *Bavelaw Burn* and on the River

Supply of Water from Reservoir at Bavelaw how to be regulated.

Leith below its Junction with the said Burn, at any Meeting to be held within the City of *Edinburgh*, of which Notice shall be given by Advertisement, the Expence of which shall be paid by the said Mill Owners and Occupiers, specifying the Time and particular Place at which such Meeting is to be held, to be inserted by any Two or more of such Owners at their own Expence, Three Times at the least, in any Two or more Newspapers usually circulated in the County of *Edinburgh*, not more that Ten nor less than Five Days previous to such Meeting, the said Committee to consist of Two Occupiers of Mills on *Bavelaw Burn*, of whom the Manager of the Works at *Malleny Mills* shall be one, and Three Occupiers of Mills on the River *Leith* below its Junction therewith, which Committee shall from Time to Time give the necessary Directions in Writing for the Supply of such Water to the Person or Persons to be appointed and paid by the Company to take charge of such Reservoir; and the said Company shall be no farther concerned with the Supply of Water from the said Reservoir than in keeping the said Reservoir in good Order and Repair, and of a sufficient Depth to be capable of containing the Quantity of Water requisite for affording the Compensation aforesaid.

Power to make Drains for conducting Flood Waters into Reservoirs.

XXXII. And be it further enacted, That it shall and may be lawful to the said Company or their Committee to cut and make such Catch Water Drains as may appear to them necessary for conducting and conveying Flood Waters from the said Burns and tributary Streams into any of the said Compensation Reservoirs for the Purposes aforesaid, the said Company making Satisfaction to the Owner or Owners and Occupier or Occupiers of the Grounds through which the said Drains may be made for any Damage that may be actually sustained by them in manner herein-after directed.

Water Company to lodge Descriptions of Compensation Reservoirs.

XXXIII. And be it enacted, That the said Company shall be and they are hereby required to lodge, at the Office of the Sheriff Clerk of the County of *Edinburgh*, a precise Specification or Description of the intended Compensation Reservoir or Reservoirs to be made at the Place or Places described in the Map or Plan herein-after mentioned for receiving the Waters of the Rivers *Leith* and *Bavelaw Burn*, and their tributary Streams, mentioning the Contents thereof, and the Depth of the Water that may be collected therein at any Time, and the Kind of Work proposed in constructing, and all other Particulars respecting the same necessary for the Information of the Parties concerned; and after such Specification or Description shall have been so lodged *Thomas Telford*, Civil Engineer, whom failing, *George Rennie*, Civil Engineer, whom failing, *John Rennie*, Civil Engineer, whom failing, *Robert Bald*, Civil Engineer, shall consider the said Specification or Description, and shall declare by Writing under his Hand that in his Opinion the Reservoir or Reservoirs, if constructed agreeably to such Specification or Description, will be capable of containing the Quantity of Water herein-before provided as a Compensation to the Owners and Occupiers of Mills and Lands on the *Bavelaw Burn* and the Water of *Leith* for the Springs, Feeders, and Water taken or used by the said Company, and that such Quantity of Water is a full and adequate Compensation therefore; and also that the Work,

if constructed agreeably to such Specification or Description, will be a sufficient Security against any Damage arising from the Embankments or Heads of the Compensation Reservoir or Reservoirs bursting or otherwise giving way.

Engineer to inspect and report the Progress of the Work.

XXXIV. And be it enacted, That any of the said Engineers shall visit the Works while in progress, and from Time to Time report to the said Sheriff Depute by Writing under his Hand that the Execution of the Work or Works is proceeding according to the Terms of the Specification or Description, or on the contrary, as the Case may be; and in case of any material Deviation from the said Specification, not specially authorized in Writing by the said Engineer, the said Sheriff Depute shall forthwith issue his Order to stop the Works so executing contrary to the said Specification or Specifications, Description or Descriptions.

Engineer to declare the Sufficiency of the Works.

XXXV. And be it further enacted, That when the said Embankments or Heads of the Compensation Reservoir or Reservoirs are completed, the said Engineers nominated and appointed shall visit and inspect such Embankments or Heads of Reservoirs, and declare by a Writing or Writings under his Hand that the Works have been completed according to the Specifications or Descriptions, and that in his Opinion they form a sufficient Security against any Damage being done by bursting of the said Embankments or Heads of Reservoirs, or their giving way, or the contrary Opinion, as the Case may be; and until such Report or Reports is or are made, declaratory of the Works being completed and sufficient, and the Reservoir or Reservoirs at or near the Junction of the *Stream Burn* and *Bavelaw Burn* filled with Water, it shall not be lawful to or for the said Company to abstract or divert the Water of the Springs, Feeders, or Waters of *Leith* and *Bavelaw Burn*, or any Part thereof, nor to obstruct the present Course of the same; and the whole Expence of the Examination of the Engineer, and Inspection of and Attention to the Works, and ascertaining the average ordinary Discharge of the said Springs and Feeders, shall be borne and paid by the said Company; and the said Specifications or Descriptions, and the Reports and Opinions of the Engineer, shall remain in the Office of the said Sheriff Clerk of the County of *Edinburgh*, open to the Inspection and Perusal of all Parties concerned.

Power to apply to the Sheriff Depute in case of the Works falling into Disrepair.

XXXVI. And be it enacted, That upon such Embankments or Heads of Reservoirs being completed and declared to be sufficient in manner before mentioned, the same shall be kept in proper Repair, and of a sufficient Capacity to contain the Quantity of Water above specified, at the Expence of the said Company in all Times thereafter, and it shall be lawful to any of the Owners of Lands, Mills, or Works on *Bavelaw Burn*, and on the said River of *Leith* below the Confluence of the said River of *Leith* and *Bavelaw Burn*, to apply to the Sheriff Depute of the said County, alleging that the said Embankments, Heads, or Compensation Reservoirs, or any of them, have become insufficient or want Repair; whereupon the said Sheriff Depute shall cause Inquiry to be made into the Truth of such Allegation by a skilful Person or Persons, and thereupon make such Orders for the Repairs

Repairs thereof, or otherwise binding on the said Company, as the Case may require, so as that the said Embankments, Heads, and Reservoirs may be always kept in a sufficient State of Repair.

Power of Access to the Main Cisterns, &c.

XXXVII. And be it further enacted, That it shall and may be lawful to any Party interested at all reasonable Times to have free Access to inspect the Main Cisterns to be formed at the Heads of the Water of *Leith* and *Bavelaw Burn*, and to ascertain the Quantity of Water conveyed by the aforesaid Aqueduct or Aqueducts for the Purposes of this Act.

Ascent to Bridges over Aqueducts.

XXXVIII. Provided always, and be it enacted, That the Ascent to every Bridge to be made over the said Aqueduct shall not be more than One Foot in Thirteen Feet, and that the Fence on each Side of such Bridge shall not be less than Four Feet above the Surface of such Bridge.

Power to enter on Lands to survey and to take Materials.

XXXIX. And be it further enacted, That it shall and may be lawful to and for the said Company and their Workmen, and they are hereby authorized and empowered, to enter into and upon the Lands and Grounds of all Person or Persons, Bodies Politic, Corporate, or Collegiate whatsoever, and to survey and take Levels of the same, and to set out and ascertain such Parts thereof as they shall think necessary and proper for making the said Reservoir or Reservoirs, and Aqueduct or Aqueducts, and necessary for making, preserving, and improving the same; and also to bore, dig, cut, trench, sough, get, remove, take, and carry away, and lay Earth, Clay, Stone, Rubbish, Beds of Gravel or Sand for making the said Reservoir or Reservoirs, Aqueduct or Aqueducts, which may be got in carrying on the said Works, or out of the Lands of any Person or Persons adjoining any Part of the said Works, which the said 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 on the said Lands: Provided always, that the said Company shall not be entitled to take Clay, Stone, or other such Materials for the Purposes of this Act from any Orchard, Garden, Yard, planted Walk, Avenue, Lawn, or Pleasure Ground, or Plantation of Trees planted prior to the passing of this Act, without the Consent in Writing of the Owner or Owners thereof first had and obtained, they 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 Owner or Owners, Occupier or Occupiers of and other Persons interested in any such Lands or other Heritages which shall be taken, used, removed, or prejudiced, for all actual Damage to be by them sustained in or by the Execution of all or any of the Powers of this Act.

Notices to be given before Materials are taken.

XL. Provided nevertheless, and be it further enacted, That no Surveyor, or any other Person or Persons 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, until Notice in Writing, signed by the said Surveyor or other Person or Persons, shall have been first given to the Owner or his known Agent, or to the Occupier

Occupier of the Land from which such Materials are intended to be taken, or left at such Owner's or Occupier's usual Place of Residence, to appear before any Two Justices of the Peace acting for the County of *Edinburgh*, at any Time not sooner than Three Days after the giving such Notice, to shew Cause why such Materials shall not be had therefrom; and in case such Owner, Agent, or Occupier shall attend pursuant to such Notice, and shall not shew sufficient Cause to the contrary, such Justices shall, if they think proper, authorize such Surveyor or other Person or Persons to dig, get, gather, take, and carry away such Materials at such Time or Times as to such Surveyor 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 appear by himself or herself, or his or her 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 or her Agent had attended, and the Order of such Justices shall be final and conclusive to and upon all Parties.

Expences to be paid by Company.

XLI. Provided always, and be it enacted, That all the Expences of obtaining the Direction of the said Sheriff Depute in the Matters herein-before mentioned shall be paid and defrayed by the said Company; and the Appointments of the said Sheriff Depute in the said Matters shall be binding, conclusive, and final, to all Intents and Purposes whatsoever, against all Bodies Politic, Corporate, or Collegiate, and all other Persons, and shall not be liable to Review by Suspension, Advocation, Reduction, or otherwise; any Law or Statute to the contrary notwithstanding.

In case of the bursting of Embankments.

XLII. And be it further enacted, That if the Embankments or Dams of the said Compensation Reservoir or Reservoirs shall at any Time burst or give way in consequence of Floods or other Causes, the Damage thereby done to the Owner or Occupiers of Lands, Mills, or other Works and Establishments shall be ascertained, on the Application of any Party interested, by the said Sheriff Depute of the County of *Edinburgh*, whose Judgment for the Payment of Damages by or absolving the said Company, or in such Terms as he shall think fit to pronounce on advising such Application, shall be in the same Way binding and final, and not subject to Review.

Company may lay Distribution Pipes in the Town of Leith, &c.

XLIII. And be it enacted, That the said Company shall have full Power and Authority to lay such Pipes within the said Town and Port of *Leith* and Places adjacent as they shall deem requisite for the proper Distribution of Water to the Inhabitants thereof, and for the Use of the Shipping in the Port of *Leith*, and to take up, repair, and relay the same as they may find necessary or expedient, and to cut, dig, and open such Streets and Roads, Ways and Passages, and other Places, as may be necessary for these Purposes, and to do every other Act or Thing which the said Company shall deem necessary for effectually and completely executing the Purposes of this Act according to the true Intent and Meaning thereof, the said Company always giving Notice to the Overseers of the Road, Trustees, or to the

Intendant of Police of *Leith*, before opening any Streets or Roads under their Charge respectively, as the Case may be, and opening and replacing the same to his or their Satisfaction, or to the Satisfaction of the Sheriff Depute of the County of *Edinburgh* or the Magistrates of *Leith* respectively.

No Premises to be taken not mentioned in Schedule without Owner's Consent.

XLIV. Provided always, and be it enacted, That no Spring, Stream, or Brook, or Part thereof, nor any Grounds, House, or Buildings, Garden, planted Walk, or Yard belonging to a House, shall be taken or used by the said Company for the Purposes of this Act, except such as are mentioned in this Act or the Schedule hereunto annexed, without the Consent in Writing of the Owner or Owners thereof being first had and obtained for that Purpose.

Misnomers not to prevent Execution of the Act.

XLV. Provided always, and be it enacted, That if any Spring, Brook, Stream, Grounds, Houses, or other Premises 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 Schedule hereto annexed, 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 and Occupiers thereof had been therein properly named and described, in case it shall appear to Two or more Justices of the Peace for the County of *Edinburgh*, to be named at a Meeting of the Quarter Sessions of the said County, and be certified by a Writing under their Hands, that such Omission, Misnomer, or inaccurate Description proceeded from Mistake.

Plan remaining with the Clerk of the Peace not to be deviated from.

XLVI. And whereas a Map or Plan of the Line of the proposed Aqueduct, Reservoirs, and other Works, and the Lands and Grounds through which the same lead, in which Map or Plan are laid down the Line of the proposed Aqueduct, and the Sites of the several Reservoirs herein-before mentioned as therein inserted, together with a Book of Reference, containing Lists of the Names of the Owners and Occupiers of the Lands through which it is intended to lead such Aqueduct or Aqueducts, and within which such Reservoirs are intended to be situated, having been deposited with the Clerk of the Peace for the County of *Edinburgh*; be it enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of such Clerk of the Peace, 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 at the Rate of Sixpence for every One hundred Words of such Copies or Extracts; and that in any Alteration of the Course or Direction of the said Aqueducts, or the Sites of the said intended Reservoirs, it shall not be in the Power of the said Company to deviate more than One hundred Yards from the Lines or Sites described in such Map or Plan respectively.

Commissioners may require the Company to provide an

XLVII. Provided always, and be it further enacted, That the said Commissioners may, upon the Application of any Five Householders possessed of Houses or other Premises, Three of whom at least shall possess Houses or other Premises charged at a Rent of Fifty Pounds for

for Police Tax, from Time to Time ascertain the Quantity of Water requisite for the Supply of the City of *Edinburgh* and Town and Port of *Leith* and Places adjacent; and that it shall and may be lawful for the said Commissioners to require the said Company or their Committee of Management from Time to Time to bring into *Edinburgh* and *Leith* such additional Supply of Water as the said Commissioners shall see necessary from the Springs to be acquired by the said Company by virtue of the Powers conferred on them by this Act; and that it shall be in the Power of any Five Householders possessed of the Qualification herein-before mentioned, and supplied with Water by the said Company, to apply to the Sheriff Depute of the County of *Edinburgh* to enforce the Requisition of the said Commissioners, if he shall see fit, and his Judgment shall be final, and not liable to Review.

additional Supply of Water.

XLVIII. And be it enacted, That it shall and may be lawful to and for all Bodies Politic, Corporate, or Collegiate, Trustees, or Heirs of Entail, Tutors or Curators for Infants, Minors, Idiots, fatuous or furious Persons, for Persons absent from *Scotland* and for others, and to and for all and every other Person or Persons whatsoever under any other Disability or Incapacity, who are or shall be seised, possessed of, or interested in, or entitled to any of the Springs, Brooks, Grounds, Houses, or other Premises required for the Purposes of this Act, to sell and convey the same to the said Company, or otherwise to agree with them for the Use thereof for the Purposes aforesaid; and all Contracts, Agreements, Sales, or other Conveyances that shall be made shall be valid to all Intents and Purposes, any Law, Statute, or Usage, or other Matter or Thing whatsoever, to the contrary notwithstanding.

Powers to Heirs of Entail, &c. to treat.

XLIX. Provided always, and be it enacted, That if any Person or Persons, Bodies Politic, Corporate, or Collegiate, or Owners or Occupiers of any Spring, Brook, Stream, Ground, Houses, or other Property required for the Purposes of this Act, specified in the Schedule hereto annexed, seised or possessed of, interested in, or entitled to the same respectively, shall refuse to treat, contract, or agree to sell the same as aforesaid, or to allow the said Company to enter upon, use, or take the same for the Purposes of this Act, they shall be bound and obliged to state in Writing the Sum or Sums which they demand as Damage or Recompence for the Ground or other Subjects taken or to be taken for the Purposes of this Act; and if the said Company shall decline to pay the Sum or Sums so demanded, the said Company shall also be bound and obliged to state in Writing the Sum or Sums of Money which they are willing and offer to pay; whereupon it shall and may be lawful for the Sheriff Depute of the County of *Edinburgh* or his Substitute, and they or either of them are and is hereby authorized and required, upon Application from the said Company or from the Clerk for the Time being, to summon and return Thirty substantial and disinterested Proprietors of Lands within the County of *Edinburgh*, valued in the Cess Books of the said County to the Extent of One hundred Pounds *Scots* or upwards; and the said Sheriff Depute or his Substitute shall appoint a Day and Place for proceeding in the said Matter, of which Notice in Writing shall be given to the Owners and Occupiers of such Spring, Brook, Stream, Grounds, Houses, or other Premises personally, or left at his, her, or their usual Place or Places of Abode, or with some Tenant

Mode of Procedure when Persons refuse to treat.

Tenant or Occupier of the Premises as aforesaid; and at the Time and Place appointed by the Sheriff Clerk of the County of *Edinburgh*, or his Deputy or Substitute, shall, in the Presence of the said Sheriff Depute or his Substitute and the Party or Parties interested, if he, she, or they shall attend, put into a Box or Glass the Names of the whole Thirty Persons so summoned and returned, and shall out of such Box or Glass draw out the Names of Fifteen Persons, and the Fifteen Persons whose Names shall be thus drawn shall form a Jury for the Purposes aforesaid; and in case of the Death of any of the Fifteen Persons, or their Inability to attend, the said Sheriff Depute shall direct the Sheriff Clerk, or his Deputy or Substitute, to draw from amongst the remaining Names of the Persons summoned as aforesaid such an additional Number of Names as may be necessary to make up a complete Jury of Fifteen Persons able to attend; and the said Fifteen Persons are hereby required to come and appear before the said Sheriff Depute or his Substitute at such Time and Places as in his Warrant or Warrants, Precept or Precepts, shall from Time to Time be directed and appointed to that Effect; and the said Sheriff Depute or his Substitute is hereby authorized and empowered, by Warrant or Warrants under his Hand, from Time to Time, as Occasion shall require, to call before him such Person or Persons as shall be thought by the Parties proper or necessary to be examined as a Witness or Witnesses before him touching or concerning the Premises, and to send his Precept or Precepts for all and every such Person or Persons, who is and are hereby required to appear before the said Sheriff Depute or his Substitute, and to produce such Books, Papers, Deeds, and Writings as the said Sheriff Depute or his Substitute shall judge necessary for his Information, or for the Information of the Jury so to be formed as aforesaid, in any Matter or Thing relating to this Act; and the said Sheriff Depute or his Substitute shall and may administer Oaths for the better Discovery of the Truth in regard to the Inquiry by him to be made to any Person or Persons therein concerned, or to any other Person or Persons whomsoever, and shall and may authorize the said Jury to view the said Place or Places and Matters in question; and the said Jury upon their Oaths (which Oath the said Sheriff Depute or his Substitute shall and may administer) shall inquire of and give their Verdict for such Price or Prices, Damage or Recompence, as they shall judge fit to be awarded to such Owners and Occupiers as aforesaid, or any of them, for such Spring, Brook, Stream, Grounds, Houses, or other Premises, or any Part thereof, for their respective Estates or Interests in the same; and the Sheriff Depute or his Substitute shall and may give Judgment for the Sum or Sums of Money specified in the Verdict or Verdicts of such Jury or Juries respectively; which said Verdict or Verdicts, and the Judgment, Decree, or Determination thereupon declared and pronounced by the said Sheriff Depute or his Substitute, and the Value and Recompence, Price or Prices, so to be awarded and declared, shall be binding and conclusive to all Intents and Purposes whatsoever against the said Company, and against all such Persons, Bodies Politic, Corporate, or Collegiate, and all and every other Person or Persons whatsoever having or claiming any Right, Title, Trust, or Interest of, in, to, or out of such Premises as aforesaid; and the Verdicts, Judgments, Orders, Sentences, and Decrees, and other Proceedings of the said Sheriff

riff Depute or his Substitute, so to be made, given, aud pronounced as aforesaid, shall be fairly written upon Paper or Parchment, and signed by the Sheriff Depute or his Substitute at the making or pronouncing of the same, and shall be recorded in the Sheriff Court Books of *Edinburgh*, and the same or certified Copies thereof shall be deemed and taken as good and effectual Proof and Evidence in any Court of Law or Equity whatsoever; and if any Person so summoned and returned as aforesaid upon such Jury shall not, without reasonable Excuse, appear, or appearing shall refuse to be sworn or give his Verdict, or shall 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, after having been paid or tendered a reasonable Sum for his or her Costs, Charges, and Expences, or appearing shall refuse to be sworn and examined or give Evidence, every Person so offending, having no reasonable Excuse to be allowed by the said Sheriff Depute or his Substitute, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds for the Benefit of the Jury upon which or to give Evidence before which such Person was so summoned; declaring always, that the said Sheriff Depute or his Substitute acting as such, although Proprietor of the Stock of this Company, shall not be disqualified from discharging the judicial Duties, or executing the other Matters committed to him by this Act, unless he shall otherwise happen to be specially interested in the Matter under Discussion.

Expences of Juries how to be paid.

L. And be it further enacted, That in every Case where a Verdict shall be given by any such Jury for more than shall have been previously offered for or on behalf of the said Company of Proprietors, as a Recompence or Satisfaction for any such Premises as aforesaid, or for any such Estate, Right, or Interest therein, or for any Damages that may have been sustained by any Person or Persons as aforesaid, all the Costs and Charges incurred in summoning and returning such Jury, taking such Inquisition, and the Attendance of Witnesses, and the Verdict or Judgment thereon, shall be borne by the said Company of Proprietors out of the Monies to be raised by virtue of this Act; and in case such Costs and Expences shall not be paid to the Party or Parties entitled to receive the same within Ten Days after Demand made thereof from the said Company, then the same shall and may be levied and recovered by Distress and Sale of any Goods or Effects vested in the said Company, or any Goods or Effects of the Treasurer or Treasurers of the said Company, unless such Treasurer or Treasurers shall pay such Costs and Charges out of any Monies received by him by virtue of this Act, 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 where such Treasurer may reside, which Warrant any such Justice is hereby authorized and required to issue on Application made to him for that Purpose by the Party or Persons entitled to receive such Costs and Expences; and in every Case where a Verdict shall be given by any such Jury for no more or for less Money than have been previously offered by or on behalf of the said Company as such Recompence or Satisfaction as aforesaid, the Expence of such Jury shall be borne in equal Proportions by the Party

or Parties refusing or neglecting to treat or agree as before mentioned and by the said Company; but in Cases where any Person or Persons, Party or Parties, shall have been prevented by Absence from entering into any Treaty with the said Company, the Costs and Charges so incurred shall be borne by the same Company in manner aforesaid; and in all Cases where any Difference shall occur touching the Amount of the said Costs and Charges, the same shall be settled and ascertained by any Justice of the Peace for the County within which the Question may occur, not interested in the Matter in question, who is hereby authorized and required to examine into and settle the same, and to appoint a Time and Place for Payment thereof; and where the Costs shall be payable by the Party or Parties having had any such Disagreement or Dispute with the Company as aforesaid, the Amount thereof, having been first paid by the Company, may be deducted by them out of the Monies awarded to be paid to such Party or Parties as so much Money advanced for his, her, or their Use, and the Payment or Tender of the Balance of such Money shall be held and taken, to all Intents and Purposes whatsoever, to be a Payment or Tender of the whole Money awarded or adjudged to such Party or Parties; or otherwise, if such Costs and Charges be not paid upon Demand after being so ascertained as aforesaid, the same may be recovered by the said Company in any Court competent, from the Party or Parties liable to the Payment thereof, by Action, together with full Costs of Suit.

On Payment, Company may take possession.

LI. And be it enacted, That upon Payment of such Sum or Sums of Money so to be awarded and adjudged to the Party or Parties concerned, or legal Tender made to him, her, or them respectively, either personally, or at his, her, or their usual Place or Places of Abode, or upon Payment thereof into the Bank of *Scotland*, the Royal Bank of *Scotland*, or Bank of the *British* Linen Company of *Scotland*, in manner by this Act directed, within Three Calendar Months after such Sum or Sums of Money shall have been so awarded or adjudged, it shall then, and not before or otherwise, be lawful to and for the said Company, and to and for their Agents and Workmen, to take possession of and dispose of such Springs, Brooks, Streams, Grounds, Houses, or other Premises for the Purposes of this Act, in such Manner as the said Company shall see fit and expedient, and the said Company shall be indemnified therein and be quieted in the Possession of the Premises so to be ordered and disposed of under the Authority of this Act: Provided that Notice shall be given to the Tenants and Occupiers Thirty Days at least before the Term of *Martinmas* or *Whitsunday* at which they are to be removed therefrom by serving the same upon such Tenants or Occupiers, or leaving the same at his, her, or their usual Place or Places of Abode.

Application of Compensation when exceeding 200*l.*

LII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or other Heritages or Premises purchased, taken, or used by virtue of this Act for the Purposes thereof, which are held under Entail, or are subject to Life Rents, Annuities, or other Incumbrances, or shall belong to any Corporation, Married Woman, Infant, Lunatic, or Person or Persons

under any Disability or Incapacity, such Money shall, in case the same shall amount to Two hundred Pounds, under the Direction and by Authority of the Court of Session in either Division thereof, be with all convenient Speed paid into the Bank of *Scotland*, Royal Bank of *Scotland*, or the Bank of the *British* Linen Company of *Scotland*, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be prepared in a summary Way by the Person or Persons who would have been entitled to the Rents of the said Lands, Tenements, or Heritages, in the Purchase or Redemption of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrances or Part thereof as the said Court shall authorize to be paid, affecting the said Lands, Tenements, or Heritages standing settled therewith, or 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, Tenements, and 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, Tenements, and 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 mean-time and until such Purchase 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 or Persons who would for the Time have been entitled to the Rents and Profits of the Lands, Tenements, and Heritages so hereby directed to be purchased, in case such Purchase or Settlement were made.

When less than 200*l.* and above 20*l.*

LIII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Heritages purchased, taken, or used for the Purposes aforesaid, and belonging to any Incorporation, or to any Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, and Heritages so purchased, taken, or used, or of his, her, or their Tutors or Curators in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, under the like Direction and Authority be paid into any of the said Banks, and be placed to his or their Accounts as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Three Trustees to be nominated by the Person or Persons making such Option, and approved of by Five or more of the said Committee of Management (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, as far as the Case may be applicable.

LIV. Pro-

When less than 20*l.*

LIV. Provided always, and be it further enacted, That where such Money so agreed or awarded to be paid as last before mentioned shall be less than Twenty Pounds, then in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being be entitled to the Rents and Profits of the Lands, Tenements, or Heritages so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Committee or any Five or more of them shall think fit, or in case of Infancy or Lunacy, then to his or their Tutors or Curators, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out Titles.

LV. And be it further enacted, That in case any Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Heritages by virtue of this Act, shall refuse to accept the same, or shall not be able to make out a good Title to the Premises to the Satisfaction of the said Committee, or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Heritages be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Committee, or any Five or more of them, to order the said Sum of Money so awarded as aforesaid to be paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of the *British* Linen Company, to the Credit of the Parties interested in the said Lands, Tenements, or Heritages (describing them), subject to the Order, Controul, and Disposition of the Court of Session; which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Petition, shall be and is hereby empowered, in a summary Way of proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making such Claim thereunto, and to make such other Order in the Premises as to the Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of the *British* Linen Company of *Scotland*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

When Question shall arise touching the Right to Money.

LVI. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *Scotland*, or Bank of the *British* Linen Company of *Scotland*, under the Direction and by the Authority of the Court of Session, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Heritages to be purchased with any such Money, or to the Rents and Profits thereof, the Person or Persons who shall have been in possession of such Lands, Tenements, or Heritages at the Time of such Purchase, and all Persons claiming

claiming under such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Heritages, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court; and the Rents and Profits of the Lands, Tenements, and Heritages to be purchased with such Money, and also the Lands, Tenements, and Heritages so purchased, shall be paid, applied, and disposed of accordingly, unless it shall be made to appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Heritages, or to some Estate or Interest therein.

Court may order Application of Prices in Cases of Incapacity.

LVII. Provided also, and be it further enacted, That where by reason of any Disability and Incapacity of the Person or Persons or Corporation entitled to any Lands, Tenements, or Heritages to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court, and to be applied to the Purchase of other Lands, Tenements, or Heritages, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Prices and other Expences of all Purchases to be made from Time to Time in pursuance of this Act, or so much of such Prices or other Expences as the Court shall deem reasonable, to be paid by the said Company of Proprietors, who shall from Time to Time pay such Sums of Money for such Purchases as the said Court shall direct; and provided also, that in all Cases where it shall be necessary to make Application to the said Court in regard to any Monies so paid into the said Court, the Expence of such Application shall be paid by the said Company.

Company may water the Streets.

LVIII. And be it further enacted, That it shall and may be lawful to and for the said Company to treat, contract, and agree with the Lord Provost, Magistrates, and Council of the City of *Edinburgh* and Magistrates of *Leith*, or with the Inhabitants of any Street, District, or Place within the same, or the Places adjacent, to water the Streets of the said City or Town and Port of *Leith*, or any such Street, District, or Place, and for the Recompence to be paid for the same; and such Recompence shall and may be recovered as Debts due to the said Company may be recovered by the Laws of *Scotland*, and such Recompence, when paid, shall be applied as the Rates and Duties payable to the said Company may be applied.

Rates and Duties for Shopkeepers and Warehouse Holders.

LIX. And be it enacted, That the said Company shall from Time to Time fix and ascertain the annual Rates and Duties to be paid by Shopkeepers and Warehouse Holders, requiring an ordinary Supply of Water, having Water conveyed into their Shops or Warehouses from the Reservoirs or Pipes belonging to the said Company: Provided always, that such Rates and Duties shall not exceed One Pound Five Shillings *per Centum* on the real Rent of the said Shops and Warehouses, and which Rates shall not be calculated on a Rent exceeding One hundred and twenty Pounds.

For Brewers, Distillers, Manufac-

LX. And be it enacted, That Brewers, Distillers, and other Manufacturers, Hotel Keepers, and other Persons having public Establishments

turers, and Hotel Keepers.

ments or Shops, requiring an extraordinary Supply of Water, having Water conveyed to their Premises from the Distribution Pipes belonging to the said Company, and also Shipmasters, or others connected with the Shipping in the Port of *Leith*, requiring Supplies of Water, shall pay such annual or other Rates or Duties for the same as may be agreed on between them and the said Company, or, in case of Difference in Opinion between them, by the Sheriff Depute of the County of *Edinburgh* for the Time being, or, in the Option of any of the aforesaid Parties requiring Water, by the Sheriff Substitute of the said County, whose Judgment or Determination shall be conclusive and final, and not subject to Review.

Penalty on laying down Pipes without the Consent of the Company.

LXI. And be it further enacted, That if any Tradesman or Person or Persons shall lay or cause to be laid any Leaden or other Pipe to communicate with any Reservoir, Aqueduct, or Pipe belonging to the said Company, or any Pipe or Pipes communicating therewith, without the Consent of the said Company having been first obtained in relation to the same as aforesaid, every such Person shall forfeit and pay to the said Company the Sum of Twenty Shillings for every Day the said Pipe shall have so remained, and the said Company shall have right to cut off the same: Provided always, that such Persons as shall have laid such Pipes as aforesaid shall be at liberty to remove and take away the same, and the Cocks thereto belonging.

Persons supplied with Water not to supply others.

LXII. And be it further enacted, That if any Person or Persons whatsoever supplied with Water by virtue of this Act shall supply any other Person or Persons whatsoever with any Part of such Water, then and in every such Case every such Person so offending shall for every such Offence forfeit and pay to the said Company any Sum not exceeding Five Pounds; and it shall be lawful for the said Company, if they shall think fit, also to take off the Water from the House or Premises of any Person so offending for any such Offence.

Punishing Persons taking Water from Cisterns of other Persons;

LXIII. Provided always, and be it further enacted, That if any Person or Persons who are not supplied by the said Company with Water shall take or knowingly use Water taken from the Cistern or Cisterns of any Person or Persons supplied with the said Company's Water, such Person or Persons so taking or using the Water shall forfeit and pay to the said Company for every such Offence any Sum not exceeding Five Pounds.

except in certain Cases.

LXIV. Provided always, and be it further enacted, That nothing herein contained shall extend to subject any Person or Persons whatsoever supplied with Water by virtue of this Act to any Penalty or Forfeiture for supplying any such Water for the Purpose of extinguishing any Fires, or for supplying any other Person or Persons also supplied with Water by virtue of this Act with any Quantity of such Water during such Time as the Pipes, Cocks, or Cisterns of such last-mentioned Person or Persons shall or may happen to be out of repair; provided that such Pipes, Cocks, or Cisterns shall nevertheless be repaired as soon as possible after any Damage shall happen thereto.

LXV. And

Stop Cocks to be provided to Cisterns.

LXV. And be it further enacted, That every Person or Persons supplied with Water by virtue of this Act shall have a Cistern for receiving Water, and in such Cistern or Receptacle for Water shall attach and fix a Ball Cock or other self-acting Cock to the Pipe conveying Water from the Reservoirs or Pipes belonging to the said Company into such Cistern or other Receptacle, and shall repair and renew the same as often as shall be necessary, in order to prevent the Water running to waste when such Cistern or other Receptacle shall be full; and the Person or Persons neglecting to attach and fix, and repair and renew, such Ball Cock or other self-acting Cock shall forfeit to the said Company a Sum not exceeding Five Pounds for every Offence; and any Officer specially authorized by the said Company or their Committee shall have free Access at all reasonable Times to the Premises to be supplied as aforesaid, to see that such Ball Cocks or other self-acting Cocks are kept in proper and sufficient Repair and Condition.

Drains or Sewers laid open to be fenced.

LXVI. Provided always, and be it further enacted, That any Ground which shall or may be opened or broken up for laying, taking up, or repairing any Pipe by virtue of this Act by the said Company, or by any Person with their Consent, shall by the said Company or such Person or Persons respectively be filled in, and the Rubbish occasioned thereby carried away, as soon as conveniently may be, and in the meantime be fenced or guarded according to the Regulations of the Police of the said City of *Edinburgh* and Town and Port of *Leith*, and shall also be lighted with a sufficient Number of Lamps during the Night, under a Penalty not exceeding Five Pounds, to be levied and recovered from the Person or Persons so failing to fence, guard, and light such Ground, and applied in manner herein-after mentioned, so that the same may not be dangerous to Passengers; and Notice in Writing shall be given by the said Company and the Person or Persons making any Openings respectively, Twenty-four Hours before the breaking up of any Ground as aforesaid, to the Superintendent of Public Works, Lord Provost and Magistrates of the said City for the Time being, by Notice left at the Council Chamber of the City, or to the Magistrates of *Leith* or Intendant of the Police of *Leith*, or to the Trustees for any Roads that may be required to be broken up or to have any Openings made in them, by Notice left at the House of the Clerk of the District or to the Proprietor or Proprietors thereof, or left at his, her, or their usual Places of Abode, as the Case may be, in order that the Streets, Roads, Pavements, and Grounds, and all Things that shall have been removed, shall be made good respectively by the said Company, or the Person or Persons making such Openings as aforesaid, within Twelve Hours after any such Pipe shall have been laid, taken up, or repaired as aforesaid, under the Penalty of Five Shillings for each Hour thereafter that the said Streets, Roads, Pavements, Grounds, and other Things shall not be made good as aforesaid; and in the Event that the said Streets, Roads, Pavements, Grounds, and other Things shall not be made good as aforesaid, then and thereafter it shall and may be lawful for the said Magistrates of *Leith*, Trustees, or Proprietor 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,

Company, or Person or Persons with whom they shall have agreed as aforesaid, and to sue for and recover such Expences by the same Ways and Means by which any Penalty may be sued for and recovered by virtue of this Act; but declaring always, that it shall and may be lawful to and for the said Company, or other Person or Persons making such Openings, to contract and agree with the said Magistrates of *Leith* or the Trustees aforesaid respectively, so as that the latter may, for the Recompence stipulated, themselves fill and make up the Streets, Pavements, or Roads so opened to their own Satisfaction, in which Case the aforesaid Penalties for not making good the said Streets, Pavements, and Roads shall not attach to the said Company or Person or Persons making such Openings.

Penalty for interrupting Workmen.

LXVII. And be it enacted, That if any Person or Persons shall wilfully hinder or interrupt the said Company, or their Deputies, Agents, Workmen, or Servants, or any of them, in doing or performing any of the Works by this Act directed, or in exercising any of the Powers and Authorities by this Act granted, or shall in any way cause the same to be done, every Person so offending shall for every such Offence forfeit and pay to the said Company any Sum not exceeding Ten Pounds, and also the full Amount of the Damage which shall be sustained by such Hindrance or Interruption, such Damage to be recovered in like Manner as any Penalty or Forfeiture can or may by virtue of this Act be recovered.

Penalty for injuring Works.

LXVIII. And be it further enacted, That if any Person or Persons shall wilfully break, throw down, or damage any Works already erected and made or to be erected and made by virtue of this Act, or destroy, damage, or injure any Pond, Reservoir, Aqueduct, Pipe, Plug, or other Matter or Thing already 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 Damages, which shall be recovered in the like Manner as the said Penalty is hereby authorized to be recovered.

Penalty for injuring the Water.

LXIX. And in order to preserve the Water to be conveyed to the said Town and Port of *Leith* and Places adjacent, and also the Water in the Company's Reservoirs, pure and wholesome, be it enacted, That no Person or Persons shall bathe in any Reservoir and Basin to be made and constructed in virtue of this Act, or wash any Dog or other Animals therein, or cast, throw, or put any Dog or other Animal, or any Filth, Dirt, or noisome or offensive Thing, or wash or cleanse any Cloth or any other Thing in any of the said Reservoirs or Basins, or suffer the Water of any Sink, Sewer, or Drain to run or be conveyed into the same, or into any of the said Pipes, or cause any Annoyance to be done to the said Water, upon pain of forfeiting for every such Offence a Sum not exceeding Ten Pounds.

Protection from Gas Pipes.

LXX. And be it further enacted, That all and every the Pipes and Conduits to be laid or used for the Conveyance of Gas in, under, below, across, or round any Street, Square, Market Place, Lane, Passage,

Passage, Court, or other Place in the City of *Edinburgh* and Town and Port of *Leith* and Places adjacent as aforesaid, shall be laid at the greatest practicable Distance, 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 Water Pipe already laid down or hereafter to be laid down by the Order of the Committee of Management for the Time being of the said *Edinburgh* Water Company for the Conveyance of Water in, under, through, along, across, or round any of the said Streets, Squares, Lanes, Passages, Courts, or other Places as aforesaid, (unless in case where it shall be unavoidably necessary to lay the Pipes of any Gas Light Company across any of the Pipes of the said Company of Proprietors, in which Case the said Pipes of such Gas Light Company shall be laid over and above such Water Pipes at the greatest practicable Distance therefrom, and shall form therewith a Right Angle; and in such Case the said Pipes of such Gas Light Company so crossing the said Pipes of the said Water Company shall be at least Twelve Feet in Length, so that no Joint of any of the said Pipes of the said Gas Light Company shall be nearer to any Part of the said Pipes of the said Water Company than Five Feet at least); and that in laying down the said Pipes such Gas Light Company, their Successors or Assigns, shall in no Case join Two or more Gas Pipes together previous to their being laid in the Trench, but shall lay each Pipe as near as may be in its Place in the Trench, and shall in such Trench properly form the Jointing with the other Pipes to be added thereto with proper and sufficient Materials, and shall also make and keep all and every such Pipes, and all Pipes connected or communicating therewith, and all the Screws, Joints, Inlets, or Apertures or Openings therein respectively, air-tight, and in all and every respect prevent the said Gas from escaping therefrom; and in case of Failure in any of these Particulars the Gas Light Company shall be bound to remedy the Defects without Delay at their own Costs and Charges, and shall be responsible to the *Edinburgh* Water Company for all Damages.

When Water contaminated with Gas.

LXXI. And be it further enacted, That whenever the Water of the said Company of Proprietors shall be contaminated or affected by the Gas of any Gas Light Company, or Person or Persons supplying the said City of *Edinburgh* and Town and Port of *Leith* and Places adjacent with Gas, such Gas Light Company or Person or Persons so supplying the said City and Town with Gas aforesaid shall, within Six Hours after Notice thereof in Writing, signed by any of the Committee of Directors, or by the Treasurer, or by the Manager or Chief Clerk for the Time being of and for the said *Edinburgh* Water Company, or by any Person using the Water, to be left at the usual Place of transacting Business of the said Gas Light Company or Person or Persons as aforesaid, and specifying the Place or Places where such Gas is known or supposed to escape from, and specifying also the Place or Places where the Water is first discovered to be injured or contaminated, 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 of Proprietors; and in case the said Gas Light

Company or Person or Persons as aforesaid shall not, within Twelve Hours next after each and every such Notice is 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, that then and in every such Case the said Gas Light Company or Person or Persons as aforesaid shall, on each and every Complaint whereof Notice shall be given as aforesaid, forfeit and pay to the Treasurer for the Time being, or to any one of the Committee of Management for the Time being, of the said *Edinburgh* Water Company, for the Use and Benefit of the said Company, the Sum of 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 the said Gas Light Company or Person or Persons as aforesaid, or such Part or Portion thereof as the Judges after named shall fix and determine; and in default of Payment thereof as aforesaid such Penalty or Penalties shall and may be recovered by Information, to be exhibited on the Oath of One credible Witness, by and in the Name of the Clerk, or by and in the Name of any One or more of the Committee of Management of the said *Edinburgh* Water Company, at the Option of the Party or Parties prosecuting such Information against the said Gas Light Company or Person or Persons as aforesaid, before the Sheriff of the County of *Edinburgh*, with Costs, to be assessed by such Sheriff, and to be levied by Distress and Sale of the Goods and Chattels of the said Gas Light Company, or Person or Persons as aforesaid, together with the Charges of such Distress and Sale, by Warrant under the Hands of such Sheriff, which Warrant he is hereby empowered to grant; and such Penalty or Penalties and Costs, when so levied, shall be paid to the Treasurer, or to one of the Committee of Management for the Time being of the said *Edinburgh* Water Company, for the Use of the said Proprietors.

Company to supply Water to His Majesty's Dock Yard at Leith.

LXXII. And be it further enacted, That when and so soon as the said *Edinburgh* Water Company shall have completed the said Pipes and Works, so as to enable them to convey and deliver Water to the Inhabitants of *Leith*, the said Company shall and they are hereby required to lay down and construct, at their own Expence, a Pipe to communicate from their said Works to a Tank or Reservoir to be constructed at the Expence of His Majesty in His Majesty's Dock Yard about to be established at or near the said Town of *Leith*, the said Pipe to be of such Diameter and Construction as shall be fixed by Two Engineers, One to be chosen by His Majesty's Naval Officer at *Leith* for the Time being, and the other by the said Company or by their Umpire, in case they shall disagree; and that the said Company shall from Time to Time and at all Times, at their own Expence, keep the said Pipe so to be constructed in good and sufficient Repair and Condition; and that when and so soon as the same Pipe shall have been completed the said Company shall and they are required from Time to Time and at all Times thereafter to cause a Supply of pure, wholesome, fresh Water, equal to Eighty Tuns *per Diem*, each containing Two hundred and ten Imperial Gallons, or such less Quantity as shall be required from Time to Time for the

Service of His Majesty's said Dock Yard and the Buildings thereunto belonging, and His Majesty's Ships, Vessels, and hired Transports stationed at or near the said Town of *Leith*, to be conveyed by the said Pipe into the aforesaid Tank or Reservoir (inevitable Accidents by the breaking of the Pipe, Inclemency of Weather, or during the necessary Repair of the Pipes respectively only excepted); in consideration whereof the said Company shall be entitled to and shall have and receive a net annual Rent or Sum of Fifty Pounds Sterling, free and clear of any Deduction, payable half-yearly by Navy Bills to be drawn upon the Treasurer of His Majesty's Navy for the Time being; the first Payment of the said Rent to be made at the Expiration of the Half Year next after it shall have been certified to the principal Officers and Commissioners of His Majesty's Navy for the Time being by His Majesty's Naval Officer, or other Officer or Person having the chief Superintendence of the said Dock Yard, that the said Water hath been properly laid on and supplied to the said Dock, conformably to the Provisions of this Act.

To supply Dock Yard at Leith.

LXXIII. And be it further enacted, That in case at any Time or Times hereafter it shall be determined to extend the Limits of the said Dock Yard, or to construct a new Dock Yard in lieu thereof at any Place within the Distance of Two Miles from the Town of *Leith* aforesaid, the said Company of Proprietors shall and they are hereby required to lay down and construct, under the Direction and Superintendence of the said Two Engineers or their Umpire as aforesaid, such additional or other Pipe or Pipes, and of such Diameter and Construction as may be necessary for the Purpose of supplying Water to any new Tank or Reservoir to be constructed in such intended or new Dock Yard as aforesaid; the Expence of laying down and constructing such additional or other Pipe or Pipes as aforesaid shall be reimbursed to the said Company of Proprietors by His Majesty, on the Production of a Certificate in Writing under the Hands of the said Engineers or Umpire that the said Pipe or Pipes hath or have been laid down and completed to their or his Satisfaction, and that the said additional Pipe or Pipes shall at all Times thereafter be kept in good Repair and Condition by and at the Expence of the said Company; and that when and so soon as the said additional or other Pipe or Pipes shall have been constructed and laid down as aforesaid the said Company shall and they are hereby required to cause the like Supply of pure and wholesome fresh Water, equal to Eighty Tuns *per Diem*, or such less Quantity as shall be required as aforesaid, to be conveyed to the Tank or Reservoir in such intended or new Dock Yard as aforesaid, in lieu of the Quantity of Water formerly supplied by them to the said original Tank or Reservoir, without being entitled to receive therefor any farther or greater Rent or Compensation than the said yearly Sum of Fifty Pounds herein-before provided to be paid for such first-mentioned Supply as aforesaid.

For removing Obstructions.

LXXIV. And be it further enacted, That if at any Time or Times after the Commencement of such Supply of Water to the said Dock Yard as aforesaid any Failure or Want of Supply of the full Quantity of Eighty Tuns *per Diem* shall occur, the said Naval Officer or other Officer

Officer or Person as aforesaid shall cause Notice in Writing to be given to the Clerk of the said Company for the Time; and if such Failure or Want of Supply shall be occasioned by any Obstruction or Want of Repair in the said Pipes or other Works to be maintained and repaired by the said Company, and the said Company shall not for the Space of Six Days after the Delivery of such Notice cause the Obstruction to be removed, or the Repairs to be made, done, and completed, and the full Quantity of Water furnished, then and in every such Case it shall and may be lawful for the said Naval Officer or other Officer or Person as aforesaid to cause such Obstruction to be removed, or such Repairs to be done and completed, and to deduct and retain the Amount of the Expence thereof out of the accruing Rent or Sum or Sums payable to the said Company; any thing herein contained to the contrary notwithstanding.

Supply of Water for Castle of Edinburgh.

LXXV. And whereas it is necessary that a sufficient Supply of Water should be at all Times secured to His Majesty's Castle of *Edinburgh* for the Use of the Garrison there, and that such Supply should be made in like Manner as herein-before mentioned with respect to His Majesty's said Dock Yard at *Leith*; wherefore be it further enacted, That the said Company shall and they are hereby required to lay down and construct, at their own Expence, a Pipe to communicate from their Works at *Edinburgh* aforesaid to a Tank or Reservoir to be constructed at the Expence of His Majesty in the said Castle (such Tank or Reservoir not being constructed above the Level of the present Reservoir supplied by the said Company), the said Pipe to be of such Diameter and Construction as shall be fixed by His Majesty's commanding Royal Engineer in *North Britain* for the Time being, and such Engineer as shall be chosen by the said Company, or by their Umpire in case they shall disagree, and that the said Company shall from Time to Time and at all Times, at their own Expence, keep the said last-mentioned Pipe so to be constructed in good and sufficient Repair and Condition; and that when and so soon as the same Pipe shall have been completed the said Company shall and they are hereby required from Time to Time and at all Times thereafter to cause a Supply of pure, wholesome, fresh Water, equal to Three hundred and twenty Tuns in each Week, to be supplied twice a Week by equal Moieties of One hundred and sixty Tuns, each Tun containing Two hundred and ten Imperial Gallons, or such less Quantity as shall be required from Time to Time for the Service and Supply of His said Majesty's said Castle at *Edinburgh*, to be conveyed by the said Pipe into the aforesaid Tank or Reservoir, (inevitable Accidents by the breaking of the Pipe, Inclemency of Weather, or during the necessary Repair of the Pipes respectively only excepted,) in consideration whereof the said Company shall be entitled to and shall have and receive a net annual Rent or Sum of Sixty Pounds Sterling, free and clear of any Deduction, by Bills to be drawn upon the principal Officers of His Majesty's Ordnance for the Time being, and payable at the Ordnance Treasury in the Tower of *London*; the first Payment of the said Rent to commence from the Expiration of One Week next after it shall have been certified to the said principal Officers by the said commanding Royal Engineer that the said Water hath been properly

perly laid on and supplied to the said Castle conformably to the Provisions of this Act: Provided however, that if more than the said Quantity of Three hundred and twenty Tuns *per* Week shall at any Time be required, then the said principal Officers shall pay such further Price or Sum for such additional Quantity in proportion to the Price agreed to be paid for the weekly Supply before mentioned.

For preventing any Obstruction to the Supply.

LXXVI. And be it further enacted, That if at any Time or Times after the Commencement of such Supply of Water to the said Castle as aforesaid any Failure or Want of Supply of the full Quantity of Three hundred and Twenty Tuns *per* Week shall occur, the said commanding Royal Engineer shall cause Notice in Writing to be given to the Clerk of the said Company for the Time being, and if such Failure or Want of Supply shall be occasioned by any Obstruction or Want of Repair to the said Pipes or other Works to be maintained and repaired by the said Company, and the said Company shall not, for the Space of Eight Days after the Delivery of such Notice, cause the Obstruction to be removed, or the Repairs to be made, done, and completed, and the full Quantity of Water furnished, then and in every such Case it shall and may be lawful for the said commanding Royal Engineer to cause such Obstruction to be removed, or such Repairs to be done and completed, and to deduct and retain the Amount of the Expence thereof out of the accruing Rent or Sum payable by the said principal Officers to the said Company; any thing herein contained to the contrary notwithstanding.

Rates and Duties how to be recovered.

LXXVII. And be it enacted, That in case of Default in Payment of any such Rents, Rates, and Duties, it shall and may be lawful to the said Company to cause the Pipe or Pipes belonging to the Person making such Default, and communicating with any Reservoir or Reservoirs, Pipe or Pipes, belonging to the said Company, to be separated from the said Reservoir or Reservoirs, Pipe or Pipes, with which the same shall so communicate, and to cause the Water to be stopped from issuing or running into the House or other Premises of every Person making such Default, until all such Rates and Duties and the Arrears thereof shall be paid off and discharged; and the Rates and Duties which shall be due and in arrear from such Person or Persons to the said Company shall and may be recovered by Poinding and Sale of Goods and Effects of the Persons liable to pay the same, in the same Manner as Rents payable by Tack or Lease may be recovered by the Law of *Scotland*.

Supply of Persons inhabiting Flats.

LXXVIII. And whereas many Houses in *Edinburgh* are divided into Stories or Flats, the Access to which is by a common Stair, and the Inhabitants of which Houses are frequently supplied with Water from a common Cistern at or near the Bottom of the Stair; be it enacted, That in such Cases the Persons inhabiting such Flats shall either be supplied with Water by Pipes (laid at the Expence of the said Persons to their own Premises) communicating with the Pipes belonging to the said Company, or, in their Option, from the said common Cistern; but in the last Case it shall be in the Power of the said

Company to stop the Supply to the said Cistern at all Times when the Rate and Duty agreed to be paid for the said Cistern shall not have been duly paid within Three Months after Notice to each Party supplied by the said Cistern.

Recovery of Penalties.

LXXIX. And be it further enacted, That all Fines, Penalties, Forfeitures, and Damages inflicted, imposed, or incurred by or under this Act, or any Bye Law, Rule, or Order to be made in pursuance thereof, and all Costs, Charges, and Expences allowed, ordered, or directed to be paid by the Authority of this Act, or any such Bye Law, Rule, or Order, the Manner of levying or recovering whereof is not hereby particularly directed, shall and may, in case of Nonpayment thereof, be recovered in a summary Way by the Order and Adjudication of any One or more Justice or Justices of the Peace where the Offender or Offenders may reside, on Complaint to him or them for that Purpose, and afterwards be levied, as well as the Costs of such Proceedings, on Nonpayment, by Distress and Sale of Goods and Effects of the Offender or Offenders, Person or Persons, liable to pay the same, by Warrant under the Hand or Hands of such Justice or Justices, who is and are hereby authorized and required to summon and examine any Witness or Witnesses upon Oath or Affirmation of and concerning such Offences, Matters, and Things, and hear and determine the same, and to fix and mitigate the said Fines, Penalties, Forfeitures, and Damages according to his and their Discretion, and the Provisions on that Behalf herein-before contained, and which Warrant such Justice or Justices is or are hereby empowered and required to issue upon Confession of the Party or Parties offending, or upon the Evidence of any credible Witness or Witnesses upon Oath or Affirmation; and the Overplus of such Money (if any) arising by such Distress and Sale shall be returned, upon Demand, to the Owner of such Goods and Effects, after deducting the Costs and Charges of such Distress and Sale, and of recovering such Penalties, Forfeitures, and Damages; and all such Penalties and Forfeitures, when recovered, shall be applied in manner herein-after directed; and it shall and may be lawful for the said Justice or Justices to order any Offender or Offenders who shall be so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant or Warrants of Distress, unless the said Offender or Offenders shall give sufficient Security or Caution to the Satisfaction of such Justice or Justices for his, her, or their Appearance before the said Justice or Justices on such Day or Days as shall be appointed for the Return of such Warrant or Warrants of Distress, such Day or Days not being more than Fourteen Days from the Time of taking such Security or Caution, and which Security or Caution the said Justice or Justices is and are hereby empowered to take; but if upon the Return of such Warrant or Warrants it shall appear that no sufficient Distress can be had whereupon to levy the said Fine or Fines, Penalty or Penalties, Forfeiture or Forfeitures, or Damages, and such Costs as aforesaid, and the same shall not forthwith be paid, and if it shall appear to such Justice or Justices, either by the Confession of the Offender or Offenders, or otherwise, that the Offender or Offenders hath or have not sufficient Goods or Effects whereupon

to levy such Fine, Penalty, or Forfeiture, or such Costs as aforesaid, and Warrant of Distress being issued, it shall and may be lawful for the said Justice or Justices, and he or they is and are hereby authorized and required, by Warrant under his or their Hand or Hands to commit such Offender or Offenders to the Gaol or Bridewell of the County, City, or Place where such Offender or Offenders may reside, there to remain for any Time not exceeding Three Calendar Months, or until such Offender or Offenders shall have fully paid such Fines, Penalties, Forfeitures, and Damages, and all Costs and Charges attending such Proceedings as aforesaid, to be ascertained by such Justice or Justices, or shall otherwise be discharged by due Course of Law.

Actions where to be brought.

LXXX. And be it enacted, That all Actions or Suits relative to this Act, and all Fines, Penalties, Damages, and Expences to be recovered under this Act and the before-recited Act, and for which no Remedy is previously provided, shall be sued for by summary Complaint before and judged of by His Majesty's Sheriff Depute for the County of *Edinburgh*, and before no other Court or Courts, and his Judgments 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, unless where the Sum in dispute is of so small Amount as to be recoverable before the Justices of the Peace for the City or County of *Edinburgh*, in which Case their Jurisdiction shall not be excluded.

Saving Rights of Magistrates of Leith.

LXXXI. Saving and reserving to the Magistrates of *Leith* and the Commissioners of Police of *Leith* all their Rights and Privileges, in the same Manner and to the same Extent as they are now by Law entitled to exercise and enjoy the same within the Bounds comprehended under this Act.

Limitation of Actions.

LXXXII. And be it enacted, That no Action or Suit shall be commenced against any Person or Persons for any thing done in pursuance or by virtue of this Act, after the Expiration of Six Calendar Months next after the Fact committed or Cause of Action incurred for which such Suit or Action shall be so brought.

Notices on the Company how to be served.

LXXXIII. And be it further enacted, That in all Cases wherein it may be requisite or necessary for any Person or Persons or Party or Parties to serve any Notice or Notices, or any legal Proceedings, upon the said Water Company, the Service thereof upon the Clerk of the said Water Company, or left at the Office of such Clerk, or at his last or usual Place of Abode, or at the Office of the said Company, or in case the same respectively shall not be found or known, then Service upon any other Agent or Officer employed by the said Company, or on any Member of the said Committee of Management, or left at his last or usual Place of Abode, shall be deemed good and sufficient Service of the same respectively on the said Company.

LXXXIV. And

Public Act.

LXXXIV. 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, without being specially pleaded.

SCHE-

SCHEDULE to which this Act refers.

Number on Plan.	Names of Owners.	Names of Occupiers.	Description of Property.	Parish.	County.
1.1.1.1.1. 1.1.1.1.	Sir Patrick Walker Knt. - - - James Gillespie Graham - - - Alexander Gillespie John Cockburn - Donald Horne - William M'Donald William Scott - - Roger Aytoun - - Robert Whigham	James Aitken -	Springs - -	Kirknewton -	Edinburgh.
2.2.2.2.	Sir Robert Liston, K.C.B. - -	Ditto - -	Uninclosed Pasture - -	Ditto - -	Ditto.
3.3.3.3. 3.3.	William Johnstone	David Hardie - Thomas Ritchie	Springs - -	Penicuik - -	Ditto.
4.4.4.4.	Ditto - - -	Thomas Ritchie	Uninclosed Pasture - -	Ditto - -	Ditto.
5.5.5.5.	Ditto - - -	Himself - -	Inclosed Pasture and Plantation - -	Ditto - -	Ditto.
6.6.	Heritors of Penicuik Parish - -	Public - -	Parish Road -	Ditto - -	Ditto.
7.7.7.	William Johnstone -	Matthew Napier	Arable and uninclosed Pasture - -	Ditto and Currie	Ditto.
8.8.8.	The Edinburgh Water Company -	Themselves -	Springs - -	Penicuik - -	Ditto.
9.9.	General Thomas Scott - -	James Ramage -	Ditto - -	Ditto and Currie	Ditto.
10.10. 10.10.	Ditto - - -	James Ramage Joseph Shiell -	Uninclosed Pasture and Arable - -	Currie - -	Ditto.
11.11.	The Edinburgh Water Company -	Themselves -	Uninclosed Pasture - -	Penicuik - -	Ditto.
12.12. 12.12.	Robert Ferguson -	James Aikman -	Arable Pasture -	Ditto - -	Ditto.
1.1.1.1.1.	Heritors of Glencorse Parish -	Public - -	Public Road -	Glencorse -	Ditto.
2.2.2.2. 2.2.2.2.	John Trotter - -	Thomas Ritchie John Raith -	Arable and Pasture - -	Ditto - -	Ditto.
3.3.3.3.	Forbes Hunter Blair	Hugh Gilbert -	Ditto - -	Ditto - -	Ditto.
1.1.1.	Magistrates of Edinburgh - -	Public - -	Public Street -	St. Andrew - St. Mary -	Ditto.
2.2.2.	Trustees of Leith Walk - -	Ditto - -	Public Road -	St. Cuthbert - South Leith -	Ditto.
3.3.3.	Magistrates and Commissioners of Police of Leith	Ditto - -	Public Street -	South Leith -	Ditto.

Number on Plan.	Names of Owners.	Names of Occupiers.	Description of Property.	Parish.	County.
4. 4. 4.	Magistrates of Edinburgh and of Leith	Public	Public Street	St. Cuthbert / South Leith	Edinburgh.
5. 5.	Trustees of Cramond District	Ditto	Public Road	North Leith	Ditto.
1. 1. 1. 1.	Edinburgh Water Company	Themselves	Springs	Currie	Ditto.
2.	Heritors of Currie Parish	Public	Public Road	Ditto	Ditto.
3. 3. 3.	General Thomas Scott	John Steele	Uninclosed Pasture	Ditto	Ditto.
4. 4. 4.	Edinburgh Roperie and Sail Cloth Company of Leith	Themselves	Plantation and Pasture	Ditto	Ditto.
5. 5. 5.	Owners of Mills on Bavelaw Burn	Occupiers of Mills on Bavelaw Burn	Bavelaw Burn	Kirknewton / Penicuik / Currie	Ditto.

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