ANNO QUINQUAGESIMO NONO

GEORGII III. REGIS.

Cap. lxvii.

An Act for altering and enlarging the Powers of an Act passed in the Forty-sixth Year of the Reign of His present Majesty, intituled *An Act for supplying the City and Suburbs of* Glasgow *with Water*. [14th *June* 1819.]

WHEREAS by an Act passed in the Forty-sixth Year of the Reign of His present Majesty, intituled *An Act for supplying the City and Suburbs of* Glasgow *with Water*, certain Persons were incorporated into One Body Politic and Corporate, by the Name of "The Company of Proprietors of the *Glasgow* Water Works," and certain Powers were granted to them for that Purpose: And whereas the Population, Buildings, and Manufactures of the said City and Suburbs have since greatly increased, and are still increasing, and the said Company have expended large Sums in constructing Machinery, Buildings, Pits, and Reservoirs, both on the North and South Side of the River *Clyde*, and otherwise upon their Works, and it is expedient that they should be enabled to expend further Sums thereupon, by increasing the Capital Stock of the said Company, and borrowing Money upon the Security of their Property and Revenue; and also that the Powers of the said Act should be altered and enlarged for the better and more effectually completing the Object and Purposes thereof: 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 Parliament assembled, and by the Authority of the same, That in Addition to the Sum of One hundred thousand Pounds authorized to be raised by the said Act, in Shares of Fifty Pounds Sterling, 46G.3.c.136.

Capital Stock increased.

Sterling, it shall and may be lawful to and for the said Company to sell, from Time to Time, at such Price as can be got for the same, such further Number of Shares in the said Undertaking as shall be authorized by any General Meeting of Proprietors specially called for that Purpose by Advertisement in Two or more of the *Glasgow* Newspapers, Fourteen Days before such Meeting; the Shares so to be sold not exceeding the Number of Two thousand Shares; and that all Purchasers of such Shares shall become Proprietors of the said Company with and be entitled to the same Privileges and Benefits, and be subject to the same Conditions and Obligations as the Original Contributors, and present Share-holders of the said Original Sum or Stock of One hundred thousand Pounds, from and after the Time that they shall become entitled to such new Shares respectively; and all such Sums so to be raised shall be expended in bringing Water to the said City and Suburbs, from the North and South Sides of the said River *Clyde*, at and near the Place called *Dalmarnock*, mentioned in the said recited Act.

Power to borrow 50,000*l.*

II. And be it also enacted, That it shall and may be lawful for the Committee of Management of the said Company, on being duly authorized and required by any General Meeting of the Proprietors of the said Company, to raise, in such Manner as shall appear to be most expedient, on the Credit of the Company's Stock, by borrowing at such Interest as may be agreed on, not exceeding Five *per Centum per Annum*, any Sum or Sums of Money, not exceeding in the whole the Sum of Fifty thousand Pounds; and it shall be lawful, if deemed necessary, to assign the said Undertaking, and the whole Estate, Funds, and Profits thereof, in Security of such Sums so raised upon Loan, in the Form and Words following, or to the same Effect:

Form of Bonds.

'WE the Committee of Management of the Company of Proprietors of the *Glasgow* Water Works, appointed in pursuance of an Act passed in the Forty-sixth Year of the Reign of King *George* the Third, intituled *An Act* [*here set forth the Title of the Act*] acknowledge to have received from *A. B.* for and upon Account of the said Company, the Sum of therefore we oblige the said Company to repay to him and to his Heirs, [*or* to his Executors, *if the Debt shall be intended as Personal Estate,*] and to his Indorsees, on the Term of , the said Sum, with Interest at the Rate of *per Centum per Annum*, at the Terms of from and after this Date during the Non-payment, together with One Fifth Part further for each Term's Failure in punctual Payment; and for the more sure and certain Payment of the said Sums we do hereby alienate and assign to the said *A. B.* and his foresaids all and singular the Undertaking and Works of the said Company, and whole Property and Funds, Rents and Estate thereof, of whatever Description, with Power to possess, uplift, assign, or convey the same, or any Part thereof, in case of Non-payment of the said Sums, or any Part thereof, consenting to the Registration hereof in all competent Court Books for Preservation and Execution as Effeirs, and thereto constituting Procurators, &c. In Witness whereof a Quorum of the said Committee of Management have subscribed these Presents, &c.'

Bonds to be pari passû.

Of which Instruments a Minute shall be entered in the Books of the said Company, and shall be effectual and sufficient to the Holders thereof

to all Intents and Purposes, and shall all rank *pari passú* to the Extent of the whole Sum of Fifty thousand Pounds, and correspondent Interest, or so much thereof as shall be so raised for the Time, and shall be transferable and validly pass at all Times by Indorsation or Signature of the last Creditor's Name thereon, but which Indorsation shall not infer any Warrandice or Recourse against the Indorsers.

Provision as to 6,000*l.* ordained to be set apart by last Act.

III. And whereas by the aforesaid Act the said Company were required to set and keep out of the Profits of the Concern a Sum not less than Six thousand Pounds to answer Contingencies, which has been done accordingly; but the Stock and Profits of the said Company being now sufficient to provide against any Contingency, it is hereby enacted, That it shall be competent to the said Company, in pursuance of the Resolution of any General Meeting, either to divide the said Sum already accumulated from the said Profits among the Proprietors, or to use or otherwise dispose thereof in and for the Purposes of the said Undertaking as shall be found expedient.

Property to vest in Company by Force of this Act.

IV. And be it also enacted, That where it has been or shall be necessary for the said Company to purchase any Lands or Heritages for the Uses of the said Undertaking in Terms of the said Act, the same shall, on Payment of the Price or Satisfaction of the Consideration in manner therein directed, immediately vest in the said Company, by virtue of this Act, as fully and effectually to all Intents and Purposes, and in the same Manner, as if the same were acquired by Disposition containing Procuratory and Precept, and followed by Charter and Infeftment in ample Form; provided always, that the Receipt for Payment or Consignation of the said Price or Acknowledgment of the Satisfaction of such Consideration, giving a Specification or Description of the Lands so acquired, be duly registered in the General Record of Sasines or the particular Register for the District where the said Lands or Heritages shall be situated.

Penalty on improperly taking Water.

V. And whereas the Houses in the City and Suburbs of *Glasgow* are generally inhabited in Flats or Floors, so that many Families frequently occupy the same Tenement, and it has been found most convenient for the supplying of those Families with Water to erect Wells or Fountains at the Bottoms of the Stairs, or in Closes adjoining to the different Tenements, or in such other Places as appeared to be most convenient for all Parties, and to furnish each Family with a Key to the Wells or Fountains, in order that they might take Water therefrom when wanted; be it therefore further enacted, That whoever shall be found using false Keys or any improper Instrument for the Purpose of opening the Wells or Fountains already erected or which may hereafter be erected, whereby the said Wells or Fountains may be damaged or destroyed, or whoever shall be found taking Water thereout, or therefrom, without having first agreed with the Company to pay for the same, every such Person shall be liable in a Penalty not exceeding Five Pounds Sterling for every such Offence, to be recovered on Conviction of the Offender, on the Testimony of any One or more credible Witness or Witnesses, before any Magistrate or Justice of the Peace, in the same Way and Manner that any Penalty may be recovered before a Justice of the Peace by the said recited Act.

VI. Pro-

Provision as to the Supply of Water to the Inhabitants.

VI. Provided always, and be it enacted, That the said Company of Proprietors shall be obliged, in the Manner directed by the said recited Act, to furnish a sufficient Supply of Water to every Inhabitant occupying a Dwelling-House in any Square, Street, Close, or Lane of the said City of *Glasgow*, for the Use of his or her Family, at a Rate *per Annum* not exceeding Seven Pounds Ten Shillings *per Centum per Annum*, upon the Amount of the Rent of the House occupied by such Inhabitant where the same shall be under One hundred Pounds *per Annum*, and not exceeding Five Pounds *per Centum per Annum* upon such Rent where such Rent shall amount to One hundred Pounds or upwards; and every such Rate shall be payable according to the actual Amount of the Rent where the same can be ascertained, and where the same cannot be ascertained according to such Rent as such Inhabitant shall be assessed for the House Tax; provided nevertheless, that the said Company shall not be entitled to receive from any such Inhabitant more than the Sum of Ten Pounds in any One Year for such Supply; nor shall such Company be obliged to furnish such Supply to any Inhabitant for less than Ten Shillings in any One Year, unless they shall think fit so to do; and provided further, that in the Case of Manufacturers, Vintners, or other Persons requiring a Supply of Water for other Purposes than those of Family Consumption, or Persons requiring a Supply of Water for Baths, Cows, or Horses, such Supply shall be furnished by the said Company of Proprietors, in such Cases, at such Rate as shall be settled by and between the Committee of Management and such Persons respectively.

Complaint allowed as to Supply of Water.

VII. Provided always, and be it enacted, That if any Person desiring a Supply for Family Consumption shall not be supplied with Water in the Manner directed by this Act, or receiving a Supply shall be dissatisfied with the Sufficiency thereof, every such Person may complain, in due Form of Law, to the Magistrates of the City of *Glasgow*, giving Fourteen Days Notice in Writing of such Intention to complain, and the Matter of the Complaint, to the said Company; and the Determination of the said Magistrates upon such Complaint shall be final and conclusive, without being subject to Advocation, Suspension, or Reduction, or Review in any way whatsoever: Provided always, that no such Complaint shall be allowed to be prosecuted by any Person who shall not have previously paid the Water Rate due by him or her at the Time, and shall not produce the Collector's Receipt for the same; and in all Cases where such Complaint shall be found groundless, the Person or Persons making the same shall be liable to pay to the said Company Double Costs of Suit.

Rents payable in advance.

VIII. And be it further enacted, That the Rents payable to the said Company in virtue of the said Act shall and may be payable and become due in advance, and immediately upon the Commencement of the Period for which the Persons using the said Water may contract with the said Company.

Penalty on improperly meddling with Company's Pipes.

IX. And be it further enacted, That every Person that shall take out, remove, or intermeddle with any Pipe or Fountain, or any other Part of the Works of the said Company, upon or under any Pretext whatever, without previous Requisition or Notice to that Effect, of at least

least Twenty-four Hours to the Secretary of the said Company, shall be liable to and pay a Penalty not exceeding Five Pounds Sterling, besides all the Damages and Expences that may be incurred upon Conviction before any Magistrate of the Bounds where the Offence shall happen, to be recovered in the same Way that any Penalty may be recovered pursuant to the said recited Act.

Provision as to Pipe across the River Clyde.

X. And be it enacted, That if at any Time hereafter the River *Clyde* shall be made navigable at the Place where the said Company of Proprietors have laid a Pipe across the said River for the Purpose of conveying Water from the Wells or Reservoirs they have formed on the South Side of the said River, then and in such Case the said Pipe as now laid may be removed, after the said Company of Proprietors shall have laid another Pipe or Pipes across the said River to convey Water from the said Wells or Reservoir, which shall be sunk or placed below the Bed or Channel of the River, so as not in any Manner of Way to intercept or prove detrimental to the Navigation of the said River, if the same shall hereafter be rendered navigable at the Place where the Pipe now used for the Purpose aforesaid is at present laid.

Provision as to the laying of Pipes.

XI. And be it further enacted, That notwithstanding the Powers granted to the said Company by the said recited Act passed in the Forty-sixth Year of the Reign of His present Majesty, for laying Pipes in the Streets, Squares, and Lanes of the City of *Glasgow*, it shall not be lawful for the said Company of Proprietors, or for any Person or Persons acting by or under their Authority, from and after the passing of this Act, to lay more than Four Pipes in the Main Street, through the *Gallowgate Street*, *Trongate Street*, and *Argyle Street*, Three Pipes in *Duke Street*, *George Street*, *Queen Street*, *Stockwell Street*, and *Jamaica Street*, and Two Pipes in the other Streets, Lanes, and Squares in the said City, without Prejudice however to the said Company having the Power of laying a Fifth Pipe in *Trongate Street*, on Condition that they shall remove One of the said Five Pipes from *Trongate Street* in the Event of a Third Water Company being formed in the said City, and on their being required to move One of the said Pipes by the Magistrates and Council of *Glasgow*, or such other Persons as may afterwards be appointed to take charge of the Streets, and if the said Company shall find it necessary at any Time to increase the Size of their Pipes in any of the Streets, they shall have the Power to lay the larger Pipe before lifting the smaller One.

Provision as to opening and re-laying Pavements.

XII. And be it further enacted, That from and after the passing of this Act it shall not be lawful for the said Company of Proprietors, or for any Person acting under or for them, to open any of the Streets, Squares, or Lanes within the said City, for the Purpose of laying or repairing any of the Cocks, or laying or repairing any of the Pipes in the said Streets, till they have given Notice in Writing to the Superintendant of Streets, intimating that it is their Intention to open a particular Part of the Street, specifying the Number of the House or Shop in the said Street opposite to which the said Opening is to be made, and the Time when such Opening is to commence, so that the said Superintendant may have it in his Power to be present thereat; and in every such Case the Servants of the said Company shall make and re-causeway the said Openings in a reasonable Time and in a sufficient Manner, and so as to give as little Inconvenience

to the Public as possible; and in order to provide a proper Fund for completely repairing the Injury done to the Causeway by such Openings, it shall be lawful for the said Superintendant to demand and receive from the said Company, immediately after the re-causewaying of such Openings are finished, such a Sum as will enable him to re-lay the Causeway at such future Time as may be necessary; and in case the Parties shall not agree, touching the Expence of said Causeway Work, all such Differences shall be determined by the Award and final Decision of Two Persons of Skill, mutually chosen, with Power to choose an Umpire in the Event of their differing in Opinion; declaring, that on Payment of the Sum so awarded or otherwise settled, the Superintendant aforesaid shall have no other Claim on the said Company in all Time coming, for Repairs on that particular Part of the Street, unless re-opened for the Purpose aforesaid.

Provision as to Streets and Road leading to Rutherglen.

XIII. And be it also enacted, That in respect the Trustees on the Turnpike Road from *Glasgow* to *Muirkirk* and *Cambuslang* are obliged and in use of maintaining and causewaying the Streets or Road from the East End of *Great Hamilton Street* of *Glasgow*, by *Rutherglen Bridge*, to *Rutherglen*, and the Branch Road from *Barrowfield Bridge*, near *Glasgow*, to *Dalmarnock Ford*, if the said Water Company shall have Occasion to take up any Part thereof or lay Pipes under any Part of the said Roads or Streets, an Intimation thereof in Writing shall be given in and left for the Clerk or Surveyor to the said Trustees, at either of their Offices in *Glasgow*, and failing either of them having a Place of Business in *Glasgow*, the same shall be left for any One of them in Writing at the Toll Bar on the said Road nearest to *Glasgow*; and the said Trustees shall in all respects be entitled to the same Privileges, and to the Benefit of the same Provisions and Regulations, with respect to such Part of the said Roads or Streets under their Charge, as may be taken up by the said Company, as is herein provided in regard to the Streets within the said City of *Glasgow*.

Yearly Balance.

XIV. And be it also enacted, That it shall and may be lawful for the said Company to cause the Books of the said Company to be brought to an annual Balance, upon such Day throughout the Year as to the said Company from Time to Time shall seem expedient.

Rate may be leased.

XV. And be it further enacted, That it shall and may be lawful for the Committee of Management for the Time being to let the Rates of the said Company in Whole or in Parts, from Time to Time, in the Way and Manner that shall be directed by the said Company of Proprietors at any General Meeting called for that Purpose, subject to the Performance of such Covenants as they shall think fit to prescribe, and for the best Rent that can be got for the same, to such Person or Persons as shall give sufficient Security for the Performance of such Covenants and for the sure Payment of such Rents, to be approved of by the said Committee of Management: Provided that no Lease of such Rates be made for a longer Time than Three Years at any One Time, unless specially authorized by a General Meeting of the said Company of Proprietors to let the same for Five Years at One Time, and no longer.

Recovery of Rates.

XVI. And whereas the Rents payable to the said Company are in general in small Sums, and when not regularly paid it is attended with great Expence to those in arrear to recover the same by Sequestration or in

the Manner authorized by Law for the Recovery of Rents due by Lease in *Scotland*, as directed by the foresaid Act, whereby the said Company as well as the Defaulters in Payment often sustain a great Loss and Inconvenience; be it therefore further enacted, That if any Person or Persons shall refuse or delay to pay the Rents respectively due by them to the said Company for the Space of Fourteen Days after the same shall have fallen due, and be demanded from him, her, or them personally, or by leaving a written or printed Requisition, signed by the Collector or Secretary of the said Company, at the House or Premises for which the said Rent shall be due, it shall be lawful for the said Collector or Secretary to apply to the Magistrates of *Glasgow*, or the Sheriff of the County, for a Warrant to the Officers of such Judge, which they are hereby directed to grant upon any Certificate or Roll under the Signature of such Collector or Secretary, of the Names of the Parties and Sums respectively in arrear, to enter into the Premises of such Person or Persons, and seize and take Possession of his, her, or their Goods and Effects; and if the Sums respectively due, together with the necessary Expences of such Seizure, shall not be paid within Three Days thereafter, then it shall be lawful for the said Collector or Secretary forthwith to sell and dispose of the same or such Part as may be necessary by public Roup at the Cross of *Glasgow*, or such other Place as may appear proper, and to apply the Price in Payment of the Rates respectively owing, with the Expences of Procedure, and to return the Overplus, if any be, to the Owner or Owners, such Costs or Charges being always ascertained by the Magistrate or Judge who shall issue the Warrant; and all such Rents shall be and remain a real Lien and Burden upon the Property in the Premises for which they are respectively due, until Payment or Satisfaction thereof, but without Prejudice always to the Hypothic for the Landlord's Rent, as by Law established: Provided always, that it shall and may be lawful for any Person or Persons against whom any such Warrant shall have been issued to complain thereof to the Magistrates or Judge who shall have granted the same, in the Manner competent by the Law of *Scotland*, in the Case of any Poinding directed by such Magistrate or Judge; and the Determination of such Magistrate or Judge shall be final and conclusive, without being subject to any Review, or any Stay of Execution whatsoever: Provided always, that before such Warrant shall be issued the Parties shall be duly summoned by a written or printed Schedule, signed and left as aforesaid, to appear before the said Magistrates or Sheriff, and be entitled to be heard on their Defence.

Clerk restrained from acting as Treasurer, and vice versa.

XVII. And be it further enacted, That it shall not be lawful for the said Company of Proprietors to appoint the Person who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Company for the Purposes of this Act; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of such Treasurer shall act as Clerk, in the Execution of this Act, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered before the Judge

Judge Ordinary of the said County, or the Court of Session, with Double Expences of Process.

How Notices shall be served on the Company.

XVIII. And be it further enacted, That in all Cases where it may be requisite or necessary for any Person or Persons, or Party or Parties, to serve any Notice or Notices upon the said Company, or any Citation, or Summons, or other legal Proceedings, the Service upon any Member of the Committee of Management, or the Clerk of the said Company, or at the Office of the said Clerk, or left 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 Agent or other Officer employed by the said Company, 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.

Recited Act to remain in force, except as altered.

XIX. And be it further enacted, That the said recited Act shall remain in force, except in so far as hereby altered, and this Act and the said recited Act shall be construed together in the same Way as if this Act had made Part of the said recited Act.

Public Act.

XX. And be it further 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.

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