CHAP. xxxii.

An Act for authorizing the Water Trust of Greenock to raise further money; and for amending the provisions of the Acts relating to the Trust; and for other purposes. A.D. 1869.

[24th June 1869.]

WHEREAS by The Greenock and Shaws Water Transfer Act, 1866, (in this Act referred to as the Transfer Act of 1866,) a body corporate was created under the style of the Water Trust of Greenock, and the water trustees constituting that body (in this Act referred to as the water trustees) were empowered to manage the then existing undertaking for the supply of water to Greenock, and to acquire the undertaking of the Shaws Water Joint Stock Company: 29 & 30 Vict. c. cccviii.

And whereas by the Transfer Act of 1866 the water trustees were empowered to borrow money, and to levy a domestic water rate and a public water rate, and to exercise other powers and authorities in relation to the supply of water to the town of Greenock:

And whereas by The Greenock Water (Additional Works) Act, 1866, (in this Act referred to as the Works Act of 1866,) the water trustees were authorized to take lands and make additional water-works for the supply of water to the town of Greenock, and to borrow money not exceeding the sum of 95,000*l.* in addition to money authorized to be raised under the Transfer Act of 1866, and to exercise other powers and authorities in relation to the works thereby authorized and in connexion with the supply of water to the town of Greenock: 29 & 30 Vict. c. cccix.

And whereas by the Works Act of 1866 it was enacted (among other things) that the rates and assessments to be levied under the Transfer Act of 1866 should be the rates and assessments to be levied under the Works Act of 1866, and should be applicable to the purposes of the last-mentioned Act, and the water trustees were empowered to give, as security for money borrowed under the Works Act of 1866, the rates and assessments leviable under that Act and the other revenue of the water trustees (which for the

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purposes of that Act it was enacted should be held to be revenue under that Act,) and the whole undertaking of the water trustees; and it was enacted that the whole provisions of the Transfer Act of 1866, as to the borrowing, transmission, funding, recovery, and extinction of sums raised under the Transfer Act of 1866, should extend and be held applicable, mutatis mutandis, to the sums to be raised under the Works Act of 1866:

And whereas the water trustees have proceeded to put in execution the Works Act of 1866, and have borrowed for the purposes of that Act the sum of seventy-nine thousand seven hundred and eighty pounds:

And whereas it is expedient that the water trustees be empowered to raise a further sum of money for the purposes of the Works Act of 1866, and that they be authorized to provide, out of money so borrowed, for the payment of part or whole of the interest on capital expended under that Act until the works under that Act are completed, or the time for completion thereof is expired:

And whereas it is expedient that divers amendments be made in the two Acts of 1866 relating to the water trustees:

And whereas the objects aforesaid cannot be attained without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say,)

Short title.

1. This Act may be cited as The Greenock Water Act, 1869.

Extension of borrowing powers.

2. Section 21 of the Works Act of 1866, authorizing the water trustees to borrow money for the purposes of that Act, shall be read and have effect as if the sum of one hundred and sixty-five thousand pounds were therein specified instead of the sum of ninety-five thousand pounds.

Priority of existing mortgages.

3. All mortgages and securities granted by the water trustees before the passing of this Act, and in force at the passing of this Act, shall, during their respective continuance, have priority over any mortgage or security granted by them under this Act, and it shall be lawful for the water trustees to issue along with any mortgages and securities, and during the period of any postponement of the term of payment thereof, interest warrants in the form of the schedule (B.) to this Act annexed, or to the like effect, signed by the treasurer, for the periodical payment of the interest to become due on the principal sums thereby secured during the period for which such mortgages and securities are intended to subsist, and the delivery to the water trustees, or to their treasurer or any other

person on their behalf, of any such interest warrant duly stamped, shall be a valid and sufficient discharge to the water trustees for the interest in respect of which the same was issued.

Form of mortgage.

4. Every mortgage to be made for the purposes of the Transfer Act of 1866, and the Works Act of 1866, and this Act, or any or either of them, may be made in the form set forth in the Schedule to this Act.

Application of money borrowed.

5. Whereas the construction of the tunnel forming part of the works authorized by the Works Act of 1866 has, in consequence of unforeseen engineering difficulties, been delayed, so that it cannot be completed until two years after the date originally contemplated: And whereas no part of the water supply to be obtained from the said works can be introduced or made available for the increase of the revenue of the trust until the said tunnel has been completed, and the whole money laid out upon the said works will, until such period, be unproductive: And whereas the trustees have already paid out of the rates the interest which accrued up to the eleventh day of November one thousand eight hundred and sixty-eight upon money borrowed for the construction of the said works, and it is expedient that they should, until the said tunnel shall be completed, be allowed to pay the interest due from the said eleventh day of November one thousand eight hundred and sixty-eight, and to become due on money borrowed for the construction of the said new works, out of the money to be hereafter borrowed: Be it enacted, That money borrowed under the Works Act of 1866, as amended by this Act, shall be applicable by the water trustees in the first place towards the payment of part or the whole of the interest accrued since the eleventh day of November one thousand eight hundred and sixty-eight, and remaining due before and at the passing of this Act, on money borrowed by them under the Works Act of 1866, and of interest to accrue due on money borrowed, after the passing of this Act, under the Works Act of 1866 as amended by this Act, and, subject thereto, shall be applicable and applied as money borrowed under the Works Act of 1866 would have been applicable if this Act had not been passed, but nothing in this Act shall authorize the water trustees to apply money borrowed towards payment of interest to accrue due after the expiration of one year from the time when the said tunnel shall be completed and opened.

Amendment of provision as to estimate.

6. As long and as far as the water trustees provide in manner authorized by this Act for payment of interest on money borrowed under the Works Act of 1866 as amended by this Act, then and so far it shall not be necessary for them, in making the estimate required by section 55 of the Transfer Act of 1866, to comprise therein any

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interest on money borrowed or due under the Works Act of 1866 as amended by this Act.

Postponement of sinking fund.

7. Notwithstanding anything in section 100 of the Transfer Act of 1866, it shall not be necessary after the passing of this Act for the water trustees to set apart any sum as a sinking fund for repayment of money borrowed under the Works Act of 1866 as amended by this Act in any year before the first day of January one thousand eight hundred and seventy-four, and the ten years mentioned in that section shall commence as at that date.

Chairman and deputy chairman of trustees.

8. So much of section 9 of the Transfer Act of 1866 as provides that the provost shall be chairman of the water trustees is hereby repealed, and the water trustees shall, at their first meeting in each year after the election of the trust, elect from among themselves a chairman and a deputy chairman for the year, and shall from time to time fill up vacancies in these offices, and sections 13, 14, and 15 of the Transfer Act of 1866 shall be read as if the words "chairman or deputy chairman" had been used therein instead of the word "provost."

Date of balancing of books.

9. Section 17 of the Transfer Act of 1866 shall be read and have effect as if the twenty-sixth day of May were therein substituted for the first Monday of August.

Assessment of shops, &c.

10. Section 56 of the Transfer Act of 1866, authorizing the assessment and levying of the domestic water rate, shall be read and have effect as if shops and other buildings communicating with dwelling houses had been therein mentioned instead of parts of shops and buildings used as dwelling houses; but in assessing and levying such rate on shops and other buildings so communicating an abatement of one third of the rent shall be made, and the rate shall be assessed and levied on the remaining two thirds only.

Levying of public water rate.

11. Section 57 of the Transfer Act of 1866, relating to the levying of the public water rate, shall be read and have effect as if in the last proviso of that section relating to rating in certain cases of a fourth part only of the annual value the words "under this section" were substituted for the words "under this Act."

Limitation of public water rate.

12. Notwithstanding anything in the Transfer Act of 1866, the public water rate shall not in any year exceed one sixth part of the domestic water rate assessed in the same year unless such domestic rate shall exceed one shilling per pound: Provided always, that nothing in this Act contained shall authorize the water trustees to levy a higher public water rate than is authorized by the Transfer Act of 1866.

Rating of unfinished buildings.

13. Section 62 of the Transfer Act of 1866 shall extend and apply to every case where any premises in respect of which any

person may be liable to be assessed to the domestic water rate or public water rate under that Act are unoccupied by reason of the same being unfinished or from any other cause.

Rating when new mains laid.

14. Where a main pipe is laid for the first time in any street the occupiers of houses in the street shall be liable to pay the full domestic water rate as from the date when the supply of water by means of that pipe actually commenced, and the water trustees may assess the occupiers of houses in the street in like manner as nearly as may be as if the pipe had been laid therein at the time of the assessing of the last preceding rate, and may levy from him, or from the owner if liable, such part of the rate so assessed as shall be proportioned to the time during which water is supplied to the street by means of that pipe, and every such occupier shall thereupon be deemed to all intents to be properly rated, and all such rates may be levied and recovered from the persons liable to pay the same under the Transfer Act of 1866, in the same manner as other rates assessed under that Act: Provided that any person rated under this section and any such owner as aforesaid may appeal against the same to the water trustees or to the sheriff, as provided by the Transfer Act of 1866: Provided also, that the enactments contained in this section shall not extend or apply to the dwelling houses and other buildings and lands and heritages exempted from rates by section 66 of the Transfer Act of 1866, or to the owners or occupiers thereof, unless such owners shall erect houses on the lines of streets for their own occupation, or for letting as dwelling houses, apart from land or agricultural subjects.

Time for payment of rates.

15. Notwithstanding anything in section 61 of the Transfer Act of 1866, the rates therein mentioned shall be payable on such day in each year as the water trustees when assessing the rates appoint, or as soon thereafter as the same are demanded.

Recovery by owners from occupiers.

16. Section 64 of the Transfer Act of 1866 shall be construed as authorizing such owners as therein mentioned to recover from the occupiers of houses therein mentioned, along with and in the same manner as the rent, the amount of rates payable for their respective possessions.

Annuity of funded debt.

17. Section 85 of the Transfer Act of 1866, relative to funded debt, shall be read and have effect as if the words "not exceeding four pounds ten shillings per centum per annum" were therein specified, instead of the words "four pounds per centum per annum."

Charges for seasoning casks or tanks.

18. So much of schedule B to the Transfer Act of 1866 as relates to charges for water used for seasoning casks or tanks is hereby repealed; and for the seasoning with water of casks or tanks, whether

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on shore or afloat, half only of the rates specified in the table in the same schedule shall be charged on each filling thereof.

Lands for extraordinary purposes.

19. Section 14 of the Works Act of 1866, authorizing the trustees to purchase lands by agreement, shall be read and have effect as if the maximum quantity of land therein mentioned had been five acres.

Auditor to be appointed.

20. The water trustees shall annually appoint an auditor (being a professional accountant, and not being one of the water trustees, or holding other office under them,) to audit and docquet the accounts of the water trustees, and they may suitably remunerate such auditor.

Apparatus for conveying water to be approved by superintendent of water trustees.

21. All the apparatus used or to be used for conveying water to the houses of the inhabitants and manufactories or other premises supplied or to be supplied with water by the water trustees shall be subject to the approval of the engineer or superintendent of the water trustees works, and in case of dispute between the parties providing such apparatus and such engineer or superintendent such dispute shall be determined by the water trustees or any committee specially appointed by them for the purpose, whose decision shall be final.

Imperfect apparatus for conveying water, &c. to be repaired.

22. If any pipe, ballcock, stopcock, cistern, or any apparatus used for conveying water supplied by the water trustees to the houses of the inhabitants, or manufactories or other premises, or for storing it therein, shall be out of order, the owner or other person using any apparatus not belonging to the water trustees shall be bound to repair and make good the same, on receiving a written or printed requisition so to do; and if such owner or other person fail to make the requisite repairs within two days after such requisition it shall be in the power of the water trustees, by their engineer or superintendent, to repair, renew, and make good and watertight all such apparatus; and the trustees shall be entitled to recover from the owner or other person so failing the cost of such repair or renewal, together with the penalty contained in the Waterworks Clauses Act, 1847, for wilful waste of water, or for suffering such apparatus to be out of repair, by summary application, in manner authorized by this Act.

Transfer of jurisdiction to magistrates.

23. All jurisdiction, powers, and authorities with respect to the imposing and recovery of penalties by the Transfer Act of 1866, or by the Works Act of 1866, or by this Act, or by any Act incorporated wholly or in part with either of them, conferred for the purposes of the Transfer Act of 1866 and the Works Act of 1866, or either of them, on the sheriff of the county of Renfrew or justices of the peace for that county, may be exercised by the magistrates of the

town of Greenock, or any one of them, acting as judges in the burgh police court, in the same manner and according to the forms of procedure in use in that court, and that as fully and effectually as if the words "magistrates of the burgh of Greenock, or any one of them," had been inserted in said Acts, instead of the words "sheriff or justices."

Partial transfers not to be registered.

24. From and after the passing of this Act, the water trustees shall not be bound to enter in the register of transfers kept by them or their clerk, under the provisions of this or the recited Acts, or the Acts incorporated therewith, any transfer of a part only of any annuity granted under the authority of this or the recited Acts, or any transfer having reference to any mortgage granted or to be granted under the authority of the recited Acts and this Act, unless the whole of the principal sum and interest secured by such mortgage be transferred by such transfer, nor unless such transfers, or official extracts thereof, be delivered to the water trustees, for the purpose of being retained by them; and it shall not be necessary in any such transfer to state the consideration for granting the same, provided such transfer be impressed with the stamp duty applicable by law to an assignation of a mortgage for securing a sum equal to the principal sum thereby transferred.

Transmission of mortgages and securities in case of bankruptcy.

25. If any mortgage or security be transmitted in consequence of the bankruptcy of the person entitled thereto, there shall be produced to the clerk of the water trustees official evidence of such bankruptcy, and of the vesting of the bankrupt estate in the trustee, official assignee, or other person to whom such estate shall be transferred.

Saving for arrangement with Shaws Water Company.

26. Nothing in this Act shall prejudicially affect in any respect the agreement with the Shaws Water Joint Stock Company, confirmed by the Transfer Act of 1866, or anything done under or relating to that agreement, or the provisions of the Transfer Act of 1866, confirming and effectuating the same.

Expenses of Act.

27. The costs, charges, and expenses preliminary to and of and incidental to the preparing, applying for, obtaining, and passing of this Act shall be paid by the water trustees from the funds of the water trust.

The SCHEDULES to which the foregoing Act refers.

SCHEDULE A.

Mortgage and Assignation, No.

Greenock and Shaws Water Transfer Act, 1866,
Greenock Water (Additional Works) Act, 1866,
and
Greenock Water Act, 1869.

By virtue of "The Greenock and Shaws Water Transfer Act, 1866," and "The Greenock Water (Additional Works) Act, 1866," and "The Greenock Water Act, 1869," we, the water trust of Greenock, appointed in pursuance of and incorporated by the first-mentioned Act, in consideration of the sum of
paid to the treasurer to the said trust by
for the purposes of the said Acts, do grant and assign unto the said
such proportion of the rates and assessments leviable under the first-mentioned Act, and of the other revenues of the water trustees, and of their whole undertaking, as the said sum of doth or shall bear to the whole sum which is or shall be borrowed upon the credit of the said rates, assessments, and other revenue and undertaking, to hold to the said assignee (or assignees) and his (or their foresaids) from this day until the said sum of with interest at the rate of
per centum per annum for the same, shall be fully satisfied and paid. And it is hereby stipulated that the said principal sum shall be repayable on the [*date*], or, with the consent of the said mortgagee or his foresaids, shall thereafter in virtue hereof remain as a loan to the said trustees, until the expiration of such further term of years, and at such rate of interest as

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shall be specified in a minute or minutes to be indorsed hereon, and signed by the said mortgagee or his foresaids, and by the treasurer to the said trustees, and which minutes are hereby declared and shall be held to be valid and binding though they may be neither holograph of the said mortgagee or his foresaids, nor tested; and for and in respect of interest on the said principal sum to the said date of repayment first above mentioned (being at the rate of
per centum per annum) the said trustees shall pay the several sums contained in the [*state number*] interest warrants bearing the number and date hereof, and delivered herewith, and that at the several times mentioned in such warrants, upon delivery of the same respectively, and such delivery shall be a sufficient receipt and discharge to the trustees for the contents of such warrants. Declaring that the said mortgagee and his foresaids shall not be entitled to make, and that the said trustees shall not be bound to recognize or register, any partial assignation of these presents, or of the sums of money, principal or interest, herein contained, and that the said trustees shall not be liable for any expenses that may be incurred by the said mortgagee or his foresaids for or in relation to the preparation, revision, adjustment, or execution of this mortgage, or of any discharge, renunciation, release, assignation, or minute of postponement or renewal thereof. In witness whereof these presents, written (in so far as not printed) by

are subscribed by three members of the said trust (the preses of the meeting being one), in name and on behalf of the trust, at a meeting of the trust held at Greenock upon the
day of eighteen hundred
before these witnesses

and the corporate or common seal of the trust being hereon impressed.

(Witness) Preses and trustee.
(Witness) Trustee.
Trustee.

Registered by me

(L.S.)

Clerk of trust.

SCHEDULE B.

Form of Interest Warrant.

WATER TRUST OF GREENOCK.

Mortgage No. Dated 18

INTEREST WARRANT.

For	pounds	shillings and	pence	£	:	:
		Less income tax - -			:	:
				£	:	:

Payable on 18 at the

Treasurer.

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