ANNO DECIMO

VICTORIÆ REGINÆ.

****

Cap. xxviii.

An Act for better supplying with Gas and Water the Royal Burgh of *Inverness*, Suburbs, and Places adjacent. [8th *June* 1847.]

WHEREAS an Act was passed in the Seventh Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for lighting the Royal Burgh of* Inverness, *Suburbs thereof, and Places adjacent with Gas, and supplying the same with Water:* And whereas the Company by the said recited Act incorporated have proceeded to carry the Undertaking therein mentioned into effect, and have established Gas and Water Works for supplying the Inhabitants of the said Royal Burgh, Suburbs, and Places adjacent: And whereas, from the Increase in the Population of the said Royal Burgh, Suburbs, and Places adjacent, and the more extended Demand for Gas and Water therein, the said Works, and the Money which the said Company are authorized to raise by the said Act for the several Purposes thereof, have been found insufficient, and it is expedient that the said Company should be enabled to construct, erect, and lay down additional Works for the Purpose of meeting and keeping pace with such increased Demand, and that they should have Power to

7 G. 4. c. 112.

raise a further Sum of Money for the Purposes of the said Undertaking: And whereas the Objects aforesaid might be more conveniently effected if the said recited Act were repealed, and further Powers and Provisions made and granted instead thereof, but the same cannot be carried into effect without the Authority of Parliament: May it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Authority of the same, That from and after the passing of this Act the said recited Act shall be and the same is hereby repealed: Provided always, that all Offences which shall have been committed, and all Penalties and Forfeitures which shall have been incurred, previously to the Commencement of this Act, shall and may be punishable and recoverable respectively under the said recited Act as if the same had not been repealed: Provided also, that all Acts and Things made, done, or executed under or by virtue of and in accordance with the Provisions of the said Act, prior to the Commencement of this Act, shall be good, valid, and effectual to all Intents and Purposes.

Recited Act repealed.

Re-establishment of the Inverness Gas and Water Company.

II. And be it enacted, That from and immediately after the passing of this Act the several Persons and Bodies Corporate who are at the Time of passing of this Act Proprietors of Shares in the *Inverness* Gas and Water Company incorporated by the said recited Act shall be and they are hereby reunited into a Company for better supplying with Water and Gas the Inhabitants of the Royal Burgh of *Inverness*, Suburbs, and Places adjacent, comprehended within the Parish of *Inverness*, and for such Purposes shall be one Body Corporate by the Name of "The *Inverness* Gas and Water Company," and by that Name shall have perpetual Succession, and shall have a Common Seal, and shall have Power to purchase and hold and sell Lands for the Purposes of this Act, subject to the Restriction herein contained.

Works vested in the Company hereby incorporated.

III. And be it enacted, That from and immediately after the passing of this Act all Springs and Streams of Water, Wells, Feeders, Reservoirs, Aqueducts, Conduits, Retorts, Gasometers, Receivers, and other Works, Pipes, Engines, Weirs, Gauges, Drains, Tunnels, Arches, Bridges, Buildings, Roads, and all Lands, Tenements, Hereditaments, and other Rights, Powers, and Privileges whatsoever, of or to which the *Inverness* Gas and Water Company hereby dissolved or any Person in trust for them were seised, possessed, or entitled at Law or in Equity immediately before the passing of this Act, and all Rates and Monies due or accruing to, and all Securities, Books, Accounts, Documents, and other Rights, real and personal, vested in the said Company hereby dissolved, and all their Privileges, Rights, Titles, Estate, or Interest therein, shall be and the same are hereby well and effectually vested in and shall belong to the Company hereby incorporated, for their absolute Use and Benefit, to hold to them and their Successors for the Purposes of this Act, as fully as the Company hereby dissolved under the said recited Act, or any Persons in trust for them, immediately before the passing of this

this Act had or would have continued to have had therein if the said recited Act had not been repealed, subject nevertheless to such Charges, Interests, and Liabilities as at the passing of this Act the same were respectively subject to.

Agreements to remain in force, and Company liable to Debts, &c.

IV. And be it enacted, That all Conveyances, Assurances, and Grants, Mortgages, Bonds, Covenants, Agreements, Contracts, Awards, and Securities made, executed, or entered into by any Person to, with, in favour of, or by or for the Company hereby dissolved, or to, in favour of, or by or for the Company dissolved on the Incorporation of the Company hereby dissolved, and all Actions, Suits, Prosecutions, and other Proceedings commenced or pending by or against the Company hereby dissolved shall not become invalidated, made void, discharged, abated, discontinued, prejudiced, or affected by the Repeal of the said recited Act, but shall continue and remain in full Force and Effect, and the Company hereby incorporated shall be liable to all Debts and Engagements to which the Company hereby dissolved was liable at the Repeal thereof: Provided always, that the Repeal of the said recited Act shall not affect any Remedies which could at the Time of the passing of this Act be exercised by any Mortgagee or Creditor against the Company hereby dissolved.

Rates or Rents now payable to be enforced by the Company.

V. And be it enacted, That all Rates, Rents, or Charges made or imposed under or by virtue of the said Act hereby repealed, and which at the Time of the passing of this Act shall be due and payable, or if this Act had not passed would have been due and payable, or would have accrued due and payable, shall be payable and may be collected and recovered by such Means and under such Restrictions and Regulations as any Rates, Rents, or Charges to be received in pursuance of this Act may be collected or recovered.

Transfers to remain in force.

VI. And be it enacted, That all Sales, Transfers, and Dispositions before the passing of this Act executed of any Share or Shares in the Joint Stock of the said Company incorporated by the said recited Act shall remain in full Force and Virtue, and shall be and contine available in all respects whatsoever.

Books, &c. made Evidence by former Act to continue.

VII. And be it enacted, That all Books and other Documents whatsoever by the said recited Act authorized or directed to be kept and thereby made Evidence shall still be admitted as Evidence in all Courts whatsoever.

Officers under former Act to account.

VIII. And be it enacted, That all Officers and Persons who on the passing of this Act shall have in their Possession or under their Control any Money, Books, Documents, Papers, Writings, or any Effects under or by virtue of any of the Provisions of the recited Act hereby repealed shall account for and deliver up all such Money, Books, Documents, Papers, Writings, or other Effects to the Company hereby incorporated, or to such Persons as they shall appoint to receive the same, in the same Manner, and subject to the same Process, Pains, and Penalties for Refusal or Neglect, as if such Officers or Persons had been appointed and had become possessed of such Money,

Books,

Books, Documents, Papers, Writings, or other Effects under the Provisions of this Act.

Present Officers continued.

IX. And be it enacted, That all Officers and Persons appointed under the recited Act hereby repealed shall continue in and enjoy their respective Offices and Employments, according to the Terms of their Appointments, until removed therefrom by the Company hereby incorporated, or the Directors, according to the Provisions herein contained; and all such Officers and Persons shall have the same Powers, Privileges, and Advantages, and all such Officers and Persons, and all Sureties, shall be liable to the same Conditions, Penalties, Obligations, Restrictions, and Regulations, as if such Officers and Persons had been appointed and Sureties had become bound under this Act.

8 & 9 Vict. cc. 17. 19. and 10 & 11 Vict. cc. 15. 17. incorporated with this Act.

X. And be it enacted, That the several Acts of Parliament following; (that is to say,) "The Companies Clauses Consolidation (*Scotland*) Act, 1845," "The Lands Clauses Consolidation (*Scotland*) Act, 1845," "The Waterworks Clauses Act, 1847," and the "Gasworks Clauses Act, 1847," shall be incorporated with and form Part of this Act, except so far as the same respectively shall be varied by special Enactments herein contained.

Short Title.

XI. And be it enacted, That in reciting this Act in other Acts of Parliament, and in legal Instruments, Parliamentary Notices, or other Documents, it shall be sufficient to use the Expression, "The *Inverness* Gas and Water Act, 1847."

Capital.

XII. And whereas the present paid-up Capital of the Company is Twelve thousand Pounds, and it is expedient that the same shall be increased to Twenty-four thousand Pounds; be it enacted, that Twenty-four thousand Pounds shall be the future Capital of the Company hereby incorporated, and shall be divided into One thousand two hundred Shares of Ten Pounds each, and Two thousand four hundred Shares of Five Pounds each; and it shall be lawful for the said Company to increase the said Capital to the said Amount in manner herein provided.

As to Shares created under former Act.

XIII. And be it enacted, That every Person possessed of a Share of Ten Pounds under the recited Act hereby repealed shall be entitled in lieu thereof to One Share of the Amount of Ten Pounds created by this Act in respect of the same, without any additional Payment in respect thereof.

Old Certificates to be cancelled.

XIV. And be it enacted, That in lieu of and in cancellation of the existing Certificates there shall be granted to the Proprietors of such Shares Certificates of the Shares given to them by this Act in lieu of their Shares under the said recited Act hereby repealed.

Shares to be held under the same Trusts.

XV. And be it enacted, That the Shares given in lieu of Shares held under the said recited Act shall immediately after the passing of this Act go, be, remain, and endure, and be held and enjoyed, and the

the several Persons to whom the same shall be granted or allotted by virtue of this Act shall thenceforth hold and stand possessed thereof respectively, to and upon such and the same Trusts, if any, and for such and the same Interest and under and subject to such and the same Disposition, and subject to such and the same Judgments, Charges, Liens, and Incumbrances, if any, as the Shares in respect whereof such Shares in the Company hereby incorporated were allotted under this Act are or should or would have remained to, for, upon, under, and subject to in case this Act had not been passed.

Shares to be created by this Act.

XVI. And be it enacted, That the Company hereby incorporated may from Time to Time, by an Order of any Meeting thereof, create such Number of new Shares, each of the Amount of Five Pounds, as they may find necessary for the Purpose of completing the additional Capital by this Act authorized to be raised.

Distribution of new Shares.

XVII. And be it enacted, That the new Shares so to be created as last herein-before mentioned shall vest in and belong to the several Proprietors and Persons who may agree to accept the same, and shall pay to the said Company the Sum of Five Pounds for each such Share at the Times and by the Instalments which shall be fixed by the Directors, and such new Shares shall be offered to the Proprietors of existing Shares in the Proportion of Two new Shares of Five Pounds each for every such existing Share of Ten Pounds held by such Proprietors, and such Offer shall be made by Notice in Writing under the Hand of the Secretary, addressed to each such Proprietor, and failing the Acceptance of such Shares by such Proprietor within Two Months after the Date thereof, the Shares contained or mentioned in such Offer shall be considered as forfeited, and may be disposed of in such Manner as the Company may determine; and the Certificate of the Secretary that such Notices were so addressed and put into the Post Office within Three Days of the Date thereof shall be sufficient Evidence of such Notice having been duly given.

Calls.

XVIII. And be it enacted, That One Pound Five Shillings *per* Share shall be the greatest Amount of any One Call which the Company hereby incorporated may make on the new Shareholders, and Two Months at the least shall be the Interval between successive Calls.

Power to borrow Money on Mortgage.

XIX. And be it enacted, That after the whole of the Capital of the Company shall have been subscribed for, and One Half thereof shall have been paid up, it shall be lawful for the said Company to borrow on Mortgage or Bond any Sum of Money, but so that the Sums due by the said Company on Mortgage or Bond do not at any One Time exceed in the whole the Sum of Eight thousand Pounds.

Saving Rights of existing Mortgages.

XX. Provided always, and be it enacted, That all Mortgages heretofore granted under the Powers of the said recited Act hereby repealed

repealed shall, during the Continuance thereof, have Priority over any Mortgage thereof to be granted under the Powers of this Act.

Mortgages, &c. to be stamped.

XXI. Provided always, and be it enacted, That every Security for Money, and every Transfer of any Share, Mortgage, Bond, or other Security for Money, to be granted or made by virtue of this Act shall be by Deed duly stamped, wherein the Consideration for the same shall be duly stated, any thing herein contained to the contrary notwithstanding.

First General Meeting.

XXII. And be it enacted, That the First General Meeting of the Shareholders of the Company hereby incorporated shall be held One Month after the passing of this Act, and that in future a General Meeting shall be held on the Second *Monday* in *July* in every Year, and all Meetings of the said Company shall be held in *Inverness*.

Period for balancing Books.

XXIII. And be it enacted, That the Periods to which the Books of the said Company shall be brought to a Balance shall be the Second *Monday* in *June* in each Year.

Number of Directors.

XXIV. And be it enacted, That the Number of Directors shall be Thirteen, and the Qualification of a Director shall be the Possession by him in his own Right of Shares in the Capital Stock of the Company on which Fifty Pounds at least shall have been paid up.

Power to reduce Number of Directors.

XXV. And be it enacted, That it shall be lawful for the Company from Time to Time to reduce the Number of Directors, but so always that the reduced Number of Directors shall not be less than Nine.

First Directors.

XXVI. And be it enacted, That *Alexander Forbes*, *Roderick MacLeod*, *Joseph Mitchell*, *David Rose*, *Niel Maclean*, *Edward Shaw*, *David Prophet*, *Robert Black*, *William Simpson*, *Duncan Macpherson*, *William Munro*, *Charles Waterston*, and *Joseph Le Ry* shall be the first Directors of the Company.

Directors to go out of Office.

XXVII. And be it enacted, That the Directors appointed by this Act shall continue in Office until the first Ordinary Meeting to be held after the passing of this Act, and at such Meeting the Shareholders present, personally or by proxy, may either continue in Office the Directors appointed by this Act, or any Number of them, or may elect a new Body of Directors, or Directors to supply the Places of those not continued in Office, the Directors appointed by this Act being eligible as Members of such new Body.

Election of new Directors.

XXVIII. Provided always, and be it enacted, That at the first Ordinary Meeting to be held in the Year next after the Year in which such last-mentioned Directors shall have been appointed or elected the Shareholders present, personally or by proxy, shall elect Persons to supply the Places of the Directors then retiring from Office agreeably to

to the Provisions in the said Companies Clauses Consolidation (*Scotland*) Act, 1845, contained, and the several Persons elected at any such Meeting, being neither removed or disqualified nor having resigned, shall continue to be Directors until others are elected in their Stead in manner provided by the said Companies Clauses Consolidation (*Scotland*) Act, 1845.

Quorum.

XXIX. And be it enacted, That the Quorum of a Meeting of Directors shall be Five.

Committee of Directors.

XXX. And be it enacted, That the Number of Directors of which Committees appointed by Directors shall consist shall not be less than Three nor more than Five, and the Quorum of such Committee shall be Three.

Remuneration of Directors.

XXXI. And be it enacted, That the Remuneration of the Directors shall from Time to Time be fixed by a General Meeting of the Company, and shall be paid out of the Rents, Rates, or Sums receivable under this Act.

Company hereby established authorized to maintain the Works already made.

XXXII. And be it enacted, That it shall be lawful for the Company hereby incorporated, and they are hereby authorized and empowered, to maintain, support, alter, and complete the several Gasworks, Reservoirs, Aqueducts, Waterworks, Conduits, Bridges, Embankments, Feeders, Drains, Soughs, Sluices, Wastegates, Stopgates, Weirs, Gauges, Roads, Engines, Main Pipes, and other Works which at the Time of the passing of this Act were vested in or possessed, placed, or provided by the Company hereby dissolved, together with the several Erections, Buildings, Tenements, and Works belonging thereto.

Company empowered to agree for the Purchase of Lands and Springs.

XXXIII. And be it enacted, That it shall be lawful for the said Company hereby incorporated, at any Time hereafter, to contract and agree with the Proprietors and Occupiers of any Lands or Grounds whereon any Waters, Springs, or Streams now are or may hereafter be found, discovered, or flow, for the Purchase of such Lands or Grounds as may enable the Company to convey such Waters, Springs, or Streams, or any Part thereof, to any Reservoirs or Drains or other Works of the Company, or for the Purchase of any Waters, Springs, or Streams, or the Use of any Waters, Springs, or Streams, or any Interest therein, or Claim or Demand of any Person or Persons, Bodies Politic or Corporate thereto, or to the exclusive or other Use of any such Waters, Springs, or Streams, or of any Rights or Interests necessary to enable the Company to have and enjoy the Use and Benefit of any such Springs and Streams, for the Purpose of increasing the Supply of Water to the Inhabitants within the Limits of this Act, and for the Improvements of the said Waterworks for the Purpose of this Act.

Power to make Works according to

XXXIV. And whereas Plans and Sections describing the Lines and Levels of the intended Variation, Extension, and Enlargement of the existing

deposited Plans.

existing and of the intended new Channels, Cuts, Conduits, and Aqueducts, and the Lands to be taken, and Books of Reference containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of such Lands, have been deposited in the Office of the principal Sheriff Clerk of the County of *Inverness;* be it enacted, that, subject to the Provisions in this Act and in the said incorporated Acts contained, it shall be lawful for the Company hereby incorporated to vary, enlarge, and extend and maintain the said existing Channels, Cuts, Conduits, Aqueducts, and to make and maintain the said intended new Channels, Cuts, Conduits, Aqueducts, and all other Works necessary, according to and in the Lines and upon the Lands delineated in the said Plans and described in the said Books of Reference, and to enter upon, take, and use such of the said Lands as shall be considered necessary.

Power to erect Machinery, Buildings, &c.

XXXV. And be it enacted, That subject to the Restrictions herein contained it shall be lawful for the said Company from Time to Time to make, construct, lay down, maintain, alter, or discontinue upon the Lands and other Heritages which shall be vested in them all such Steam Engines, Water-wheels, Tanks, Conduits, Engines, Waste-gates, Stopgates, Stopcocks, Sluices, Banks, Pipes, Tunnels, Wells, Machinery, and Works, and also such Houses and Buildings, as they find expedient for the Objects and Purposes of this Act.

Period within which Lands are to be purchased.

XXXVI. And be it enacted, That the Powers of the said Company for the compulsory Purchase of Lands for the Purposes of this Act, or for the compulsory Acquisition of any Right therein, shall not be exercised after the Expiration of Three Years from the passing of this Act.

Period for Completion of Works.

XXXVII. And be it enacted, That the Works hereby authorized to be made shall be completed within Five Years from the passing of this Act, and on the Expiration of such Period the Powers by this Act granted to the said Company for executing the said Works, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Lands for extraordinary Purposes.

XXXVIII. And be it enacted, That the Quantity of Land to be taken by the said Company for extraordinary Purposes shall not exceed Three Acres.

Constant supply to be provided.

XXXIX. And in order to satisfy the Requirements of the "Waterworks Clauses Act, 1847," as to a constant Supply of Water being laid on under Pressure, be it enacted, that the said Company shall and they are hereby required to afford a constant Supply of Water, as provided by the last-mentioned Act and this Act, to a Height of not less than Ninety-five Feet above the Company's present Source of Supply at the River *Ness*.

Limiting the Rates to be

XL. And be it enacted, That subject to the Provisions herein contained the said Company shall be obliged to furnish a sufficient Supply

Supply of Water to every Inhabitant occupying a private Dwelling House, or Part of a Dwelling House, in any Street, Square, Close, Lane, or Passage of the said Burgh where the Pipes of the said Company shall be laid for conveying Water for the Use of such Inhabitant's own Family, at the following Rates *per* Annum; (that is to say,) where the annual Rack Rent or Value of such Dwelling House or Part of a Dwelling House shall not exceed Ten Pounds, at and after the Rate of Twenty Shillings *per* Year; and where the annual Rack Rent or Value shall not exceed Twenty Pounds, at and after the Rate of Two Pounds *per* Year; and where the annual Rack Rent or Value shall be above Twenty Pounds and shall not exceed Thirty Pounds, at and after the Rate of Two Pounds Sixteen Shillings *per* Year; and where the annual Rack Rent or Value shall be above Thirty Pounds and shall not exceed Forty Pounds, at and after the Rate of Three Pounds Fifteen Shillings *per* Year; and where the annual Rack Rent or Value shall be above Forty Pounds and shall not exceed Sixty Pounds, at and after the Rate of Five Pounds *per* Year; and where the annual Rack Rent or Value shall be above Sixty Pounds and shall not exceed Eighty Pounds, at and after the Rate of Five Pounds Twelve Shillings *per* Year; and where the annual Rack Rent or Value shall be above Eighty Pounds and shall not exceed One hundred Pounds, at and after the Rate of Six Pounds Five Shillings *per* Year; and where the Annual Rack Rent or Value shall be above One hundred Pounds, at and after the Rate of Seven Pounds *per* Year; 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 the Rates at which such Rents shall be assessed by the Stentmasters for levying the Cess or Land Tax; and provided that in the Case of Spinners, Manufacturers, Dyers, Printers, Bleachers, Hatters, Maltsters, Brewers, Distillers, Innkeepers, Alehouse Keepers, Vintners, or other Person or Persons requiring a Supply of Water for other Purposes than those of his or her own Family Consumption, or Persons requiring a Supply of Water for Baths, Ponds, Pools, or for washing Carriages, or for Cows or Horses, or for the Purposes of any Trade or Business whatsoever, such Supply shall be furnished by the said Company in such Cases at such Rate as shall be settled and agreed upon by the said Company and such Person or Persons respectively.

paid for Water, &c.

XLI. And be it enacted, That the Rents for Water payable to the said Company under and by virtue of this Act shall become payable, and become due in advance, immediately upon the Commencement of the Period for which the Person or Persons using the said Water may contract with the said Company, and that by One yearly Payment, or, in the Option of the Directors, by Four quarterly Payments at the Times mentioned in the said "Waterworks Clauses Act, 1847."

Rents payable in advance.

XLII. And be it enacted, That the Costs, Charges, and Expences of obtaining and passing this Act, and of making the Survey, Plans, and Estimates, and all other Costs, Charges, and Expences in any way incident

For defraying the Expences of Act.

incident thereto, shall be paid and defrayed by the said Company out of the Money already raised and received, or out of the first Money to be raised by them, in preference to any other Payment whatsoever.

Public Act. XLIII. And be it enacted, That this Act shall be a Public Act, and be judicially taken notice of as such.

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