CHAPTER lxxxix.

An Act for empowering the Commissioners of Police of the Royal Burgh of Inverness to purchase the Undertaking of the Inverness Gas and Water Company, and to supply the Burgh and Places adjacent with Water and Gas; and for other purposes. [29th July 1875.] A.D. 1875.

WHEREAS the Inverness Gas and Water Company (in this Act called "the Company") are supplying gas and water to the royal burgh of Inverness and the suburbs thereof and places adjacent, under "The Inverness Gas and Water Act, 1847" (in this Act called "the Act of 1847"): 10 & 11 Vict. c. xxviii.

And whereas it is expedient that the Commissioners of Police of the said royal burgh, acting under "The Inverness Burgh Act, 1847," and "The General Police and Improvement (Scotland) Act, 1862," in this Act called "the Commissioners," be empowered to purchase by agreement, and that the Company be empowered to sell to the Commissioners their undertaking, and that the Commissioners, after the purchase of the said undertaking, be empowered to exercise the powers now vested in the Company in respect to the manufacture of gas and the supply of gas and water within the royal burgh and suburbs, and places adjacent: 10 & 11 Vict. c. ccviii. 25 & 26 Vict. c. 101.

And whereas the present supply of water and gas to the royal burgh and parish of Inverness is insufficient, and it would be of great benefit that a better and more efficient supply should be provided:

And whereas it is expedient that such supply should also be effected by and placed under the control, regulation, and management of the Commissioners:

And whereas it is expedient that in order to raise money for the purchase of the undertaking of the Company, and the other purposes of this Act, the Commissioners be empowered to borrow on security of the rates and rents to be levied:

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And whereas "The General Police and Improvement (Scotland) Act, 1862," has been adopted by the said provost, magistrates, and council, and is now in force within the said royal burgh:

And whereas it is expedient that certain of the roads, public streets, and thoroughfares within the burgh now maintained and managed by the Statute Labour Trustees of the county of Inverness, and by the commissioners of supply for the same county, should be maintained by the Commissioners:

And whereas plans and sections showing the lines, situations, and levels of the waterworks authorised by this Act, and the lands to be taken for the purposes of those works, and also plans describing the lands to be taken for the purposes of the new gasworks by this Act authorised, and also books of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of those lands, have been deposited with the principal sheriff clerk for the county of Inverness, at his office in Inverness, and are herein-after referred to as the deposited plans, sections, and books of reference:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

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

Short title.

1. This Act may be cited as "The Inverness Water and Gas Act, 1875."

Provisions of certain general Acts incorporated.

2. "The Lands Clauses Consolidation (Scotland) Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," the provisions of "The Commissioners Clauses Act, 1847," with respect to the mortgages to be executed by the Commissioners (except as to the form in which mortgages, assignations, and transfers of mortgages and assignations are to be made and executed, and except sections 84, 86, and 87); and with respect to the appointment and accountability of officers (except sections 92, 93, and 94), "The Waterworks Clauses Act, 1847," except the provisions with respect to the communication pipes to be laid by the undertakers, and with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit, and also except clauses 68, 70, 71, and 72, "The Waterworks Clauses Act, 1863," "The Gasworks Clauses Act, 1847," except the provisions with respect to the amount of profit to be received by the undertakers when the gasworks are carried on for

their benefit, "The Gasworks Clauses Act, 1871," and the provisions of "The Railways Clauses Consolidation (Scotland) Act, 1845," with respect to the temporary occupation of lands near the railway during the construction thereof, are (except where expressly varied by or inconsistent with this Act) incorporated with and form part of this Act: Provided, as regards the said last-mentioned Act, that the said provisions shall be read as if "the works" were therein mentioned instead of "the railway," and "the boundaries of the works" instead of "the centre of the railway," and "the Commissioners" instead of "the Company," and that "The Gasworks Clauses Act, 1871," shall apply to the whole gas undertaking of the Commissioners as if the same were hereby authorised.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction:

The expression "the burgh" means the royal burgh of Inverness, as extended and defined by the Inverness Burgh Act, 1847:

The expression "the Burgh Act" means the Inverness Burgh Act, 1847:

The expression "the Commissioners" means the Commissioners of Police of the royal burgh of Inverness, acting under the Burgh Act, and "The General Police and Improvement (Scotland) Act, 1862":

The expression "the sheriff" means the sheriff of the county of Inverness, or any of his substitutes:

The expressions "clerk," "treasurer," "collector," "manager," mean the clerk, the treasurer, the collector, or the manager, as the case may be, for the time being appointed by the Commissioners for the purposes of this Act:

The expression "undertaking of the Company," means the gasworks, waterworks, lands, buildings, properties, heritable and moveable estate, powers, rights, privileges, and authorities of the Inverness Gas and Water Company, but subject to all feu rights, leases, or tenantry rights, feu duties, casualties of superiority, ground rents, wayleaves, servitudes, or other burdens, qualifications, restrictions, or conditions affecting the same, and excepting any stock of coal, lime, bricks, coke, secondary or residual products, retorts, unused pipes, or other articles of the nature of stock in hand at the time of transfer:

The words "lands and heritages" shall bear the construction attached to them in the Act of the seventeenth and eighteenth

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year of the reign of Her present Majesty, intituled "An Act "for the valuation of lands and heritages in Scotland;" and "the Valuation Act" shall mean the Act last mentioned, and include any Acts amending the same, and the "valuation roll" or "valuation rolls" shall mean the roll or rolls made up in terms of the said Acts:

The word "owner" shall include joint owner, fiar, life-renter, feuar, or other person in the actual possession or receipt of the rents of tenements, lands, and heritages of every tenure or description, and the factor, agent, or commissioner of such persons, or any of them, or any other person who shall intromit with or draw the rents:

The word "occupier" shall include tenant and sub-tenant, and the actual possessor of any land or premises, but shall not include a lodger or person in the occupation as tenant of a furnished house, let for a less period than one year:

In the Acts or any of them incorporated with this Act the expressions "the promoters of the undertaking," "the Company," and "the undertakers" respectively mean the Commissioners, and the expression "the undertaking" extends to and includes the waterworks and gasworks and works connected therewith by this Act authorised to be constructed, made, or acquired.

Limits of Act.

4. The limits of this Act shall comprise and include the burgh, suburbs, and places adjacent, comprehended within the parish of Inverness, and the limits of this Act for the compulsory supply of water shall be the burgh, and are herein-after called the limits of compulsory supply.

Act to be executed by Commissioners of Police.

5. This Act shall be carried into execution by the Commissioners with the powers and indemnities and according to the provisions of the Burgh Act, so far as not otherwise provided by or under the provisions of this Act, and the Burgh Act shall, in relation to the Commissioners and the several objects and purposes of this Act, be read and construed as if the purposes and provisions of this Act were purposes and provisions of the Burgh Act, so far as the same shall be applicable thereto, and except so far as any of the provisions of the Burgh Act are varied, altered, or otherwise provided for by or under the provisions of this Act.

Contract for supply of water or gas not to disqualify Commissioners.

6. No person shall be disqualified from being, continuing, or acting as a commissioner by reason of his being concerned in any contract entered into with the Commissioners for the supply of water or gas, or of his being a mortgagee of the property of the Commissioners.

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Commissioners may appoint clerk, treasurer, and collector.

7. The Commissioners may, if they think fit, appoint a suitable person or persons to the offices of clerk, treasurer, manager, and collector for the purposes of this Act, or to any one or more of such offices, and from time to time remove such person or persons, and appoint others in their stead, or in the room of such of them as may die, resign, or discontinue their offices; and the provisions of the Burgh Act in regard to the clerk, treasurer, and collector appointed or to be appointed for the purposes thereof shall be and are hereby made applicable to the clerk, treasurer, and collector, or any one or more of them who may be appointed under the provisions of and for the purposes of this Act.

Purchase of undertaking of Company.

8. On payment of the purchase moneys in this Act specified, the Company shall sell and transfer and the Commissioners shall purchase and acquire the undertaking of the Company, in the manner and subject as in this Act mentioned.

Form of transfer.

9. Such transfer by the Company shall be by deed duly stamped, in which the full consideration shall be set forth, and may be in the form in the fourth schedule to this Act annexed, or to the like effect, with such alterations therein or additions thereto as the circumstances of the case or the parties thereto require, and such transfer shall be under the common seal of the Company, and be signed by three of the directors thereof.

Purchase money to be paid.

10. The Commissioners shall, on the first day of February one thousand eight hundred and seventy-six, or on such earlier day as herein-after provided, such day being hereafter called the time of transfer, pay to the Company, as the purchase money for the undertaking of the Company, a sum calculated at the rate of one hundred and fifty-three pounds for every one hundred pounds of the Company's share capital of twenty-four thousand pounds, and the sum of five thousand two hundred and ten pounds expended by the Company on capital account in excess of their share and mortgage capital, as at the thirteenth day of June one thousand eight hundred and seventy-four, and also such further sums as may have been or shall be expended by the Company on capital account since that date and until the time of transfer, and if any difference arise between the Commissioners and the Company as to the amount of such further sums, the same shall be settled by arbitration under the provisions of the Lands Clauses Consolidation (Scotland) Act, 1845, incorporated herewith, and if from any default of the Commissioners the said purchase money shall not be fully paid on the first day of February one thousand eight hundred and seventy-six, or such earlier day as aforesaid, the Commissioners shall in addition

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pay interest on the full amount of such purchase money at the rate of five pounds per centum per annum from the said first day of February eighteen hundred and seventy-six up to the day when the same shall be fully paid by the Commissioners; provided that the Commissioners may, if they think fit, pay the said purchase money on the first day of any month previous to the first day of February eighteen hundred and seventy-six, on giving to the Company one month's notice in writing under the hand of the clerk of the Commissioners of their intention to do so.

Commissioners to take over mortgage debt of Company.

11. The Commissioners shall, at or before the time of transfer, take over and relieve the Company from their mortgage debt, amounting to eight thousand pounds.

Deduction from purchase money.

12. From the price or consideration moneys to be paid to the Company as aforesaid, the Commissioners shall be entitled to deduct the sum of seven hundred and twenty pounds, being the sum agreed upon between the Company and the Commissioners, to cover any defect in pipes or other plant.

Company to be entitled to revenues, &c. until time of transfer.

13. The Company shall be entitled to all rates, revenues, and income of their undertaking until the time of transfer, including a proportion of the rates, revenues, and income for the then current period accruing due, though not then payable.

Commissioners to take stock, &c. belonging to Company.

14. The stock of coal, lime, bricks, coke, secondary or residual products, retorts, mains, pipes in stock and not laid, and other stocks belonging to the Company in hand at the time of transfer, shall be taken over by the Commissioners, who shall pay to the Company such sum therefor as may be agreed upon, or, in case of difference, shall be fixed by arbitration, under the provisions of "The Lands Clauses Consolidation (Scotland) Act, 1845," incorporated herewith.

Commissioners to pay Company's costs.

15. The Commissioners shall also pay the Company's costs, charges, and expenses of and incidental to an agreement for the transfer of the Company's undertaking made between the Commissioners and the Company, dated the twenty-sixth and twenty-seventh days of February one thousand eight hundred and seventy-five, and of and incidental to the transfer, and the parliamentary and other costs, charges, and expenses necessarily and properly incurred by them in relation to this Act, as the same, if required by the Commissioners, shall be ascertained and taxed by the auditor of the Court of Session.

Receipts of three directors a discharge.

16. The signatures of three of the directors of the Company to the deed of transfer shall be a sufficient discharge to the Commis-

sioners for the purchase moneys, and the Commissioners shall not be bound to see to the application or be answerable for misapplication or non-application thereof.

Company's debts, &c. to be paid by them.

17. All debts, rents, rates, charges, and sums of money, actions, suits, and proceedings, and causes of action, suit, or proceeding which at the time of the transfer are due or owing from or pending or existing against the Company, shall be paid, discharged, settled, and satisfied by them; but excepting always feu duties, rents, wayleaves chargeable against the Company, as at the twenty-fifth day of February one thousand eight hundred and seventy-five, and not due and payable at the time of transfer, all which shall be paid by the Commissioners.

Commissioners to be primarily liable for Company's debts unpaid.

18. If at any time after the transfer any claim is lawfully made for any debt, rent, rate, charge, or sum of money which at the time of the transfer is due or owing from the Company, and ought to be paid or discharged by them in virtue of this Act, but is not paid or discharged by them, the Commissioners shall be primarily liable to satisfy such claim, but the Company shall, while undissolved, be bound to free and relieve the Commissioners thereof; and after the Company shall have been dissolved the shareholders of the Company standing upon the register at the date of dissolution, and their respective heirs and executors, in proportion to the number of shares held by them respectively, shall be bound to free and relieve the Commissioners of such claims; and the Commissioners shall be entitled to operate such relief by action in any competent court: Provided that this liability shall not extend so as to render any shareholder liable to the payment of any sum larger than that which he may be entitled to receive under this Act.

Pending actions, &c. against Company.

19. If at the time of the transfer any action, suit, or proceeding is pending against the Company, the same shall not abate or be discontinued by reason of the transfer or of anything in this Act, but the same may be continued and prosecuted against the Commissioners as and when it might have been continued and prosecuted against the Company if this Act had not been passed, but not further or otherwise; and the Commissioners shall have similar rights of relief against the Company and shareholders to those conferred by the preceding section of this Act.

Causes of actions, &c. against Company.

20. If at the time of the transfer any cause of action, suit, or proceeding is existing against the Company, the same shall not be in anywise prejudicially affected by the transfer or by anything in this Act, but the same may be enforced against the Commissioners as and when it might have been enforced against the Company if

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this Act had not been passed, but not further or otherwise, and the Commissioners shall have similar rights of relief against the Company and shareholders to those conferred by section eighteen of this Act.

Application of purchase money.

21. The Company shall hold the purchase money of their undertaking when paid, and all other money for the time being belonging to them on trust, to pay and discharge thereout all their debts and liabilities, to make provision, if the directors think fit, for an allowance to the Company's manager and secretary as provided by section twenty-nine of this Act, and to distribute the residue among the shareholders of the Company, their executors, administrators, or assigns, rateably; and the directors of the Company in office at the passing of this Act may exercise all powers necessary for paying and discharging the debts and liabilities, distributing the assets, and winding up the affairs of the Company.

Officers to continue until removed.

22. All officers and persons appointed to or in office or employment under the Company at the time of the transfer shall continue in their respective offices and employments according to their respective appointments until removed therefrom by the Commissioners; 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 or the like conditions, penalties, obligations, restrictions, and regulations as if such officers and persons had been appointed by the Commissioners under this Act, and such sureties had become bound under this Act, to or for the benefit of the Commissioners.

Books evidence as to shareholders.

23. The persons who appear in the books of the Company to be proprietors of shares in the capital of the Company shall, unless the contrary is proved to the satisfaction of the directors of the Company, be considered to be shareholders of the Company for the purposes of the distribution of the Company's assets.

Powers of Company continued until purchase completed.

24. The powers, rights, and privileges of the Company and the directors under the Acts of Parliament now relating to or affecting the Company shall remain intact and unaffected by this Act, until the completion by the Commissioners of the purchase of the undertaking of the Company, by payment of the consideration moneys, and taking over the mortgage debt, and accordingly until the completion of the said purchase the said powers and privileges shall be exerciseable by the Company and their directors in every respect as if this Act had not passed; and until the consideration moneys have been paid, the Company fully relieved of the mortgage debt, and the transfer delivered, the Commissioners shall not sell or

supply water or gas, nor do any other act whereby the Company's undertaking may be prejudicially affected.

Operation of transfer.

25. From and after the execution of the transfer all the undertaking, works, property, interests, claims, and demands whatsoever of the Company, subject to any exceptions or other provisions in the transfer expressed, shall thenceforth be and remain vested in and exercised by the Commissioners, but subject to all mortgages, charges, incumbrances, debts, and liabilities and obligations at the time of the transfer affecting the Company or the property thereof, and may be holden, enjoyed, and disposed of accordingly by the Commissioners.

Dissolution of Company.

26. When and as soon as the assets of the Company have been distributed in manner aforesaid, and their debts and liabilities have been fully paid and satisfied, and their affairs have been wound up, the Company shall be by virtue of this Act dissolved.

Transference to Commissioners of Company's powers.

27. From and after the transfer the Commissioners, in relation to the undertaking of the Company, shall, in addition to the other powers conferred upon them by this Act, possess and may exercise and enjoy all the rights, powers, and privileges conferred on the Company by the Act of 1847 (except their rights and powers relating to their share and loan capital), and sections 3, 32, 33, 34, 35, 37, and 38 of the Act of 1847 shall be read and have effect as if the Commissioners were named instead of the Company in those provisions or any of them.

Commissioners subject to contracts unfulfilled at time of transfer.

28. If at the time of transfer there shall be any unfulfilled contracts or obligations of the Company entered into prior to the twenty-fifth day of February one thousand eight hundred and seventy-five in relation to the supply of water or gas, or of both, within the limits of this Act, the Commissioners shall, as at and after the time of transfer, take the benefit and burden of such contracts or obligations.

Compensation to officers of Company.

29. The directors of the Company may, if they think fit, out of the sums to be paid to them by the Commissioners, or out of any other funds of the Company, but so as not to increase the obligations on the Commissioners under this Act, pay or secure to their present manager and secretary, who has performed the duties of these offices for a period of twenty-two years, and whether his services shall be continued by the Commissioners or not, such compensation or allowance in respect of the termination of the offices held by him from the Company, as the directors may think reasonable, and that either by way of annuity for the term of his natural life, or for any other period, or by a lump payment.

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WATER SUPPLY.

Power to make works.

30. Subject to the provisions of this Act, the Commissioners may make and maintain, in the lines or situations and according to the levels shown on the deposited plans and sections, the works herein-after described, with all necessary embankments, dams, weirs, channels, sluices, catch-water and other drains, culverts, cuts, tunnels, roads, tanks, gauges, filtering apparatus, buildings, and all other works and conveniences whatsoever connected therewith, and may enter upon, take, and use such of the lands, waters, and streams delineated on the said plans, and described in the deposited books of reference, as may be required for that purpose.

The works herein-before referred to, and authorised by this Act, are:

1. A conduit or line of pipes, No. 1, commencing in the parish of Dores in the county of Inverness, from and out of Loch Ashie, at the north-eastern corner of the said loch, at or near the point where the stream known as the Alt-Mor issues from the said loch, and terminating in the parish of Inverness and Bona in the county of Inverness, in the reservoir next herein-after described:
2. A reservoir, 70 yards square or thereabouts, in a field in the parish of Inverness and Bona, part of the farm of Oldtown of Culduthel, at or near the termination of the conduit or line of pipes No. 1, first herein-before described:
3. A conduit or line of pipes, No. 2, wholly situate in the parish of Inverness and Bona, commencing from and out of the reservoir lastly herein-before described, and terminating within the burgh of Inverness near the entrance gate of the Inverness Observatory:
4. An embankment at the north-east end of Loch Ashie, such embankment to be wholly situate in the parish of Dores, and commencing at a point 70 yards or thereby north-west from the point where the stream called Alt-Mor issues from that loch, and terminating at a point 156 yards or thereby from the said point where the said Alt-Mor stream issues from the loch.

Power of deviation in constructing works.

31. In constructing the works by this Act authorised, it shall be lawful for the Commissioners to make lateral deviations from the lines thereof, as shown on the deposited plans, to the extent of the limits of lateral deviation shown thereon, and to make vertical deviations from the levels of the various works, as shown on the deposited sections, with reference to the datum line, to any extent

not exceeding two feet upwards and five feet downwards as regards the reservoir, and as regards other works five feet either upwards or downwards: Provided always, that in constructing the embankments of the reservoirs authorised by this Act the Commissioners shall not deviate vertically upwards to a greater height above the surface of the ground than two feet more than the height shown on the deposited sections with reference to the embankments therein delineated; and if they shall deviate at all above the height so shown, they shall construct the embankments in each case of such additional thickness at the base as shall be equal to five feet for every foot of additional height.

Power to take waters.

32. Subject to the provisions herein-after contained, it shall be lawful for the Commissioners to intercept, take, and divert into the reservoir before described, and in the said reservoir to impound and store up the waters of the said Loch Ashie and of the said stream called Alt-Mor, and the stream called Holm Burn, and tributaries thereof respectively, and by means of their conduits, reservoirs, and other works, to convey, appropriate, and use the said waters for the purposes of this Act.

Purchase of additional lands, &c.

33. The Commissioners may, in addition to the lands authorised to be taken or acquired as aforesaid, purchase by agreement any land not exceeding five acres for the purposes of this Act.

Power to take easements, &c. by agreement.

34. The Commissioners may take by agreement, and all persons empowered by "The Lands Clauses Consolidation (Scotland) Act, 1845," to sell and convey or release lands, may, if they think fit, subject to the provisions of that Act and of "The Lands Clauses Consolidation Acts Amendment Act, 1860," and of this Act, grant to the Commissioners any easement or servitude, right or privilege, not being an easement of water required for the purposes of this Act, in, over, or affecting any such lands, and the provisions of the said Acts with respect to lands and rentcharges or feu duties, so far as the same are applicable in this behalf, shall extend and apply to such grants and to such easements or servitudes, rights and privileges as aforesaid respectively.

Period for compulsory purchase of lands.

35. The powers of the Commissioners for the compulsory purchase of lands for the purposes of the waterworks by this Act authorised shall not be exercised after the expiration of three years from the passing of this Act.

Period for completion of works.

36. If the waterworks authorised by this Act are not completed within seven years from the passing of this Act, then on the expiration of that period the powers by this Act granted to the Commissioners for executing any work not so completed, or otherwise in

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relation thereto, shall cease to be exercised except as to so much thereof as is then completed.

Commissioners may enlarge or increase number of pipes.

37. The Commissioners may from time to time, subject to the provisions of this Act, extend, alter, replace, enlarge, and increase the works other than reservoirs, conduits, aqueducts, mains, and pipes authorised by this Act, and may from time to time extend, alter, replace, enlarge, and increase the number and size of the works other than as aforesaid mains and pipes from time to time in use for conveying and distributing water for the purposes of this Act: Provided always, that such extension, enlargement, or increase shall be executed only on lands or property belonging to the Commissioners, or that may be acquired by them by agreement for such purposes from the owners of adjoining lands.

Supply of water for domestic use within limits.

38. The Commissioners shall, at the request of the owner or occupier of any house, or part of a house occupied as a separate dwelling, situate within the limits of compulsory supply, furnish to such person within such dwelling-house, by means of communication pipes and other necessary and proper apparatus to be provided, laid down, and maintained, at the cost of such person, a sufficient supply of water for domestic purposes, including a supply for any coach-house and stable used along with such house not being for carriages or horses kept for hire, and also including a supply for any private water closet or closets, and fixed bath or baths in such dwelling-house: Provided always, that no person shall be entitled to require the Commissioners to furnish to him a supply of water unless some pipe of the Commissioners shall have been laid within one hundred feet of the outer wall, fence, or boundary of the subjects or premises in respect of which such supply is demanded, or in the case of tenements situate in a private close or place, unless some pipe of the Commissioners shall have been laid within one hundred feet of the entrance to such close or place, at the nearest part thereof, or unless the Commissioners shall have become bound by virtue of a requisition and agreement made and executed in the manner and to the extent required by this Act, to cause pipes to be laid down within the said distance of one hundred feet of such subjects or premises, or such entrance as aforesaid.

Compulsory supply. Owners to provide and maintain service pipes, &c.

39. For the purpose of providing for the better distribution of the water supply among the inhabitants within the limits of compulsory supply, it shall be lawful for the Commissioners to require the owner of any dwelling-house or tenement of dwelling-houses not properly supplied with water, in any street within these limits

in which the pipes of the Commissioners are laid, to take a supply of water for such house or tenement by connecting a service pipe with the main pipe of the Commissioners in any street or road, and to provide, lay, and maintain in good and sufficient repair such service pipes, stand pipes or taps, cisterns, and other means and apparatus, and in such positions as may be necessary for that purpose; and in the event of refusal or delay on the part of such owner to comply with such requisition, it shall be lawful for the Commissioners to enter such house or tenement and premises connected therewith, and to provide, lay, and maintain such service pipes, stand pipes or taps, cisterns, and other means and apparatus, and in such positions as shall appear to them to be necessary for the purpose aforesaid, and to recover the expense thereof from such owner in the same manner as rates or penalties are recoverable under this Act: Provided always, that in the case of houses not exceeding five pounds of yearly rent or value, such owner shall not be required to introduce water into each house, but only such means of supply for each tenement of houses as the Commissioners may deem necessary: Provided also, that in case of any question or difference arising between the Commissioners and such owner with respect to the necessity for such means of supply being provided for any such house or tenement, or with respect to the number or position of service pipes, stand pipes or taps, cisterns, or other means and apparatus necessary for the purpose aforesaid, the same shall be determined and fixed by the sheriff on summary application by either of the parties, and the decision of the sheriff shall be final, and not subject to appeal or review in any court, or by any process whatsoever.

Supply of water for domestic purposes beyond the limits for compulsory supply.

40. The Commissioners shall cause pipes to be laid down, and water for domestic purposes to be brought to all places within the limits of this Act beyond the limits for compulsory supply, whenever they shall be required by so many owners or occupiers of houses in such part of the district beyond the limits for compulsory supply, as that the aggregate amount of water rates payable by them annually, at such rates as may be fixed by the Commissioners as herein-after provided, shall not be less than one fifth part of the expense of providing and laying down such pipes: Provided always, that no such requisition shall be binding on the Commissioners unless such owners or occupiers shall severally execute an agreement binding themselves to take such supply of water for five successive years at least: Provided always, that the water to be supplied by the Commissioners under the provisions of this section need not be laid on constantly or under a greater pressure than that

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afforded by gravitation from the reservoirs of the Commissioners: Provided also, that it shall be lawful for the Commissioners to agree with any owner or occupier who is not entitled to demand a supply of water, for such a supply for domestic or other purposes to be made at any place within the limits of this Act, on such terms as may be agreed upon: Provided always, that no water shall be supplied by the Commissioners outside the burgh unless they shall give a sufficient supply for domestic purposes within the burgh.

Commissioners may supply water for other than domestic purposes.

41. The Commissioners shall, subject to the provisions of "The General Police and Improvement (Scotland) Act, 1862," furnish to any person within the limits of this Act a supply of water for steam engines or railway purposes, or for warming or ventilating any dwelling-house or other premises, or for working any machine or apparatus, or for cattle, or for horses, or washing carriages when such horses or carriages are kept for hire or are the property of a dealer, or for gardens, fountains, or ornamental purposes, or for any trade, manufacture, or business, whether carried on in any dwelling-house or in other premises, or for hotels, or taverns, or poor-houses, or hospitals, or asylums, or prisons, or other public buildings, or for any other purpose not domestic, such respective supplies being so furnished at such rates, upon such terms and conditions, and by measure or otherwise, as shall be agreed upon between the Commissioners and the person desiring the same: Provided always, that as far as possible the rate for such supply of water shall be uniform to all persons in the same circumstances and requiring the same extent of supply: Provided also, that the supply for domestic purposes by this Act required shall be and continue to be sufficiently provided, before the Commissioners supply water for any other purpose.

Commissioners to supply water for cleansing sewers, &c.

42. The Commissioners shall be entitled to supply water free of charge for the purpose of flushing and cleansing the drains and sewers, watering the streets, and extinguishing fires within the limits of this Act.

Cisterns, &c. to be constructed to prevent waste and impurity.

43. Every pipe, valve, or cock, and every cistern or other receptacle for water, and every watercloset, soil-pan, and private or public bath, or well, or fountain, or place which shall be supplied with water by the Commissioners, or which they shall be called on to supply with water, shall be constructed and used so as effectually to prevent the waste, misuse, or undue consumption of water, and the flow or return of foul air or other noxious or impure matter into the mains or pipes of the Commissioners, or into any pipes connected or communicating therewith; and, notwithstanding anything

in "The Waterworks Clauses Act, 1847," or in this Act contained, the Commissioners shall not be bound to supply water into any pipe, cistern, or other receptacle, watercloset, soil-pan, or private or public bath, or well, or fountain, or place which shall not be so constructed and used.

Pipes, &c. to be kept in repair.

44. If any pipe, valve, cock, bath, soil-pan, cistern, or any other apparatus used for conveying water supplied by the Commissioners to the houses of the inhabitants, or to manufactories or other places, or for storing water therein, shall be out of order, the owner or other person using any such apparatus not belonging to the Commissioners shall be bound to repair and make good the same on receiving a written or printed requisition, signed by the manager or other authorised officer or servant of the Commissioners (which may be left at the premises supplied with water), 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 Commissioners, by their manager, to alter, repair, renew, and make good and watertight all such apparatus; and the Commissioners shall be entitled to recover from the owner or other person so failing the cost of such repair, alteration, or renewal, together with the penalty contained in "The Waterworks Clauses Acts, 1847 and 1863," for wilful waste of water or for suffering such apparatus to be out of repair.

Apparatus to be approved by the manager of the Commissioners.

45. All the apparatus used or to be used for conveying and supplying water to the houses of the inhabitants, and manufactories or other premises supplied or to be supplied with water under the provisions of this Act, shall be subject to the approval of the manager to the Commissioners; and in case of dispute between the parties providing such apparatus and the manager, such dispute shall be determined by the sheriff, whose decision shall be final.

Penalty for interference with Commissioners valves, &c.

46. Every person who shall wilfully, carelessly, or without due authority from the Commissioners, in any way interfere with any valve, pipe, lock, cock, or other apparatus or works of the Commissioners, or with any meter used for registering the quantity of water supplied by the Commissioners, to the injury of the Commissioners, shall, without prejudice to any other right or remedy competent to the Commissioners for the punishment of such offender, be liable to a penalty for every such offence not exceeding five pounds.

Byelaws with respect to supply of water.

47. It shall be lawful for the Commissioners to make byelaws for regulating all or any matters and things whatsoever connected with the supply of water, and for the prevention of waste, misuse,

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or undue consumption of water within the limits of this Act, and among other things they may prescribe the size, nature, make, strength, and arrangement of the pipes, cocks, cisterns, and other apparatus used for the purposes of the supply, and they may impose penalties for breach of such byelaws not exceeding five pounds for each offence, and from time to time, as they shall think fit, repeal, alter, or re-enact any such byelaws: Provided that such byelaws shall not be repugnant to the law of Scotland, and shall, before being enforced, be approved of and confirmed by the sheriff.

Gas Supply.

Power to take lands for gas supply.

48. For the purposes of the new gasworks by this Act authorised, the Commissioners may enter upon, purchase, take, hold, and use such of the lands shown on the deposited plans and described in the deposited books of reference as are described in the first schedule to this Act.

Power to erect gasworks.

49. On the lands described in the first schedule to this Act, when purchased by the Commissioners, or on any parts or part thereof, the Commissioners may erect and construct gasworks, and may erect, lay down, provide, and from time to time maintain, alter, improve, enlarge, extend, and renew or discontinue, gasometers, gasholders, receivers, drains, sewers, mains, pipes, meters, lamps, lamp-posts, burners, stop-cocks, machinery, and other works and apparatus and conveniences, and may do all such acts as they may think proper for making and storing gas, and for supplying gas within the gas limits of this Act, and may make, store, and supply gas accordingly, and may manufacture, sell, provide, supply, let, and deal in coal, coke, tar, pitch, asphaltum, ammoniacal oil, lime, and all materials or products or residuum of any materials employed in or resulting from the manufacture of gas, and also meters, fittings, tubes, pipes, and other articles and things in any way connected with gasworks or with the supply of gas, as they may from time to time think fit.

Power to purchase lands by agreement.

50. The Commissioners may, for the purposes of their undertaking, purchase, take, and hold (by agreement, but not otherwise), in addition to the lands described in the first schedule to this Act, any lands and heritages, not exceeding in the whole five acres, which the Commissioners may from time to time require for their undertaking; but no lands shall be used by the Commissioners for the purpose of manufacturing or storing gas or residual products except the lands described in the first schedule to this Act.

Power to hold licenses under letters patent.

51. The Commissioners may take, hold, and use any license or authority (not being exclusive) under any letters patent for the use of any invention relative to the manufacture or distribution of gas or the utilization of residual products.

Power to lay pipes against buildings.

52. The Commissioners may, with the consent of the owner and occupier of any building, lay any pipe, branch, or any other necessary apparatus from any main or branch pipe into, through, or against such building for the purpose of lighting it, and may, with the like consent, provide and set up any apparatus necessary for securing to such building a proper and complete supply of gas, and for measuring and ascertaining the extent of such supply, and may from time to time, with the like consent, repair, replace, or alter any such pipe, branch, or apparatus.

Limiting price of gas.

53. The price to be charged by the Commissioners for gas supplied by them to persons who shall burn the same by meter shall not at any time exceed eight shillings and fourpence for one thousand cubic feet.

Interest to be paid on money deposited in security of meter rents.

54. Where any owner or occupier is required by the Commissioners to give them security for the payment of the price or rent of a meter, the Commissioners shall pay interest at the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands.

Pressure of gas.

55. All gas supplied by the Commissioners to any consumer of gas shall be supplied at such pressure as to balance a column of water from midnight to sunset not less than six tenths of an inch, and from sunset to midnight not less than eight tenths of an inch in height at the main, as near as may be to the junction therewith of the service pipe supplying such consumer; and any gas examiner appointed under the Gasworks Clauses Act, 1871, may, subject to the terms of his appointment, from time to time test the pressure at which the gas is supplied, and may for that purpose open any street, road, passage, or place vested in or under the control of any road authority, and the provisions of "The Gasworks Clauses Act, 1871," with reference to the testing of gas and to penalties shall, mutatis mutandis, apply to such testing of pressure.

Quality of gas.

56. All the gas supplied by the Commissioners shall be at least of such quality as to produce from a union jet burner capable of consuming five cubic feet of gas per hour, under a pressure equal to a column of water five tenths of an inch in height, a light equal in intensity to the light produced by twenty sperm candles of six to the pound, burning one hundred and twenty grains per hour.

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Commissioners to maintain apparatus to test illuminating power of gas.

57. Within six months after the Commissioners begin to supply gas, they shall provide in some convenient part of their works an experimental meter, furnished with a union jet burner capable of consuming five cubic feet of gas per hour, with other necessary apparatus for testing the illuminating power of the gas, and so situate and arranged as to test all the gas supplied by the Commissioners, and shall at all times thereafter keep and maintain such experimental meter and apparatus in good repair and working order.

Gas limits of Act.

58. The limits within which the Commissioners may supply gas are the limits of this Act, and such limits, so far as they relate to gas, are in this Act called the gas limits.

Commissioners to supply gas to public buildings and lamps.

59. The Commissioners may supply public buildings and all or any of the present public lamps within the gas limits, and such other public lamps as shall hereafter be provided and fixed in any line of street or road within those limits in which any main of the Commissioners is laid, with so much gas as they think proper or as the lighting authority may from time to time require, at such sum or rate, not exceeding the rate charged to any other consumer, as the Commissioners think fit, or as may from time to time be agreed upon between the Commissioners and the lighting authority; and the Commissioners may also enter into contracts with the lighting authority to light such public lamps at such sum as may be agreed upon, and the giving of such supply for such public buildings and lamps at a lower price than the price charged to any other consumer shall not entitle any other consumer to require the Commissioners to supply him at the price so charged for the supply of such public buildings or lamps.

Rates.

Commissioners to estimate annual sums required.

60. The Commissioners shall, and they are hereby authorised and required, once in every year to estimate and fix the amount of money necessary to be levied for the purpose of defraying the cost, charges, and expenses of supplying water within the limits of this Act, for and during the year then current, under which shall be comprehended the payment of the interest of any money to be borrowed under the provisions of this Act, expenses of management, maintenance of works, repairs, materials, wages, taxes, and other outgoings and charges, and the payment of the sum required to be annually set apart for a sinking fund as herein-after provided, together with the expense of distributing supplies of water, and all other charges and expenses in so far as the Commissioners may consider the same to be fairly and equitably chargeable against revenue.

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Domestic water rate to be levied.

61. And in order to raise a sum of money sufficient for the purposes aforesaid, it shall be lawful for the Commissioners, and they are hereby authorised and required, once in every year, at a meeting to be held for the purpose, on or before the last Monday in September, to assess and levy a rate to be called "the domestic water rate," upon and from the occupiers of all dwelling-houses, and of such parts or portions of all shops and buildings as may be used as dwelling-houses, within the limits of compulsory supply on the full annual value of such dwelling-houses in the valuation roll, and upon and from the occupiers of all shops, warehouses, and offices within the limits of compulsory supply on one half of the annual value of such shops, warehouses, and offices in the valuation roll.

Public water rate to be levied.

62. It shall also be lawful for the Commissioners, and they are hereby authorised and required, once in every year to assess and levy upon and from the owners of all lands and heritages within the limits of compulsory supply, a rate to be called "the public water rate," not exceeding one penny in the pound of the full annual value of all such property according to the valuation roll: Provided that the said public water rate shall be made and levied upon the owners of any garden not attached to, or occupied with, a dwelling-house, and of all arable, meadow, or pasture land, and all lands used as a railway or canal constructed under the powers of any Act of Parliament for public conveyance (except the stations, depôts, and buildings which shall be assessable to the same extent as other lands and heritages), within the limits of compulsory supply according to one fourth part only of such annual value thereof respectively: Provided further, that the said public water rate may be levied by the Commissioners from the occupiers of such property and premises, and any occupier so paying the said public water rate shall be entitled to deduct from his rent the public water rate so paid by him.

Penalty for nonpayment of domestic water rate.

63. If any person shall be in arrear of the domestic water rate or any portion thereof on the first day of March in any year, one penny upon each pound of the rental of the lands and heritages in respect of which such person is assessed, in addition to the amount of the rate then due, shall be leviable from such person by way of penalty for neglect or failure in payment, and the Commissioners and collector are hereby authorised and required to levy and collect the same.

Rates for water to be regulated so

64. The Commissioners shall from time to time so regulate the rates to be levied for the supply of water under the provisions

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as not to exceed expenses.

of this Act that the amount of such rates, with the other water revenue of the Commissioners, shall be sufficient to pay the interest of money borrowed, together with all the charges and expenses specified in this Act, and such further sum as the Commissioners shall set apart, as herein-after provided, for the purpose of the sinking fund in connexion with the water supply; and if in any year the rates and revenue received shall yield a sum more than sufficient for the purposes aforesaid, the Commissioners shall carry the balance to the credit of the water revenues for the following year: Provided always, that the Commissioners shall not be bound under this Act to impose any rate which shall include a fractional part of a penny.

Assessment of rates.

65. The Commissioners may assess and levy the said domestic water rate prospectively in order to raise money to pay charges and expenses to be incurred thereafter, or retrospectively in order to raise money to pay charges and expenses already incurred; and such rate shall be assessed for the period from the fifteenth day of May in each year to the fifteenth day of May in the year following, commencing the first assessment of such rate on the fifteenth day of May in the year one thousand eight hundred and seventy-six for the year then next ensuing, and such rate shall be payable at the offices of the collector, or at such other place or places as the Commissioners shall from time to time appoint, and at such date or dates as the Commissioners may fix: Provided that if any person shall think himself aggrieved by any rate imposed or made for water supplied under the authority of this Act, he may appeal to the Commissioners within fourteen days from the date of the notice of such rate; and the Commissioners may, if they shall think such person aggrieved, give such relief in the premises as they shall deem reasonable.

Unoccupied premises may be included in supplementary assessment roll.

66. When any premises in respect of which any person may be liable to be assessed to the domestic water rate under the provisions of this Act shall, at the time of making up the valuation roll, be unoccupied and unfurnished, but shall afterwards during the currency of the year to which such rate applies be occupied, it shall be lawful for the Commissioners to insert the name of the occupier in a supplementary roll or book of assessment, and to levy from him or from the owner, if he be liable to pay the same, as in this Act provided, such part of the said rate as shall be proportioned to the time during which such person shall occupy such property, and every such person shall thereupon be deemed to all intents and purposes to be properly rated, and all such rates may be levied and recovered from the person who shall be liable to pay the same under

the provisions of this Act in the same manner as other rates assessed under the provisions of this Act: Provided always, that every person who may think himself aggrieved by any such supplementary assessment shall have the same right of appeal therefrom as he would have had if his name had been originally inserted in the roll or book of assessment; and as respects such person the rate shall be considered to have been assessed at the time when he received notice of such supplementary assessment; and every person who shall be so rated in the supplementary roll shall be entitled to seven days notice of such assessment before the rate shall be payable by him.

Deduction in case of partial occupancy.

67. Deduction may be allowed by the Commissioners of the domestic water rate for any period during which any lands or premises shall not be let or occupied for three months consecutively in any one year, and owners who shall let for rent or hire lands or premises for less than a year shall themselves, as well as the occupiers, be responsible for the said rates, and the same may be recovered from such owners or from such occupiers as the Commissioners shall judge expedient: Provided always, that the occupier of any lands or premises let for a period less than a year by whom the said rates shall be paid shall be entitled to deduct from the rent payable to the person by whom the said lands or premises shall be so let the amount of the said rates in excess of the proportion thereof applicable to the period of his occupancy.

Assessment roll to be made up.

68. The Commissioners shall annually cause to be made up rolls or books of assessment from the valuation rolls, showing the yearly rent or value of the lands and heritages within the limits of compulsory supply, so far as such lands and heritages are liable to be assessed for the rates authorised to be levied under the provisions of this Act, and showing also the amount of such rates due by each occupier or owner, and according to which rolls or books such rates or any of them are intended to be levied, or showing the amount per pound of such rates, and in such rolls or books of assessment there shall in no case be entered any fractional part of a pound of the assessable yearly rent or value aforesaid; and when such fractional part shall not amount to ten shillings the sum shall not be entered at all in such yearly rent or value; and when such fractional part shall amount to or exceed ten shillings, the sum shall be entered as one pound of such yearly rent or value, in addition to the actual number of pounds of such rent or value, and shall be assessed and reckoned accordingly; and such rolls or books of assessment shall be open to inspection by all ratepayers, in the hands of the collector, for such

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time as the Commissioners may fix, and the Commissioners shall have power to rectify any error which may be found in such rolls or books.

Recovery of rates.

69. If any person within the limits of compulsory supply assessed under the provisions of this Act shall refuse or neglect to pay any rates authorised to be levied hereby, or any portion thereof, on or before the expiry of three months after such rates are declared payable, the collector may make an attestation, written or printed, or partly written and partly printed, setting forth that the said person has failed to pay such rates, or any portion thereof, notwithstanding the same has been demanded from him by the collector by a notice delivered to or left for him on the premises in respect of which such rates are made, or at his dwelling-house or place of business, and such attestation being made it shall be lawful for the collector to make application to the sheriff, who upon such application and production therewith of such attestation shall grant summary warrant for recovery of the said rates, or the portion thereof remaining unpaid; and also for recovery of one penny upon each pound of the rental of the lands and heritages in respect of which such person is assessed in addition in name of penalty, if such penalty shall have been incurred by nonpayment of the said rates or any portion thereof previous to the first day of March as herein-before provided, which attestation, application, and warrant shall be in the form as near as may be contained in the second schedule hereunto annexed: Provided always, that nothing herein contained shall prejudice the right of the collector at any time after the said rates shall be payable, and that either before or after such warrant shall have been obtained, to prosecute as he is hereby empowered to prosecute for and recover before the sheriff's small debt court, or by any other legal form of proceeding, all or any part of such rates in arrear with the addition, if such prosecution or proceeding for the said rates on any portion thereof shall not have been instituted previous to the first of March, of one penny upon each pound of the rental of the lands and heritages in respect of which the person so in arrear is assessed in name of penalty; and the collector shall be bound to preserve the warrants of all seizures or sales made under or in virtue hereof, and shall enter in a book to be kept for that purpose the names of the parties proceeded against, the rates due, the expense of the proceedings, and the true proceedings of each sale, which book shall be open to the inspection (without any fee) of all parties interested for three months after the date of each sale respectively; and at any time within that period it shall be competent to any party considering himself aggrieved to complain to the sheriff of

anything done unjustly or oppressively in regard to such seizure or sale, such complaint being made in the form of a petition subscribed by the complainer, and the decision of such sheriff shall be final: Provided that this enactment shall be in addition to and not in substitution of section 74 of "The Waterworks Clauses Act, 1847."

Misnomers, &c. not to affect proceedings for recovery of rates.

70. No proceedings for recovery of such rates or expenses under the provisions hereof shall fall, lapse, cease, or abate by the death, resignation, or removal of the collector instituting the same, or by any change in the persons holding office as Commissioners, but it shall be lawful for the collector for the time to prosecute and follow for the procedure commenced and carried on in the name of any previous collector in all respects as if such procedure had been taken by himself: Provided always, that it shall not be competent for any person to sue, nor for any court of law to entertain any action or proceeding against the trustees or the collector or officers or other persons employed in executing any warrant in reference to any rate or expense under the provisions thereof, by reason of any misnomer, mistake, or informality, if the goods or other effects seized or sold under such warrant were bonâ fide the property or in the lawful possession of the person actually liable in payment thereof.

Rates to be recoverable beyond limits of Act.

71. In case any person liable in payment of the rates authorised to be levied under and in virtue of the provisions hereof shall remove to any place beyond the limits of compulsory supply, it shall nevertheless be lawful for the Commissioners and the collector or other officers to put the decrees and warrants which may be granted for the recovery of such rates in manner before mentioned into execution within or beyond the said limits in the same manner as if such person had continued to reside within such limits, such decrees or warrants being first endorsed by a magistrate or sheriff or justice of the peace for the burgh or county within which they are to be put into execution.

Rates may be collected under local Police Acts.

72. If it shall appear to the Commissioners that the water rates by this Act authorised may be more expediently levied, collected, or recovered under the provisions of the Police Acts of Inverness in force for the time being than under the provisions herein-before expressed, it shall be lawful for the Commissioners to levy, collect, and recover the said rates accordingly, and that along with the police assessment or with the assessment for prison purposes, or separately, as may be deemed most expedient, notwithstanding the provisions herein-before contained.

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Rates to be levied for supply for domestic purposes beyond the limits for compulsory supply.

73. It shall be lawful for the Commissioners to charge and levy for or in respect of the supply of water for domestic purposes to any person within the limits of this Act, beyond the limits of compulsory supply, who is entitled under section 40 to a supply of water, a rate not exceeding the amount of the domestic water rate and public water rate which shall be levied at the time under the provisions of this Act.

Borrowing Powers.

Power to borrow for waterworks.

74. The Commissioners may from time to time borrow, in addition to any money which they have borrowed or are otherwise authorised to borrow, for the purposes of their waterworks, any sum of money not exceeding forty-one thousand pounds, and may make and grant mortgages of the several water rates, assessments, and charges by this Act authorised, in security of the money so borrowed and interest thereon.

Power to borrow for gasworks.

75. The Commissioners may from time to time borrow, in addition to any money which they have borrowed or are otherwise authorised to borrow, for the purposes of their gasworks, any sum of money not exceeding in the whole forty thousand pounds, and may make and grant mortgages of their gasworks undertaking, and of the rents, charges, and revenues to arise from the supply of gas and the sale of residual products, in security of the payment of the money so borrowed and interest thereon.

Commissioners may re-borrow.

76. If after having borrowed the sums of money by this Act authorised, or any part thereof, the Commissioners pay off the same, or any part thereof, otherwise than by means of the sinking fund or sinking funds herein-after mentioned, it shall be lawful for the Commissioners again to borrow the amount so paid off upon the same securities as those upon which the moneys so paid off were secured, and so from time to time.

Form of mortgage.

77. Every mortgage to be granted by the Commissioners and every assignation of such mortgage shall be by deed duly stamped, in which the consideration shall be duly stated, and may respectively be in the forms contained in the third schedule to this Act, or to the like effect, with such modifications thereof as to render the same applicable to the special purpose for which the money is borrowed; and every mortgage granted by the Commissioners under this Act shall, in accordance with the purposes of this Act for which the money thereby secured is borrowed, be distinguished on the face thereof as being either a "waterworks mortgage" or a "gasworks mortgage."

Mortgages may be accompanied with interest warrants.

78. It shall be lawful for the Commissioners to issue along with any such mortgage, and during the period of any postponement of the term of payment thereof, interest warrants in the form contained in the third schedule to this Act, 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 mortgage is intended to subsist; and the delivery to the Commissioners or the clerk, or to any person on their behalf, of any such interest warrant, duly stamped (where necessary) as a receipt, shall be a valid and sufficient discharge to the Commissioners for the interest in respect of which the same was issued.

Commissioners may borrow on credit of a cash account.

79. It shall be lawful for the Commissioners to accept and take from any bank or banking company credit on a cash account, to be opened and kept with such bank or banking company in the name of the Commissioners according to the usage of bankers in Scotland, to the extent of the aggregate amount of the several sums which the Commissioners are by this Act authorised to borrow, or any part thereof, and to make and grant mortgages in manner aforesaid, and in the form contained in the third schedule to this Act, in security of the payment of the amount of such credit, or of the sums advanced from time to time on such cash account, with interest thereon: Provided always, that the whole sum due and owing by the Commissioners on such cash account and for money borrowed by them on mortgage as aforesaid shall not, when taken together, exceed the aggregate amount of the several sums by this Act authorised to be borrowed.

Manner in which mortgages and orders on bank account to be signed and executed.

80. Every mortgage to be granted by the Commissioners may be partly in writing and partly printed, and shall, besides being under the common seal of the Commissioners, be signed by at least two Commissioners and the treasurer, and all drafts or orders on the cash account before mentioned shall be signed in like manner: Provided always, that no member of the town council nor the treasurer shall, by his subscription of any such mortgage, draft, or order, be or be held to have rendered himself individually or personally liable for the payment of any money so borrowed, drawn, or received, or any interest thereon, or of any sums whatsoever in respect thereof.

Protection of lender from inquiry.

81. No person lending money to the Commissioners shall be bound or entitled to inquire as to the observance by the Commissioners of any provision of this Act, or be bound to see to the application or be answerable for any loss or nonapplication of such money, or any part thereof.

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Application of money raised and borrowed.

82. Subject to the provisions of this Act, the several sums raised and borrowed by the Commissioners on mortgage under the authority of this Act shall be applied as follows; (that is to say,) the moneys to be borrowed or raised on the security of the several water rates and charges by this Act authorised, or any of them, or so much thereof as shall be required, shall be applied in payment of the purchase price of the Company's waterworks undertaking and in the purchase of land and construction of the waterworks and works connected therewith, and towards any extensions and enlargements of the distributive works of the Commissioners, or any part thereof, and in the payment of mortgages granted to raise money to pay off waterworks mortgages, and of any cash credit or cash account granted for or incurred in respect of such waterworks; and in payment of one moiety of the costs, charges, and expenses of and incidental to the preparing, applying for, and passing of this Act; the moneys to be borrowed or raised on security of the gasworks undertaking and of the gas rates and charges and revenues by this Act authorised, or any of them, shall be applied in payment of the purchase price of the Company's gasworks undertaking and in the purchase of land and construction of gasworks and works connected therewith, and towards any extensions and enlargements of the gasworks and distributive works connected therewith for the time being belonging to the Commissioners, and in the payment of mortgages granted to raise money to pay off gasworks mortgages, and of any cash credit or cash account granted for or incurred in respect of such gasworks, and in payment of the other moiety of the costs, charges, and expenses of and incidental to the preparing, applying for, and passing of this Act.

Saving for existing mortgages of Commissioners.

83. Nothing in this Act contained shall prejudicially affect any mortgage or obligation heretofore granted by the Commissioners on the credit of any rate, fund, income, or property which the Commissioners before the commencement of this Act had power to levy or over which they had control and now in force; and all mortgages and obligations so granted and now in force shall have in all respects the same priorities and be secured in full to all intents and purposes upon such rate, fund, income, or property of the Commissioners as if this Act had not been passed.

Creation of funded debt for waterworks.

84. The Commissioners from time to time, in lieu of continuing on mortgage money borrowed, or authorised to be borrowed under this Act for the purposes of their waterworks, may resolve to fund the whole or any part thereof under the denomination of the Inverness Commissioners of Police Waterworks Funded Debt, and

thereupon may issue to any person or body paying to them any portion of the money funded a certificate of that person or body being the holder of such funded debt to the amount so paid, and every such certificate may be according to the form in the fifth schedule to this Act, or to the like effect, and shall be under the seal of the Commissioners, and the borrowing powers of the Commissioners for the purposes of their waterworks shall, to the extent of the money so from time to time converted into funded debt, be extinguished.

Register of holders of waterworks funded debt.

85. The Commissioners shall from time to time cause the names of the persons and bodies interested in such waterworks funded debt, with the amount of their respective interests therein, to be entered in a book to be kept for that purpose, and to be called the Register of Holders of Inverness Commissioners of Police Waterworks Funded Debt, which book shall be accessible at all reasonable times to the holders of such debt, and of waterworks, mortgages, or assignations granted by the Commissioners under this Act.

Transfer of waterworks funded debt.

86. The interests of the several holders of such waterworks funded debt, or any part of such interests, may be transferred or transmitted in the same manner, and subject to the same regulations and provisions, mutatis mutandis, as or according to which any mortgage or assignation granted by the Commissioners may be transferred or transmitted under this Act; and the Commissioners shall cause an entry to be made in a book to be kept by the treasurer for that purpose, of every such transfer or transmission, and for every such entry may demand a sum not exceeding two shillings and sixpence.

Annuity to be paid.

87. The several holders of such waterworks funded debt shall not be entitled to repayment of the capital thereof, but shall receive an annuity thereon at a rate to be from time to time fixed by the Commissioners, and to be specified in the respective certificates issued to holders of the debt, which annuity shall be payable at the times in the several certificates stated.

Security of holders of waterworks funded debt.

88. The several holders of such waterworks funded debt shall be creditors of the Commissioners for the payment of such annuity, and shall be deemed to hold by virtue of this Act a mortgage or assignation of the water rates, assessments, and charges to be levied by them under this Act, and of the rents and revenues for the time being belonging to them in security of such payment, which mortgage and assignation shall rank pari passu with the other mortgages and assignations of the said water rates, assessments, and charges

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made and granted under this Act, and shall confer the like powers and privileges.

Creation of funded debt for gasworks.

89. The Commissioners from time to time, in lieu of continuing on mortgage money borrowed, or authorised to be borrowed under this Act for the purposes of their gasworks, may resolve to fund the whole or any part thereof under the denomination of the Inverness Commissioners of Police Gasworks Funded Debt, and thereupon may issue to any person or body paying to them any portion of the money funded a certificate of that person or body being the holder of such funded debt to the amount so paid, and every such certificate may be according to the form in the sixth schedule to this Act, or to the like effect, and shall be under the seal of the Commissioners, and the borrowing powers of the Commissioners for the purposes of their gasworks shall, to the extent of the money so from time to time converted into funded debt, be extinguished.

Register of holders of gasworks funded debt.

90. The Commissioners shall from time to time cause the names of the persons and bodies interested in such gasworks funded debt, with the amount of their respective interests therein, to be entered in a book to be kept for that purpose, and to be called the Register of Holders of Inverness Commissioners of Police Gasworks Funded Debt, which book shall be accessible at all reasonable times to the holders of such debt, and of gasworks, mortgages, or assignations granted by the Commissioners under this Act.

Transfer of gasworks funded debt.

91. The interests of the several holders of such gasworks funded debt, or any part of such interests, may be transferred or transmitted in the same manner and subject to the same regulations and provisions, mutatis mutandis, as or according to which any mortgage or assignation granted by the Commissioners may be transferred or transmitted under this Act, and the Commissioners shall cause an entry to be made in a book to be kept by the treasurer for that purpose of every such transfer or transmission, and for every such entry may demand a sum not exceeding two shillings and sixpence.

Annuity to be paid.

92. The several holders of such gasworks funded debt shall not be entitled to repayment of the capital thereof, but shall receive an annuity thereon at a rate to be from time to time fixed by the Commissioners, and to be specified in the respective certificates issued to holders of the debt, which annuity shall be payable at the times in the several certificates stated.

Security of holders of gasworks funded debt.

93. The several holders of such gasworks funded debt shall be creditors of the Commissioners for payment of annuities, and shall

be deemed to hold by virtue of this Act a mortgage or assignation of the gasworks undertaking of the Commissioners under this Act, and of the rents and revenues for the time being belonging to them, in security of such payment, which mortgage and assignation shall rank pari passu with the other mortgages and assignations of the said gasworks undertaking made and granted under this Act, and shall confer the like powers and privileges.

Commissioners not bound to register partial transfers.

94. The Commissioners shall not be bound to enter in the register of transfers kept by them or their treasurer, under the provisions of this Act, any transfer having reference to any mortgage granted or to be granted under the authority of this Act, unless the whole of the principal sum and interest secured by such mortgage be transferred by such transfer, nor unless such transfer or an official extract thereof be delivered to the Commissioners for the purpose of being retained by them.

Transmission of mortgage in case of bankruptcy.

95. If any mortgage or security be transmitted in consequence of the bankruptcy of the person entitled thereto, there shall be produced to the treasurer of the Commissioners 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.

Water sinking fund.

96. The Commissioners shall after the expiration of three years from the passing of this Act set apart as a sinking fund from and out of the moneys received by them from or on account of their waterworks or from rates (other than money borrowed), such an annual sum as shall by accumulation, with compound interest thereon at the rate of four per centum per annum, be sufficient to pay off in fifty years the whole of the money borrowed for the purposes of the waterworks; and if the Commissioners shall raise any money under the powers of this Act for their waterworks undertaking by means of annuities, a sum equal to one hundredth part of the capitalised value at twenty years purchase of the annuities so granted by them, and such sinking fund shall be from time to time applicable to the redemption of the waterworks mortgages, and money borrowed on cash credit or cash account, or annuities for such waterworks: Provided always, that whenever any of such mortgages have been so paid off, and whenever any of the annuities have been so purchased, the Commissioners shall thenceforward until the whole of the principal moneys borrowed under the powers of this Act for water purposes have been paid off, pay into the sinking fund every year, in addition to the other sums herein-before

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required to be set apart and appropriated, a sum equal to the amount of the annual interest of the principal moneys so paid off, and to the amount of the annuities so purchased: Provided further, that whenever and so long as the yearly income arising from the said sinking fund shall be equal to the annual interest of the principal moneys then due, and to the annual amount of the annuities then outstanding, the Commissioners may, instead of investing the said yearly income, apply the same in payment of the interest upon the principal moneys and of the annuities so due and outstanding, and may during such periods discontinue the payment to the sinking fund of the yearly sums herein-before required to be paid thereto.

Gas sinking fund.

97. It shall be lawful for the Commissioners, and they are hereby required, annually after the expiration of three years from the passing of this Act, to set apart as a sinking fund from and out of the moneys received by them from or on account of their gas undertaking (other than money borrowed) such an annual sum as shall by accumulation, with compound interest thereon at the rate of four per centum per annum, be sufficient to pay off in fifty years the whole of the money borrowed for the purposes of the gasworks; and if the Commissioners shall raise any money under the powers of this Act for their gas undertaking by means of annuities, a sum equal to one hundredth part of the capitalised value at twenty years purchase of the annuities so granted by them; and such sinking fund shall be from time to time applicable to the redemption of the gasworks, mortgages, and money borrowed on cash credit, or cash account, or annuities for such gasworks: Provided always, that whenever any of such mortgages have been so paid off, and whenever any of the annuities have been purchased, the Commissioners shall thenceforward, until the whole of the principal moneys borrowed for gas purposes under the powers of this Act have been paid off, pay into the sinking fund every year, in addition to the other sums herein-before required to be set apart and appropriated, a sum equal to the amount of the annual interest of the principal moneys so paid off, and to the amount of the annuities so purchased: Provided further, that whenever and so long as the yearly income arising from the said sinking fund shall be equal to the annual interest on the principal moneys then due, the Commissioners may, instead of investing the said yearly income, apply the same in payment of the interest upon the principal moneys; and may during such periods discontinue the payment to the sinking fund of the yearly sums herein-before required to be paid thereto; and such sinking fund shall be from time to time applicable to the

redemption of the gasworks mortgages, and money borrowed on cash credit or cash account for such gasworks.

Appointment of judicial factor.

98. In the event of any principal money borrowed on mortgage by the Commissioners under this Act, or any interest thereon, or any annuity granted in virtue hereof, either in respect to their water or gas powers, not being paid within one month after such payment is due, and demand thereof made in writing, any mortgagee having interest on a mortgage or annuity in arrear to the amount of three hundred pounds, or any mortgagee with principal or principal and interest to the amount of three thousand pounds, or several mortgagees or annuitants having interest in arrear to the amount of three hundred pounds in the aggregate, or several mortgagees with principal or principal and interest in arrear to the amount of three thousand pounds, may render his or their security effectual by the appointment from time to time of a judicial factor, and the application for such appointment shall be made by summary petition to the Court of Session, or in the time of vacation to the Lord Ordinary on the bills, which appointment shall be made accordingly unless before such application is advised the amount of such mortgage or annuity or interest, mortgages or annuities or interest, as the case may be, with interest and expenses, is paid, or it appears to the satisfaction of the court or Lord Ordinary that consignation thereof should, under the circumstances, be accepted in lieu of payment, and such consignation be made accordingly, and the interlocutor making such appointment shall not be subject to review or appeal.

Powers and duties of judicial factor and continuance of factory.

99. The judicial factor appointed under this Act on finding security in common form shall according as his appointment is at the instance of a water or gas mortgagee, or both, exercise all the powers conferred by this Act on the Commissioners, for and in relation to the assessing, levying, and recovering of the water rates or the gas rents and charges authorised by this Act, as the case may be, and managing, carrying on, and maintaining of the works and property of the Commissioners under this Act, and the Commissioners shall hand over to him all rate books and other books and documents necessary for that purpose; and after defraying the expenses of such application, management, carrying on, and maintenance, the judicial factor shall from time to time apply and pay over the balance of the sums received by him to the several parties entitled to payment thereout; and the judicial factor shall continue until all arrears of principal and interest on mortgages are paid.

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ACCOUNTS, AUDIT, &c.

Separate accounts to be kept as to gasworks, waterworks, &c.

100. The Commissioners shall keep separate and distinct accounts of the several matters herein-after mentioned; (that is to say,)

1. A separate and distinct account, to be called "the waterworks account," of their receipts, credits, payments, and liabilities in relation to the execution of this Act with respect to water, and for or on account of the water rates levied and charges for water supplied under this Act, and those receipts and credits shall form their waterworks fund;
2. A separate and distinct account, to be called "the gasworks account," of their receipts, credits, payments, and liabilities in relation to the execution of this Act with respect to gas, and for and on account of the gas rents and charges for gas supplied under this Act, and those receipts and credits shall form their gasworks fund;

and the said several accounts shall be kept, laid open to inspection, and published in the same manner and under the same penalties as the accounts of the municipal revenues of the burgh have hitherto been required to be kept, laid open to inspection, and published.

Application of revenue.

101. The Commissioners shall apply all moneys from time to time received by them under the powers of this Act, with reference to water purposes and gas purposes respectively (not being money raised by borrowing, for the application of which provision is herein-before made), in manner and order following, and not otherwise; (that is to say,)

1. As regards moneys received on account of water,—
   (First,) in payment of the expenses of managing and maintaining the Commissioners waterworks:
   (Secondly,) in payment of interest on money borrowed on the security of the water undertaking:
   (Thirdly,) in setting apart annually the waterworks sinking fund:
   (Fourthly,) in carrying the powers and provisions of this Act into execution with reference to water, including any extensions of the waterworks:
   (Fifthly,) the surplus, if any, from time to time shall be so applied as to facilitate the reduction of the domestic water rate.
2. As regards moneys received on account of gas,—
   (First,) in payment of the expenses of managing and maintaining the gasworks of the Commissioners:

(Secondly,) in payment of interest on money borrowed on the security of the gas undertaking:

(Thirdly,) in setting apart annually the gasworks sinking fund:

(Fourthly,) in carrying the powers and provisions of this Act into execution with reference to gas, including any extension and improvement of the gasworks:

(Fifthly,) the surplus, if any, from time to time shall be applied in reduction of the price of gas within the limits of this Act.

Application of sinking funds.

102. All moneys by this Act directed to be carried to any sinking fund, as soon and as far as conveniently can be, shall be applied from time to time in or towards the discharge of any moneys borrowed by the Commissioners, and until so applied shall be invested in the name of the Commissioners in any securities in which by law trust moneys may from time to time be invested.

Extent of liability of Commissioners, property rates, &c. under each head.

103. The water and gas undertakings, and the several rates, rents, assessments, and charges authorised to be levied and taken by the Commissioners under the authority of this Act, shall be each separately and severally liable only for debts and obligations contracted in reference to each of the respective matters or purposes of this Act to which they respectively and particularly relate, and no further or otherwise.

Accounts of Commissioners to be open to inspection.

104. The books of the Commissioners, containing the several accounts by this Act authorised and required to be kept separate and distinct, shall be balanced once at least in every year, and shall at all reasonable times be open to the inspection of every creditor on the rates by this Act authorised to be levied, without any fee being demanded for such inspection, and it shall be lawful for any member of the Commissioners, or for any of the creditors aforesaid, to take copies of or extracts from such books without paying anything for the same, and if on request for that purpose the treasurer shall fail to permit any member of the Commissioners or creditor as aforesaid to inspect such books, or to take copies or extracts as aforesaid, such treasurer shall for any such default forfeit the sum of five pounds.

Auditor to be appointed.

105. The sheriff shall on application made to him by the Commissioners (which application the Commissioners are hereby required to make) appoint an auditor (being a person skilled in accounts and not being a member or officer of the Commissioners) to audit the accounts of the Commissioners; and in case the office of such auditor shall before such accounts have been audited by him become

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vacant by death, or from any other cause, the sheriff shall from time to time appoint an auditor to supply the vacancy.

Auditor to audit accounts and to report.

106. It shall be the duty of such auditor once in every year to audit the accounts of the Commissioners, and for that purpose the treasurer shall deliver to such auditor an abstract or balance sheet of the accounts of the Commissioners, and such auditor shall also examine the accounts and the account books and vouchers of the Commissioners, and shall either make a special report on the said accounts or simply confirm the same, and such report or confirmation shall be read at the first general meeting of the Commissioners thereafter, and the Commissioners shall pay to such auditor for his trouble in making such audit such a sum as the sheriff shall on the application of the Commissioners appoint.

Annual account to be made up and certified by auditor, &c.

107. The Commissioners shall every year cause an annual account in abstract to be prepared, stating the total receipts and expenditure of all moneys levied and received by virtue of this Act for the year ending on the twenty-sixth day of May, or some other convenient day in each year, under the several distinct heads of receipts and expenditure, with a statement of the balance of such account duly audited and certified by the auditor and two or more members of the Commissioners, and shall cause such account to be printed and lodged free of charge with the clerk on or before the first day of July then next, or some other convenient day in each year, which account shall be open to public inspection at all reasonable hours on payment of one shilling for every such inspection.

Miscellaneous Provisions.

Liability to rates, &c. not to disqualify.

108. No sheriff, justice of the peace, or magistrate shall be disqualified from acting in the execution of this Act on account of being a Commissioner or by reason of his being liable to the payment of any gas rent or charge, or water rate or other rate, assessment or charge under this Act, or of his being entitled to or interested in any mortgage, annuity, or other debt of the Commissioners.

Proof of debt in bankruptcy.

109. If any person against whom the Commissioners have any claim or demand becomes bankrupt, the clerk, in all proceedings in relation to the estate of such bankrupt, may represent the Commissioners, and act in their behalf in all respects as if such claim had been the claim or demand of the clerk and not of the Commissioners.

Books and papers of Commissioners on deaths of officers, &c.

110. In case of the death of any officer or servant of the Commissioners, or of his becoming bankrupt before he has delivered up all books, papers, writings, and other things concerning his office or employment, or relating to the execution of this Act, no interest whatever in such books, papers, writings, and things, or any of them, shall pass to or vest in his representatives or assignees, as the case may be, but the same shall with all convenient speed be surrendered to the Commissioners.

Form and service of notices, &c. by the Commissioners.

111. Any notice, order, resolution, declaration, requisition, demand, or other instrument made, given, delivered, or served under this Act, or any byelaw of the Commissioners, may be either in print or in writing, or partly in print and partly in writing, and shall be sufficiently authenticated by the name of the clerk or other proper officer (according to the subject of the particular document) being affixed thereto in print or writing on behalf of the Commissioners; and it shall be sufficient in all cases where any such notice, resolution, declaration, requisition, demand, or other instrument is required to be given to or served upon the owner or occupier of any property, to address such notice, order, resolution, declaration, requisition, demand, or other instrument to such owner or occupier by his description as owner or occupier (as the case may be) of the premises (naming them) in respect of which the notice, order, resolution, declaration, requisition, demand, or other instrument is given or served, without further name or description; and any such notice, order, resolution, declaration, requisition, demand, or other instrument may be served upon any owner, occupier, or other person either personally or by sending the same through the post in a registered letter addressed to him by name at his last known place of abode or business, or by delivering the same to some inmate of his last known or usual place of abode or business, or in case of an occupier, to any inmate of the building in respect of which such notice, order, resolution, declaration, requisition, demand, or instrument is served, or if the building is unoccupied and the place of abode of the person to be served is, after due inquiry, unknown, it shall be sufficient to affix such notice, order, resolution, declaration, requisition, demand, or instrument, or a copy thereof, upon some conspicuous part of such building.

Service of notice on Commissioners.

112. Any notice to or demand on the Commissioners under this Act may be served on the Commissioners by being delivered to the clerk, or by being sent through the post in a registered letter directed to the clerk, in which latter case service shall be deemed to be

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effected on the Commissioners on the day on which such letter would be delivered in the ordinary course of post.

Contents of warrant.

113. Any one summons or warrant issued for any of the purposes of this Act may contain in the body thereof, or in a schedule thereto, several names and several sums.

Warrant shall include costs.

114. Any sheriff or magistrate who issues a warrant of distress for any of the purposes of this Act may order that the costs of the proceedings for the recovery of the money to be levied shall be paid by the person liable to pay such money, and such costs shall be ascertained by the sheriff or magistrate, and shall be included in the warrant of distress for the recovery of such money.

Penalty on an officer or servant demanding unauthorised fees.

115. If any officer or servant of the Commissioners demands on account of anything done by virtue of his office, or for forbearing to do anything that ought to be done, or on any other account relative to his duty, any fee or reward whatsoever, other than the salary or allowance granted by the Commissioners, or fees due to him in virtue of his office, he shall be liable to a penalty not exceeding twenty pounds.

Penalty on pulling down notice boards.

116. If any person destroys, pulls down, injures, or defaces any notice board issued or put up by or under the direction of the Commissioners, or any board provided by the Commissioners on which any byelaw or part of a byelaw of the Commissioners is painted or placed, he shall be liable to a penalty not exceeding forty shillings, besides paying the cost of remedying the injury done.

As to recovery of fines.

117. All fines, penalties, and forfeitures imposed or authorised to be imposed by this Act, other than those to which the Commissioners are made liable, shall be recoverable by and at the instance of the procurator fiscal, or person acting as the procurator fiscal, of the magistrates in the police court, in the way and manner, and with the like sanctions and remedies, and shall be applied in the same manner as fines and penalties imposed or authorised to be imposed by the Burgh Act are thereby directed to be recovered and applied, and with the same right of appeal or review which is thereby prescribed; and all sentences for such fines, penalties, and forfeitures shall be reviewable in no other way than is prescribed by that Act.

Penalties on repetition of offences.

118. Where by this Act any pecuniary penalty or other punishment is imposed in respect of any offence described in this Act, then and in every such case, if the nature of the case permits and if an intention to the contrary does not appear in this Act, such penalty or punishment may be inflicted for every repetition of such offence.

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Commissioners to take over roads, &c. of Statute Labour Trustees, &c.

119. From and after the passing of this Act, all roads, public streets, and thoroughfares within the burgh (with the exception of the roads presently under the charge of the first or burgh of Inverness district of the county of Inverness road trustees), now maintained and managed by the Statute Labour Trustees of district roads in the county of Inverness, and by the Commissioners of Supply of the county of Inverness, or either of them, shall, by virtue of this Act, be transferred to and be maintained by the Commissioners in the same manner as other roads, public streets, and thoroughfares are maintainable by them under "The General Police and Improvement (Scotland) Act, 1862;" and upon such transfer all the powers and authorities of the said Statute Labour Trustees, other than those of the said first district (which shall remain unaffected by this Act), and of the said Commissioners of Supply, over the roads, public streets, and thoroughfares so transferred, and all powers of assessment in relation thereto, shall cease and determine.

Copies of Act as printed by Queen's printers to be kept for inspection.

120. The Commissioners shall cause copies of this Act, as printed by the Queen's printers, to be at all times, after the expiration of six months from the passing of this Act, kept in the office of the clerk and open to the inspection of any person on payment of a fee not exceeding one shilling, and if at any time the corporation fail to comply with the requisitions of this section they shall be liable to a penalty not exceeding twenty pounds, and to a further penalty not exceeding one pound for every day during which such failure continues.

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That in terms of said Act, assessment books for levying the said rates for the year, from to , were made up and delivered to the petitioner, in order to his levying and collecting the sums set opposite the names of the persons and others respectively therein entered, of which assessment books this is the volume.

That the said rates became due and payable on the day of .

That by the attestation of the petitioner hereunto prefixed, it appears that certain of the persons so assessed have failed to pay the said rates or a portion thereof, notwithstanding of the same having been demanded from them by notices from the petitioner, delivered to or left for them on the premises assessed or at their dwelling-houses or places of business, and that the persons named in this volume who have so failed to pay are those against whose names respectively the charges in this volume remain undischarged in whole or in part at the date of the said attestation.

That the said persons who have failed to pay the rates charged against them, or a portion thereof, before the first day of March, have incurred in addition a penalty of one penny upon each pound of the rental of the premises in respect of which they are assessed in terms of the said Act.

That in these circumstances it becomes necessary to apply to your Lordship for warrant to the following effect:

May it therefore please your Lordship to grant summary warrant against the persons who have failed in payment as aforesaid, for recovery of the said rates so remaining unpaid in whole or in part and penalty foresaid, and to authorise messengers-at-arms or officers of court to enter the house, place of business, or other premises of the persons who have failed in payment as aforesaid, and upon presentment, if asked only, of the said warrant, or a copy thereof, certified by the sheriff clerk of the county of Inverness, along with the receipts of the collector for the rates wholly or partly in arrear by such persons respectively, and failing payment being immediately made of the rates in arrear and penalty aforesaid, together with the expense of obtaining said warrant, and the fees and charges of the messenger or officer to seize, take possession of, and if such messenger or officer shall think proper to remove, so much of the goods and effects therein as shall appear to such messenger or officer to be sufficient for satisfying out of the proceeds of the sale thereof, the said rates remaining unpaid and penalty, with the costs and charges incurred or to be incurred in obtaining and carrying into execution the warrant which may be granted hereon against said persons respectively, and for these purposes to authorise the said messenger or officer to open shut and lockfast places, and further to authorise the said messenger or officer, if the said rates and penalty together with said costs and charges shall not be paid within three days next after seizure is made as aforesaid, to sell the said goods and effects so seized by public roup, either on the premises in which the same were so seized, or at the market cross of the town of Inverness, or in such other place as your Lordship may appoint, returning the surplus of the price, if any be, and also any of such goods and effects as it may be found unnecessary to sell after payment of the said rates and penalty, together with the costs and

charges incurred in obtaining and carrying the said warrant into execution, and of such sale, to the owner of the said goods and effects. A.D. 1875.

(Signed) *A.B.*, Collector.

(3.) *Warrant.*

Inverness. (*Date.*) The sheriff (*or* sheriff substitute, *as the case may be*), having considered the foregoing application and attestation, grants warrant as craved.

(Signed) *C.D.*

THE THIRD SCHEDULE.

(No. 1.)—FORM OF MORTGAGE.

INVERNESS COMMISSIONERS WATERWORKS [*or* GASWORKS, *as the case may be*].

Mortgage No. £

By virtue of "The Inverness Water and Gas Act, 1875," we, the Commissioners of Police of the Royal Burgh of Inverness, in consideration of the principal sum of [*specify amount*] paid by [*name and designation of mortgagee*] to the to the said Commissioners, for the purposes of the said Act, do hereby grant and assign to the said [*name of mortgagee*], and his executors, administrators, and assignees [*or as the case may be*], the rates and charges applicable to the said waterworks (*or in the case of gas mortgages*, the gasworks undertaking, rents and revenues of the Commissioners) [*as the case may be*], to be levied by the said Commissioners under the authority of the said Act, to hold to the said mortgagee and his foresaids until the said principal sum and the whole interest due thereon shall be fully paid and satisfied; and it is hereby stipulated that the said principal sum shall be repayable on the [*date*], or shall thereafter, in virtue hereof, remain as a loan to the said Commissioners until the expiration of such further term of years, and at such rate of interest, as shall be specified in a minute or minutes to be endorsed hereon, and signed by the said mortgagee or his foresaids and by the treasurer to the said Commissioners, and which minute or 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 or of the said treasurer, 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 [*specify rate*] per centum per annum), the said Commissioners 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 said Commissioners for the contents of such warrants, declaring that the said mortgagee and his foresaids shall not be entitled to make, and that the said Commissioners shall

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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 Commissioners 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 [*testing clause according to law of Scotland*].

(Signed by two members of the Commissioners and the treasurer.) L.S.

(2.)—FORM OF INTEREST WARRANT.

INVERNESS COMMISSIONERS WATERWORKS (*or* GASWORKS, *as the case may be*).

Mortgage No. dated 18 .

INTEREST WARRANT.

For pounds shillings and pence . . . . . £ : :

Less Income Tax . . . : :

£ : :

Payable on at the

Treasurer.

(3.)—FORM OF ASSIGNATION OF TRANSFER.

INVERNESS COMMISSIONERS WATERWORKS (*or* GASWORKS, *as the case may be*).

I, *A.B.*, of , in consideration of the sum of , paid to me by *C.D.*, of , do hereby transfer to the said *C.D.*, his executors, administrators, and assignees, a certain mortgage, Number , made by the Commissioners acting under "The Inverness Water and Gas Act, 1875," bearing date the day of for securing the sum of and interest [*or if such transfer be by endorsement*, the within security], and all my right, estate, and interest in and to the money thereby secured, and in and to the rates, rents, profits, and other moneys thereby assigned. In witness whereof these presents [*insert the testing clause required by the law of Scotland*].

(4.)—FORM OF MORTGAGE FOR CASH CREDIT.

By virtue of "The Inverness Water and Gas Act, 1875," we, the Commissioners of Police of the Royal Burgh of Inverness, acting under the said Act, in consideration of our having obtained from [*name of the bank*] a credit on cash account to the amount of £ for the purpose of the water (*or* gas, *as the case may be*) supply under that Act, to be operated upon by our treasurer for the purposes of the said Acts, either by cheques or drafts under his hand, or by debiting the said account under his direction with obligations

due and payable by us or under our authority, do hereby grant and assign to the said [*name of the bank*] and their assignees (*in the case of water*) the water rates, rents, profits, and other moneys arising or accruing by virtue of the said Act in respect of waterworks and other water revenue of the trust, (*or in the case of gas*) the gasworks undertaking, and of the rents and revenues of the Commissioners; and that, in security and for payment of the amount of the said credit, or otherwise of the sums advanced from time to time on the said cash account, with interest thereon at the rates chargeable by the said bank on cash credit accounts, for the time to hold to the said bank and their foresaids until the said principal sum of credit, or such part thereof as may be advanced from time to time as aforesaid, and interest thereon at the rates foresaid, shall be fully paid and satisfied.

[*To be executed as provided in regard to mortgages.*]

THE FOURTH SCHEDULE.

Form of Transfer.

In pursuance of "The Inverness Water and Gas Act, 1875," and in consideration of (*here insert consideration*), the Inverness Gas and Water Company hereby make to the Commissioners of Police of the Royal Burgh of Inverness, who hereby accept, a transfer of all the undertaking of that Company.

(*Here may follow any conditions, covenants, or provisions mutually agreed on.*)

To be sealed with the common seals of the Company and the Commissioners, and signed by three of the Directors of the Company and attested according to the law of Scotland.

THE FIFTH SCHEDULE.

Form of Certificate of Waterworks Funded Debt.

No. .

This is to certify that *A.B.* (*name and designation*) is the holder of pounds of the Inverness Water Funded Debt, created by and under the provisions of The Inverness Water and Gas Act, 1875, and is entitled to receive an annuity on that sum at the rate of per centum per annum.

Dated this day of 18 .

L.S.

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THE SIXTH SCHEDULE.

FORM OF CERTIFICATE OF GASWORKS FUNDED DEBT.

No. .

This is to certify that *A.B.* (*name and designation*) is the holder of pounds of the Inverness Gas Funded Debt, created by and under the provisions of The Inverness Water and Gas Act, 1875, and is entitled to receive an annuity on that sum at the rate of per centum per annum.

Dated this day of 18 .

L.S.

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1875.