ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

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Cap. ccxvii.

An Act to transfer the *Paisley* Waterworks to the Magistrates and Council of *Paisley*, and to enable them to construct additional Works for supplying *Paisley*, *Johnstone*, and Places adjacent, with Water. [7th *August* 1854.]

WHEREAS an Act was passed in the Sixth Year of the Reign of His Majesty King *William* the Fourth, intituled *An Act for supplying the Town of* Paisley *in the County of* Renfrew *with Water*, by which Act the *Paisley* Water Company were incorporated, and empowered to supply the Town or Burgh of *Paisley* and the Suburbs thereof, and other Places adjacent thereto, with Water: And whereas under the Powers of the said Act the *Paisley* Water Company have constructed Waterworks, and supply the said Burgh, Suburbs, and Places adjacent with Water: And whereas it would be of public Advantage if Power were obtained to construct Works for affording a further Supply of Water to the said Burgh, Suburbs thereof, and Places adjacent, from the Streams called *Muir Burn*, *Reivoch Burn*, and *Birkcraig* or *Rowbank Burn*, and the Tributaries and Affluents thereof, in the Parishes of *Lochwinnoch* and *Beith*, and also for supplying Water to the Villages of *Johnstone* and

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Elderslie, and Places adjacent thereto: And whereas the Magistrates and Council of the said Burgh are desirous, and it is expedient, that the Supply of Water to the said Burgh, Suburbs thereof, and Places adjacent should be provided by and placed under the Control, Regulation, and Management of the said Magistrates and Council, as representing and in trust for behoof of the Community of the said Burgh, and that they should be empowered to purchase and acquire the Undertaking of the said *Paisley* Water Company; but these Objects 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; (that is to say,)

Short Title.

I. In citing this Act for any Purpose it shall be sufficient to use the Expression "The *Paisley* Waterworks Act, 1854."

Interpretation of Terms.

II. The following Words and Expressions shall have the Meanings hereby assigned to them respectively, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

The Word "Commissioners" shall mean the Magistrates and Council of the Burgh of *Paisley*, and their Successors in Office for the Time being, Commissioners appointed under this Act:

The Word "Treasurer" shall mean the Treasurer of the Commissioners for the Time being to be appointed under this Act:

The Word "Provost" shall mean the Provost of the Burgh of *Paisley*:

The Word "Magistrates" shall mean the Provost and Bailies of the Burgh of *Paisley*, or any One of them:

The Expression "the Company" shall mean the *Paisley* Water Company:

The Expression "the Undertaking," when used in this Act, and in the Waterworks Clauses Act, 1847, as incorporated herewith, shall comprehend not only the Works hereby authorized to be made and acquired, but also the existing Undertaking and Works of the Company:

The Expression "the existing Undertaking" shall comprehend the Works, Lands, Buildings, Streams, Reservoirs, Conduits, Pipes, Machinery, Funds, Debts, and other Property or Estate, real, personal, or otherwise, and Rights and Privileges belonging to the Company.

8 & 9 Vict. c. 18. incorporated.

III. "The Lands Clauses Consolidation (*Scotland*) Act, 1845," shall be incorporated with and form Part of this Act.

IV. "The

10 & 11 Vict. c. 16. incorporated.

IV. "The Commissioners Clauses Act, 1847," (with the Exception of the Clauses and Provisions with respect to the following Matters, that is to say, with respect to the Qualification of Commissioners, with respect to the Election and Rotation of the Commissioners, where the Commissioners are to be elected by the Ratepayers or other like Class of Electors, with respect to the Meetings and other Proceedings of the Commissioners and their Liabilities, and with respect to the Accounts to be kept by the Commissioners,) shall be incorporated with and form Part of this Act.

10 & 11 Vict. c. 17. incorporated.

V. "The Waterworks Clauses Act, 1847," except the Provisions with respect to the Amount of Profit to be received by the Undertakers when the Waterworks are carried on for their Benefit, and except as regards any Matter or Thing otherwise provided for in this Act, shall be incorporated with and form Part of this Act, and shall be applied to the Works hereby authorized to be made and executed, and also (except the Provisions with respect to Mines) to the Waterworks, Lands, Heritages, Rights, Credits, and Effects hereby vested in the Commissioners, or in, over, or upon which the Commissioners have by this Act any Power or Right; and the Expression "the Lands and Streams" used therein shall mean not only the Lands and Streams of Water hereby authorized to be taken or used, but also the Lands and Streams by this Act vested in the Commissioners, or over or in which the Commissioners have by this Act any Power or Right.

Recited Act in part repealed.

VI. From and after the Date at which the existing Undertaking of the Company shall be vested in the Commissioners in virtue of the Provisions herein-after contained, the recited Act shall be repealed so far as regards the making and maintaining the existing Undertaking, and supplying *Paisley* and Places adjacent with Water, and the Company shall thereafter subsist and remain incorporated only for carrying into effect the Purposes herein-after mentioned.

Certain Parts of 8 & 9 Vict. c. 17. incorporated.

VII. The Clauses and Provisions of "The Companies Clauses Consolidation (*Scotland*) Act, 1845," with respect to the Transfer or Transmission of Shares, the General Meetings of the Company, and the Exercise of the Right of voting by the Shareholders, the Appointment and Rotation of Directors, the Powers of the Directors and the Powers of the Company to be exercised only in General Meetings, and the Proceedings and Liabilities of the Directors, shall be incorporated with and form Part of this Act, to the Effect of regulating the Affairs of the Company, from and after the passing of this Act, and until the Dissolution of the Company in manner herein-after provided; and all the Provisions and Enactments of the recited Act with respect to the same Matters, so far as they are inconsistent

inconsistent with the Clauses and Provisions of the said Companies Clauses Consolidation Act, are hereby repealed: Provided always that there shall be only One Ordinary General Meeting of the Company in each Year, which shall be held in the Month of *June*, or at such other stated Period as shall from Time to Time be appointed for that Purpose by Order of a General Meeting; that there shall be no extraordinary Directors of the Company; that the Number of Directors shall be Twelve, the several Persons who at the passing of this Act were the ordinary Directors or Committee of Management of the Company being the First Directors under this Act; that the Company may from Time to Time reduce the Number of Directors, provided that the reduced Number be not less than Five; that the Quorum for constituting a Meeting of Directors shall be Three; and that the Qualification of a Director shall be the Possession in his own Right of Ten Shares of the Capital Stock of the Company.

Commissioners appointed.

VIII. The Magistrates and Council of the Burgh of *Paisley*, and their Successors in Office for the Time being, as representing and for and on behalf of the Community of the said Burgh, shall be and are hereby appointed Commissioners for executing and carrying into effect the Purposes of this Act.

Meetings of Commissioners.

IX. It shall be lawful for the Commissioners, at any Meeting duly called by Order of the Provost or Acting Chief Magistrate of the said Burgh for the Time being, to proceed to put this Act into execution, and to transact the general Business of the Trust; and an annual General Meeting of the Commissioners shall be held on the Third *Thursday* of *July* in every Year after the passing of this Act; and at all Meetings of the Commissioners a Majority of the whole Commissioners shall form a Quorum, and the Provost or the Senior Magistrate present shall be Præses, and in case of an Equality of Votes shall have a Casting Vote as well as a deliberative Vote.

Committees may be appointed.

X. The Commissioners may appoint out of their own Body, from Time to Time, such and so many Committees, consisting of such Number of Persons as they shall think fit, for all or any of the Purposes of this Act which, in the Discretion of the Commissioners, would be better regulated and managed by means of such Committees, and may fix the Quorum of such Committees, and name a convenient Sub-Convener thereof.

Quorum and Proceedings of Committees.

XI. Every Committee so appointed may meet from Time to Time, and may adjourn from Place to Place, as they may think proper, for carrying into effect the Purposes of their Appointment; but no Business shall be transacted at any Meeting of such Committee unless the Quorum of Members (if any) fixed by the Commissioners, and if no

Quorum

Quorum be fixed Three Members, be present; and at all Meetings of the Committee the Convener or Sub-Convener appointed by the Commissioners, or in their Absence any other Member to be appointed by the Members present, shall be Chairman; and all Questions shall be determined by a Majority of the Votes of the Members present, and in case of an equal Division of Votes the Chairman shall have a Casting Vote in addition to his Vote as a Member of the Committee.

Water Account to be kept.

XII. The Treasurer shall keep a separate and distinct Account, to be called "The *Paisley* Water Account," of all Moneys received and paid under the Powers and Provisions of this Act, and all Rates and Moneys received by the Commissioners or the Treasurer under the Provisions of this Act shall be carried to the Credit of the said Account.

Power to purchase the Works of the Paisley Water Company.

XIII. It shall be lawful for the Company, and they are hereby authorized and required, to sell to the Commissioners, and the Commissioners are hereby authorized and required to purchase, the existing Undertaking of the Company, and such Sale and Purchase shall take effect upon the Delivery by the Company to the Commissioners of a Conveyance of the said existing Undertaking in manner herein-after provided.

Compensation to be paid.

XIV. The Compensation to be paid by the Commissioners to the Company shall be such Principal Sum, or such fixed redeemable annual Dividend on the Capital Stock of the Company, as shall be mutually agreed upon between the Commissioners and the Directors of the Company, or, in case of Disagreement, as shall be fixed and settled by Arbitration as the Value of the existing Undertaking belonging to the Company, under and in Terms of the Provisions for that Purpose contained in the "Lands Clauses Consolidation (*Scotland*) Act, 1845," the Commissioners being for that Purpose deemed to be the Promoters within the Provisions of the said Act, and bearing the Expenses of such Arbitration and incident thereto, so far as incumbent on the Promoters under that Act: Provided always, that the Period for making any Award in the Matters referred shall be and is hereby extended beyond the Period of Three Months, and until a final Award shall be pronounced: Provided also, that it shall be competent for the Arbiters or Oversman, in fixing and settling the Value of the existing Undertaking, to take into consideration the whole Circumstances connected therewith as affecting the Value thereof.

Compensation may be a Principal Sum or annual Dividend.

XV. If the Company and the Commissioners shall agree that such Compensation shall be made by a Principal Sum the same shall be paid by the Commissioners to the Company on the Twenty-eighth Day of *May* which shall occur next after the Date when the Amount thereof shall be fixed by Agreement or Arbitration as aforesaid; and if the Company and the Commissioners shall not so agree, then such Compen-

Compensation shall be made by a fixed redeemable annual Dividend as aforesaid, which shall commence to run from the Twenty-eighth Day of *May* which shall occur next after the Date when the Amount thereof shall be fixed by Agreement or Arbitration as aforesaid, and shall be payable by the Commissioners to the Company half-yearly thereafter, on the First *Thursday* of *January* and the First *Thursday* of *July* in each Year, with legal Interest thereon from and after the said respective Terms until paid; and such Principal Sum or annual Dividends, as the Case may be, shall be apportioned and divided by the Directors of the Company for the Time being among the Shareholders of the Company in proportion to their respective Shares therein.

Existing Undertaking to be conveyed by Deed duly stamped.

XVI. Upon the Twenty-eighth Day of *May* which shall occur next after the Date when the said Compensation shall be fixed by Agreement or Arbitration as aforesaid, the Company shall and they are hereby authorized and required to execute under their Common Seal a Conveyance in favour of the Commissioners of the said existing Undertaking, duly stamped with the full and proper *ad valorem* Stamp Duty payable in respect of such Compensation; which Conveyance, if such Compensation shall be a Principal Sum, shall be delivered to the Commissioners on Payment of such Sum; and if such Compensation shall be a fixed redeemable annual Dividend as aforesaid the said Conveyance shall specify the Amount of such annual Dividend to be thereafter payable in Terms of this Act, and shall be delivered on the said Twenty-eighth Day of *May* which shall occur next after the Date when such Dividend shall be fixed as aforesaid; which said Conveyance shall be registered in the General or Particular Register of Sasines.

If Price paid or Dividend redeemed, Directors then in Office to wind up the Company's Affairs.

XVII. If such Compensation shall be made by a Principal Sum, or if after it shall have been made by an annual Dividend the same shall be wholly redeemed as herein-after provided, the Directors of the Company who shall be in Office at the Date when such Principal Sum or Redemption Money shall be paid, and the Survivors and Survivor of them, shall continue without Re-election to hold the Office of Directors, and shall have Power to take all necessary Proceedings for apportioning the said Principal Sum or Redemption Money among, and paying the same to the Shareholders of the Company, and for otherwise winding up the Affairs of the Company; and upon such Purposes being fulfilled, and a Certificate by the Directors to that Effect published in the "*Edinburgh Gazette*," the Company shall be dissolved, and the recited Act wholly repealed.

Unclaimed Sums to be deposited in Bank.

XVIII. The Directors of the Company for the Time being may pay into any of the chartered Banks in *Scotland* any Sums which may remain in their Hands as Dividends or as Portions of the Compensation

or

or Redemption Money received by the Company, unclaimed, or with respect to which there may be competing Claims, or the Claim for which may be imperfect or doubtful; and the Receipt of the Manager or Secretary of such Bank shall be a sufficient Discharge to the Company and Directors for the same.

Vesting the Works and Property of the Company in Commissioners.

XIX. On and after the Date of Delivery of the said Conveyance, the Company shall cease to have any Power of supplying Water under the recited Act; and the existing Undertaking of the Company, and all Debts, Rents, Rates, and Moneys due to them, and all Arrears of such Rents or Rates (excepting an Amount sufficient to pay a Dividend to the Shareholders as herein-after provided), shall be absolutely vested in and shall be available and belong and be payable to and recoverable by the Commissioners in virtue of this Act.

Commissioners and Company may enter into Agreements for carrying this Act into execution.

XX. It shall be lawful for the Commissioners and the Directors of the Company to make and enter into all such Agreements as to the Sale, Purchase, and Management of the existing Undertaking of the Company as they shall think proper, in accordance with and for the more effectually or conveniently carrying into execution the Provisions of this Act, or in relation thereto; and such Agreements shall be binding upon the Commissioners and upon the Company.

Bonds, Obligations, &c., granted in favour of Company to remain in force.

XXI. On and after the Date of Delivery of the said Conveyance, all Bonds, Securities, Conveyances, Contracts, Agreements, and Obligations granted, made, or entered into in favour of or with the Company, shall remain in full Force and Effect, and shall be available to the Commissioners in the same Manner as they were or might have been available to the Company before the said Date, in all Courts of Law or Equity, until the same be fully paid, satisfied, performed, and discharged.

Debts and Liabilities of Company to be discharged by the Commissioners.

XXII. On and after the Date of Delivery of the said Conveyance all Contracts, Agreements, and Obligations granted, made, or entered into by the Company under or by virtue of the recited Act, in favour of or with any Person or Persons whomsoever, and all Liabilities arising out of the same, and all Debts owing by the Company at that Date (excepting any Expenses attending the Arbitration between the Commissioners and the Company for which the Company may be liable under the Provisions of the Lands Clauses Consolidation (*Scotland*) Act, 1845), shall be paid, discharged, and fulfilled by the Commissioners, and shall be chargeable and charged upon the Undertaking and the Water Rates and Charges leviable under the Provisions of this Act, and shall remain in full Force and Effect, and be and continue valid in Law, and available in all Courts of Law and Equity, until the same be fully satisfied, paid, performed, and discharged.

XXIII. No

Actions not to abate.

XXIII. No Action, Suit, Prosecution, or other Proceeding whatever, commenced either by or against the Company previous to such Transference, shall abate or be discontinued or prejudicially affected thereby, but all such Actions, Suits, Prosecutions, and other Proceedings shall continue and take effect, either in favour of or against the Commissioners, in such and the like Manner as the same would have continued and taken effect in relation to the Company if such Transference had not been made; and all Penalties by reason of any Offence against the Provisions of the recited Act previous to such Transference may be sued for, and all Offences which may have been committed before such Transference against the Provisions of the recited Act may be prosecuted, in such or the like Manner to all Intents and Purposes as the same might have been sued for and prosecuted respectively if such Transference had not been made, the Commissioners being, in reference to the Matters in this Enactment mentioned, in all respects substituted for and in the Place of the Company.

Provision for Supply of Water to the Bleachfields and other Works.

XXIV. And whereas by the recited Act it was enacted that in the event of all or any of the Streams, Springs, or Drainage Water forming the natural Supply of Water to the Bleachfields and other public Works situate on the *Glen* and *Espedair* Burns, in the County of *Renfrew*, being intercepted by the Company for the Purposes of that Act, the Company should be bound to give out and supply from their Aqueducts or Reservoirs, as Compensation to and for the Use of the said Bleachfields and other Works, One Fourth Part of the whole natural Supply of Water which should be so intercepted by them, and that the Quantity of Water thus to be supplied should be ascertained and determined in the Manner provided in the Twenty-second and Twenty-third Sections of the recited Act, and according to an Award to be pronounced by *Robert Thom*, Civil Engineer, as thereon mentioned, and should be given out for the Use of the said Bleachfields and other Works from the said Aqueducts or Reservoirs in a constant and uniform Stream, or in constant and uniform Streams, at all Hours: And whereas the said *Robert Thom* pronounced an Award, dated the Twenty-ninth Day of *December* One thousand eight hundred and forty-five, and recorded in the Books of Council and Session at *Edinburgh* the Twenty-sixth Day of *December* One thousand eight hundred and forty-six, whereby he found that the Company had intercepted no Water from the *Glen Burn* or its Drainage Grounds, and that the Fourth Part of the whole available Drainage Water intercepted by the Company from the *Espedair Burn* and its Drainage Grounds amounted to Thirty-five Cubic Feet and Two hundred and eighty-four thousandth Parts of a Cubic Foot *per* Minute, and that in order that the said Compensation Water might be supplied to the said Bleaching Works and others in Proportions corresponding

responding to the Extent of the Drainage Grounds naturally contributing to the said Works respectively, the same should be given out as follows, namely, Twenty-seven Cubic Feet and Eight hundred and eighty-six thousandth Parts of a Foot at or near the Mine Mouth upon the Farm of *Nether Craigs* as Compensation to the *Nether Craigs* Bleaching Works and others below, and the remaining Seven Cubic Feet and Three hundred and ninety-seven thousandth Parts of a Cubic Foot at the Measuring Apparatus immediately below the *Stanley* Reservoir for the Use of the *Blackland Mill* Bleaching Works and others below, all conform to a Plan of the said Grounds and Works endorsed on the said Award, and subscribed by the said *Robert Thom* as relative thereto, upon the Sixth Day of *August* Eighteen hundred and forty-six Years: And whereas the Company constructed a Reservoir called *Hairlaw*, and an Aqueduct or Conduit leading therefrom and intercepting the Water of other Ground into their Reservoir called *Stavely*, out of which Aqueduct or Conduit the said Twenty-seven Cubic Feet and Eight hundred eighty-six thousandth Part of a Cubic Foot *per* Minute are deliverable, and have been in use to be given out: Be it enacted, That the Commissioners shall and they are hereby required, from and after the Date at which the existing Undertaking shall be vested in them as aforesaid, to give out and supply, for the Use of the said Bleachfields and other Works, in constant and uniform Streams, at all Hours, the Quantities of Water *per* Minute specified in the said Award, as follows, viz^{t}, the said Twenty-seven Cubic Feet and Eight hundred and eighty-six thousandth Parts of a Cubic Foot from the said Aqueduct or Conduit at the said Mine Mouth, and the said remaining Seven Cubic Feet and Three hundred and ninety-seven thousandth Parts of a Cubic Foot, in the Option of the Owners of the said *Blackland Mill* Bleaching Works, at the said Measuring Apparatus, either derived from the said Aqueduct or Conduit or from the said *Stavely* Reservoir: Provided always, that if the said Owners of the said Bleaching Works exercise the Option of taking the said last-mentioned Supply of Water from the said Aqueduct or Conduit, the Commissioners shall convey such Supply by means of a Pipe to be laid and maintained by the Commissioners for that Purpose to the said Measuring Apparatus, from a Point in the said Aqueduct or Conduit above the Point at which the new Supply of Water shall be introduced thereto, as shown on the Plans and Sections after mentioned.

Provision as to keeping pure the Water supplied to Bleachfield and other Works.

XXV. In order to preserve the Quality of the Water to be supplied for the Use of the said Bleachfields and other public Works pure and uncontaminated, it shall not be in the Power of the Commissioners to admit into the said *Hairlaw* Reservoir or the said Aqueduct or Conduit, at or above either of the Points at which the said Compensation Water

Water shall be given out or drawn off therefrom, any Stream, Spring, or Drainage Water derived, either by private Contract or otherwise, from any other Source than the Grounds authorized to be affected by virtue of the recited Act, if such Stream, Spring, or other Water shall be impregnated with Moss or any other Substance rendering the same injurious for Bleaching Purposes; and in order to preserve pure and uncontaminated the Quality of the Water to be supplied by the Commissioners to the Owners or Occupiers of any existing Bleaching Works situate upon the Streams which may be intercepted under the Powers of this Act, it shall not be in the Power of the Commissioners to admit into any of the Reservoirs any Stream, Spring, or Drainage Water derived from any other Source than the Grounds authorized to be affected by virtue of this or the recited Act, if such Stream, Spring, or other Water shall be impregnated with Moss or any other Substance rendering the same injurious for the Purposes of such Bleaching Works.

Proceedings under the recited Act saved.

XXVI. Notwithstanding the partial Repeal of the recited Act, and except only as is by this Act otherwise expressly provided, everything before the vesting of the existing Undertaking of the Company in the Commissioners as herein provided done or suffered under the recited Act shall be as valid as if the said Act were not so repealed, and such Repeal thereof and this Act respectively shall accordingly be subject and without Prejudice to everything so done or suffered, and to all Rights, Liabilities, Claims, and Demands, both present and future, which, if the recited Act were not so repealed, and this Act were not passed, would be incident to or consequent on any and everything so done or suffered; and with respect to all such Rights, Liabilities, Claims, and Demands the Commissioners shall to all Intents and Purposes represent the Company.

Powers of the Company to be exercised till Works transferred.

XXVII. Until the existing Undertaking of the Company shall have become vested in the Commissioners under the Provisions of this Act, nothing herein contained shall extend or be construed to extend to prejudice or interfere with any of the Rights, Powers, Privileges, or Authorities of the Company under the Act relating thereto, anything in this Act contained to the contrary notwithstanding; and from the First Day of *June* One thousand eight hundred and fifty-four until the Twenty-eighth Day of *May* which shall occur next after the Date when the Compensation for the existing Undertaking shall have been fixed by Agreement or Arbitration as aforesaid, the Directors of the Company shall be entitled to apportion amongst and pay to the Shareholders thereof a Dividend at the same Rate as the Dividend which shall have been received by such Shareholders for the Year ending on the First Day of *June* One thousand eight hundred and fifty-

fifty-four (which shall not exceed the net Profits of the Company for that Year after setting aside the Sum for Contingencies required by the recited Act), whatever may be the Amount of net Profits realized by the Company during the said Period from and after the last-mentioned Date; and if such net Profits, after setting aside the Sum for Contingencies required by the recited Act, shall exceed the Amount necessary for Payment of the said Dividend, such Excess shall be accounted for and paid over to the Commissioners; and if such net Profits shall fall short of the said Amount such Deficiency shall be paid by the Commissioners.

Provision in case Commissioners fail to pay Price or accept Conveyance.

XXVIII. If the said Compensation shall have been agreed to be made by a Principal Sum, and if the Commissioners shall refuse or neglect or fail to pay to the Company the Amount thereof on the Twenty-eighth Day of *May* which shall occur next after such Amount shall have been fixed by Agreement or Arbitration as aforesaid, the Directors of the Company shall, from and after the said Twenty-eighth Day of *May*, and until full Payment of such Compensation, be entitled to apportion amongst and pay to the Shareholders thereof the whole of the net Profits of the existing Undertaking, after setting aside the Sum for Contingencies required by the recited Act; and if the Commissioners shall, for One Year after the said Twenty-eighth Day of *May*, refuse or neglect or fail to pay to the Company the Amount of the said Compensation, if the same shall have been agreed to be made by a Principal Sum, or to accept a Conveyance of the existing Undertaking in Terms of this Act, whether such Compensation shall have been arranged to be made by a Principal Sum or by an annual Dividend, it shall not thereafter be lawful for the Commissioners to purchase the existing Undertaking, or to demand a Conveyance thereof, or to exercise any of the Powers by this Act conferred on them; and thenceforth the existing Undertaking shall remain vested in the Company as if this Act had not been passed, and the recited Act shall remain in force, except in so far as otherwise provided by Section Seven hereof, and it shall be lawful for the Company to exercise all the Powers by this Act conferred on the Commissioners in relation to the Execution and Maintenance of the Works by this Act authorized to be made, and the Acquisition of Lands and Streams, and the borrowing of Money for the Purposes thereof.

Commissioners may buy up Shares.

XXIX. If the said Compensation shall have been arranged to be made by an annual Dividend, it shall be lawful for the Commissioners to buy up from Time to Time, publicly or privately, such of the Shares of the Capital Stock of the Company as they may think fit and may be able to obtain by voluntary Sale, at any Price not exceeding Twenty-five Years Purchase of the Proportion of the said annual Dividend

Dividend corresponding to such Shares; and the Shares so bought shall thereupon *ipso facto* be extinguished, and the Proportion of the said annual Dividend corresponding thereto shall thenceforth cease to be payable.

Commissioners may redeem Portions of annual Dividend.

XXX. It shall also be lawful for the Commissioners to redeem such Portions of the said annual Dividend as they think fit, by paying from Time to Time to such of the Shareholders in the Company as the Commissioners may select Twenty-five Years Purchase of such Dividend; and such Shareholders shall be bound to accept of such Redemption Money when tendered by the Commissioners: Provided always, that not less than Six hundred Shares of the Company's Capital Stock shall be thus redeemed at One Time; and that no Shareholder holding that or any less Number of Shares shall be bound to accept of such Redemption Money unless the whole of the Shares belonging to him shall be redeemed at one and the same Time, those holding any greater Number of Shares than Six hundred being always bound to accept of the Amount applicable to the said last-mentioned Number: And provided also, that at least Twelve Months Notice in Writing shall be given by the Commissioners to the Shareholders whose Shares are to be so redeemed, the Commissioners being for this Purpose entitled to the Inspection at all Times of the Register of Shares of the Company; and the Shares so redeemed shall be renounced and discharged in favour of the Commissioners, and such Renunciation and Discharge shall be recorded in the Register of Shares of the Company, and the Shares so renounced shall thereupon be *ipso facto* extinguished, and the Proportion of the said annual Dividend corresponding thereto shall thenceforth cease to be payable.

Total Redemption of Dividend.

XXXI. It shall also be lawful for the Commissioners to redeem the whole of the said Dividend at the Rate or Value which shall have been fixed by Agreement or by the said Arbiters or Oversman, by paying in One Sum to the Company, after at least Six Months Notice in Writing, the Amount of the Value so fixed.

Limits of Act.

XXXII. The Limits of this Act shall comprise and include the Burgh of *Paisley* and Suburbs thereof, and Districts and Places adjacent, and, after the new Works authorized by this Act shall have been completed, shall include the Villages of *Johnstone* and *Elderslie*, and Places intermediate and adjacent: Provided always, that the said Limits shall not include any Part of the Royal Burgh of *Renfrew*, except such Parts thereof, if any, as may be within the Parliamentary Burgh of *Paisley*.

Limits of Act for compulsory Supply,

XXXIII. The Limits of this Act for the compulsory Supply of Water by the Commissioners shall comprise and include the Parliamentary

mentary and Municipal Limits and Boundaries of the Burgh of *Paisley*, as the same are defined and described in an Act passed in the Second and Third Year of His late Majesty King *William* the Fourth, intituled *An Act to amend the Representation of the People in* Scotland, or as the same may from Time to Time be defined and described in any Amendment of the said Act; and the Limits described in this Section shall be termed "The Limits for compulsory Supply."

Supply of Water for domestic Use within the Limits for compulsory Supply.

XXXIV. In consideration of the domestic Water Rate herein-after authorized to be levied the Commissioners shall cause Pipes to be laid and Water to be brought through all Streets and Places within the Limits for compulsory Supply, and shall, at the Request of the Owner or Occupier of any House or Part of a House occupied as a separate Dwelling, situated within the said Limits, 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 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 lay down Pipes or Fireplugs unless some Pipe of the Commissioners shall have been laid within One hundred Feet of the Tenement in respect of which such Pipes or Fireplugs are demanded, 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 "The Waterworks Clauses Act, 1847," to cause Pipes to be laid down within the said Distance of One hundred Feet of such Tenement, such domestic Water Rate being held for the Purposes of the said Requisition and Agreement to be the Rate specified in the Special Act: Provided also, that the Commissioners shall not be bound to deliver the Water at a greater Height than can be done by the existing *Calside* Tank and Mains.

Supply of Water for domestic Purposes beyond the Limits for compulsory Supply.

XXXV. The Rates leviable by the Commissioners for the Supply of Water for domestic Purposes to any Person beyond the Limits for compulsory Supply, or to any Person within such Limits who under the Provisions of this Act shall not be entitled to require such Supply, shall not exceed the Rates specified in the Schedule (A.) annexed to the recited Act; and the Commissioners shall cause Pipes to be laid down and Water for domestic Purposes to be brought to every Part of the Places and Districts within the Limits of this Act, beyond the Limits for compulsory Supply, whereunto they shall be required by so many Owners or Occupiers of Dwelling Houses in such Part of the District beyond the Limits for compulsory Supply as that the aggre-

gate Amount of Water Rates payable by them annually, at the Rates specified in the said Schedule, shall not be less than One Tenth 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 Three successive Years at least: Provided also, that where, without such Requisition or Agreement, the Commissioners shall have laid Mains or other Pipes in Streets or Places beyond the Limits for compulsory Supply, they shall, at the Request of the Owner or Occupier of any House or Part of a House occupied as a separate Dwelling in such Street or Place, 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 at such last-mentioned Rates.

Commissioners may supply Water for other than domestic Purposes.

XXXVI. The Commissioners may, if they see fit, furnish to any Person within the Limits of this Act a Supply of Water for Steam Engines, or Railway Purposes, or for Shipping, 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 Carriages kept for Hire, 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 Prisons or Barracks, or for any other Purpose not domestic, such respective Supplies being so furnished at such Charges and upon such Terms and Conditions as shall be agreed upon between the Commissioners and the Person desiring the same: Provided always, that, as far as possible, the Charge for such Supply of Water shall be uniform to all Persons in the same Circumstances, and requiring the same Extent of Supply.

Power to furnish Water for cleansing Sewers, &c.

XXXVII. The Commissioners may, if they see fit, furnish a Supply of Water for the Purposes of watering or cleansing the Roads and Streets, or of flushing or cleansing the Sewers and Drains, or for public Baths or Washhouses, or for public Fountains or ornamental Purposes, and that gratuitously, or at such Charge or reduced Charge, and upon such Terms and Conditions, as they shall think proper.

Cisterns to be constructed to prevent Waste and Impurity.

XXXVIII. Every Cistern or other Receptacle for Water, and every Closet, Soil-pan, and private Bath, which shall be supplied with Water by the Commissioners, shall be so constructed and used as effectually to prevent the Waste, Misuse, or undue Consumption of Water, and the Flow or Return of foul Air or other noisome or impure Matter into the Mains or Pipes of the Commissioners, or into any

Pipes

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 Cistern or other Receptacle for Water, Closet, Soil-pan, or private Bath which shall not be so constructed and used.

Penalty for taking Water without Contract.

XXXIX. Every Person who shall take Water from any of the Works or Pipes of the Commissioners, or from any Pipes communicating therewith, for any Purpose other than domestic Use, without having previously contracted with the Commissioners for such Water, and every Person who shall take Water from any such Works or Pipes for domestic Use not being entitled to demand the same under the Provisions of this Act, without having previously contracted with the Commissioners as aforesaid, shall forfeit to the Commissioners for every such Offence a Sum not exceeding Five Pounds, besides paying the yearly Rates exigible by the Commissioners for the Water so taken.

Power to execute Works according to deposited Plans.

XL. Whereas Plans and Sections showing the Lines, Situation, and Levels of the Works after described, and a Book of Reference to the said Plans, have been deposited for public Inspection in the Office at *Paisley* of the Principal Sheriff Clerk of the County of *Renfrew*, and in the Offices at *Ayr* and *Kilmarnock* respectively of the Principal Sheriff Clerk of the County of *Ayr:* It shall be lawful for the Commissioners, with the Powers of Deviation and other Powers, and subject to the Provisions contained in this Act and in the Acts incorporated herewith, to make and maintain, in the Lines and upon the Lands delineated on the said Plans and described in the said Book of Reference, and according to the Levels defined on the said Sections, the Works herein-after described, and to enter upon, take, and use such of the said Lands and such of the Streams delineated on the said Plans, as they shall find necessary for the Purposes of this Act; (that is to say,)

First, a Reservoir on and near the Farms of *Laigh Trees* or *Nether Trees*, *Reivoch*, *Muirhead*, *Boghouse*, *Threepwood*, *Tower of Auchenbathie*, and *Broomknowes*, and all necessary Embankments, Dams, Weirs, Sluices, Catchwater Drains, and other Works and Conveniences in connexion therewith, together with a Diversion of the public Road leading from *Howood* to *Caldwell* and *Dunlop*, commencing near *Muirhead*, and terminating near the Divergence from the said Road of the public Road leading to the Farms of *Reivoch*, *Overton*, and others, and also a Cut or Byewash from the said *Reivoch Burn*, near where the same will be crossed by the said diverted Road, to the said *Birkcraig* or *Rowbank Burn*, between the said Reservoir

and

and *Birkcraig* Farm Steading, all in the Parishes of *Lochwinnoch* and *Beith*, in the Counties of *Renfrew* and *Ayr*.

Secondly, a Main Conduit, consisting partly of a covered Cut or Aqueduct and partly of a Line or Lines of Pipes, with all necessary Tunnels, Bridges, and other Works and Conveniences in connexion therewith, commencing at the said Reservoir, near the Farm Steading of *Laigh Trees* or *Nether Trees*, and terminating at the existing Reservoirs belonging to the Company at *Stanely* near *Paisley*, all in the Parish of *Lochwinnoch* and the *Abbey* Parish of *Paisley* in the County of *Renfrew*.

Thirdly, a Branch Conduct or Line of Pipes, and all necessary Works and Conveniences in connexion therewith, diverging from the said Main Conduit near the Farmhouse of *Craigenfioch* and terminating near the Farmhouse of *Auchenlodmont*, with a Reservoir or Cistern and Filtering Apparatus at the last-mentioned Point, and Two Branch Conduits or Lines of Pipes therefrom, the one terminating at or near the Village of *Johnstone*, and the other at or near the Village of *Elderslie*, with distributing Pipes and other Works and Conveniences for supplying Water to the Inhabitants and Occupiers of Property in the said Villages and Places adjacent, all in the said *Abbey* Parish of *Paisley*.

Power to store and supply Water.

XLI. It shall be lawful for the Commissioners to impound and store up in the Reservoir first above described the Water of the said Streams called *Muir Burn*, *Reivoch Burn*, and *Birkcraig* or *Rowbank Burn*, and the Tributaries and Affluents thereof, and by means of the said Reservoir and the other Works hereby authorized to be made and acquired, and of the existing Works of the Company, to supply Water to the Inhabitants and Occupiers of Property within the Limits of this Act.

Powers of Deviation.

XLII. It shall be lawful for the Commissioners to make lateral Deviations from the Lines of the said Works to the Extent delineated on the Plans deposited as aforesaid, and to deviate from the Levels of the said Works as defined on the Sections deposited as aforesaid to any Extent not exceeding Three Feet.

Provision as to laying Pipes under Roads.

XLIII. Where any of the Conduits or Lines of Pipes hereby authorized shall pass along or across any Turnpike or Parish Road under the Management of the *Renfrewshire* Turnpike Road Trustees, or the *Renfrewshire* Statute Labour Road Trustees, the Operations of the Commissioners upon such Road shall be executed in conformity with and shall be subject to the Provisions of the Hundredth Section of the Act

Act of the First and Second Years of King *William* the Fourth, Chapter Forty-three; and in case such Road Trustees shall at any Time hereafter alter the Lines or Levels of any Portion of the Roads along or across which such Conduits or Pipes are laid, the Commissioners shall from Time to Time be bound, on receiving Two Months Notice of such intended Alteration, and at their own Expense, to lift and relay such Conduits or Pipes to the Satisfaction of such Road Trustees or their Surveyor, or, in case of Difference, to the Satisfaction of the Sheriff of the County of *Renfrew* at *Paisley*; and any Difference between the Commissioners and such Road Trustees, or their Clerk or Surveyor, regarding the Subject Matter of this Section, shall be summarily disposed of by the said Sheriff, whose Decision shall be final.

Power to purchase Lands by Agreement.

XLIV. In addition to the Lands authorized to be taken as aforesaid it shall be lawful for the Commissioners to contract with any Person willing to sell the same, for any Lands not exceeding in the whole Twenty Acres, or any Right therein, which shall be deemed proper or expedient for the Purposes of the Undertaking; and it shall be lawful for such Person to sell and convey the same, and to contract in reference thereto; and any such Contracts, Sales, or Purchases already entered into by the Company shall be valid and effectual, anything to the contrary notwithstanding: Provided always, that it shall not be lawful for the Commissioners to construct upon such Lands any Reservoirs other than those by this Act specially authorized.

Power to Parties having limited Interests to feu Lands, &c.

XLV. It shall be lawful for all Persons having a limited Right or Interest in any Lands or Streams required to be taken or used for the Purposes of this Act, or being under any Disability or Incapacity to sell or convey within the Meaning of Section Seven of "The Lands Clauses Consolidation (*Scotland*) Act, 1845," and being only entitled to sell and convey such Lands or Streams, or any Right or Interest therein, under the Powers by this Act and the said Consolidation Act granted, to sell and convey by Agreement to the Commissioners such Lands or Streams, or any Part thereof, or any Right or Interest therein, in consideration of an Annual Feu Duty or Ground Annual, payable by the Commissioners to such Persons and their Successors in the Lands or Streams, or in the Right or Interest therein, so conveyed.

Grassums not to be taken.

XLVI. Provided always, That it shall not be lawful for the Commissioners to pay, nor for any Person having a limited Interest in or being under Disability or Incapacity to sell and convey any Lands or Streams, or any Right or Interest therein as aforesaid, to receive or take, any Grassum, Fine, or Premium, or any Consideration in the

Nature thereof, for the Lands or Streams or Rights or Interest therein to be so conveyed, other than the Annual Feu Duties or Ground Annuals made payable by such Conveyance; and the Amount of such Feu Duties or Ground Annuals shall be ascertained and settled by Valuators in the Manner prescribed by the said Consolidation Act with respect to the Valuation of Lands sold by Agreement by Persons under legal Disability or Incapacity to convey as aforesaid.

Provision for recovering Feu Duties.

XLVII. All Feu Duties and Ground Annuals for any Lands or Streams, or any Right or Interest therein, already belonging to the Company, shall be a First Charge on the Undertaking and the Water Rates and Charges leviable under this Act, anything in this Act or in any of the Acts herewith incorporated to the contrary notwithstanding; and all Feu Duties and Ground Annuals for any Lands or Streams, or any Right or Interest therein, which shall be acquired by the Commissioners, shall also be a Charge on the Undertaking and the said Water Rates and Charges, but postponed always to the said Dividend to the Shareholders of the Company, and preferable to the Interest of the Money which shall be borrowed under this Act as after mentioned; and if at any Time any such Feu Duties or Ground Annuals remain unpaid for Thirty Days after they respectively become payable it shall be lawful for the Person entitled for the Time being to Payment of such Feu Duties or Ground Annuals to recover the same from the Commissioners, with Interest and Costs, by Action before the Sheriff of the County of *Renfrew* at *Paisley*, or summarily by Poinding and Sale of the Goods and Effects of the Commissioners, on Application by Petition to the said Sheriff; and it shall not be lawful for any such Person to resume Possession of the Lands or Streams, or Rights or Interests therein, so conveyed, or to proceed by any Action of Declarator or Reduction, or by Real Diligence or any other Process whatever in respect thereto, or in respect to the said Feu Duties or Ground Annuals.

Powers for compulsory Purchase of Lands limited.

XLVIII. The Powers of the Commissioners for the compulsory Purchase of Lands and Streams for the Purposes of this Act, or for the compulsory Acquisition of any Right therein, shall not be exercised after the Expiration of Five Years from the passing of this Act.

Period within which Works are to be completed.

XLIX. The Time for the Completion of the Waterworks by this Act authorized shall be Eight Years from the passing of this Act; and on the Expiration of that Period the Powers by this Act or the Acts incorporated herewith granted to the Commissioners for executing such Works shall cease to be exercised, except as to so much thereof as shall then be completed: Provided always, that nothing herein contained shall restrain the Commissioners from extending their Mains

and

and Pipes from Time to Time, whenever it shall be necessary so to do, for the Purpose of supplying Water to the Places aforesaid.

Compensation Water to be provided to Parties affected by new Works.

L. As Compensation to the Owners and Occupiers of Mills and Manufactories, and other Persons interested in the Streams which may be intercepted under the Powers of this Act, the Commissioners shall cause or allow to flow in a constant and uniform Stream down the said *Birkcraig* or *Rowbank Burn*, below the Reservoir in the first place herein-before described, a Quantity of Water, not less than Ninety-two Cubic Feet *per* Minute during each of the Twenty-four Hours of every Day of every Year, but with Power to the Commissioners, if they think fit, with the Consent or on the Request of the Persons interested as before mentioned, to distribute the said annual aggregate Quantity of Water at such increased Number of Cubic Feet *per* Minute as that the said Quantity shall flow in a uniform Stream down the said Burn in the course of Three hundred and ten Days of each Year, in place of every Day of every Year as aforesaid; and in case of any Dispute as to the Fulfilment by the Commissioners of the Obligation imposed upon them by this Section, the same shall be summarily disposed of by the Sheriff of the County of *Renfrew* at *Paisley*, whose Determination shall be final.

For the Protection of Mr. Harvey, Mr. Houstoun, and Mr. Richardson.

LI. The Water authorized to be taken for the Supply of *Paisley*, *Johnstone*, and *Elderslie*, under the Provisions of this Act, shall be conveyed through the Lands belonging to *John Rae Lee Harvey* of *Castlesemple*, *James Richardson* of *Ralston*, and *Ludovic Houstoun* of *Johnstone*, respectively, in a close-covered Conduit constructed of Brick or Stone, and as nearly as possible Water-tight, or, in the Option of the Commissioners, in Water-tight Pipes, or partly in such Conduit and partly in such Pipes; and it shall not be lawful for the Commissioners, without the Consent in Writing of those Parties respectively, or their respective Successors in the said Lands, to take or intercept any Springs, Streams, or other Supplies of Water rising in or flowing through their respective Lands, but all such Springs, Streams, or other Supplies of Water that may be intersected by the Line of Conduit or Pipes shall be conveyed under or over such Conduit or Pipes, and preserved to the Owners and Occupiers of such Lands as nearly as may be in the Manner and for the Purposes for which the same have hitherto been used: Provided always, that nothing in this Section shall prejudice the Rights of other Parties whose Lands or Streams shall be taken or affected for the Purposes of this Act.

Power to sell superfluous Lands.

LII. The Commissioners shall, according to the Provisions of the Lands Clauses Consolidation (*Scotland*) Act, 1845, with respect to the Sale of superfluous Lands, sell and dispose of any Lands which shall not be required for the Purposes of the Undertaking, and apply the

the Price thereof in Payment of the Works by this Act authorized, or in extinction of any of the Debts or Obligations of the Commissioners, or in the Redemption of the said Dividend, or buying up the same, or the Shares or Stock in respect of which the same is payable: Provided always, that until full Redemption of the annual Dividend payable to the Company, it shall not be lawful for the Commissioners to sell and dispose of any such Lands forming Part of the existing Undertaking, to an Extent exceeding in the whole the Value of Five hundred Pounds, without the Consent in Writing of the Company.

Commissioners to estimate annual Sums required.

LIII. The Commissioners shall and they are hereby authorized and required, once in each Year, to estimate the Amount of their annual Expenditure as distinguished from Expenditure of Capital, and such annual Expenditure shall include the Cost, Charges, and Expenses of supplying the said Burgh, Suburbs thereof, and Places adjacent within the Limits of this Act, with Water for and during the Year then commencing or current, and of the Maintenance, Repair, and Management of the Undertaking, the Feu Duties or other annual Payments exigible from the Undertaking, the Payment of the said Dividend, if and while the same shall be payable, the Interest of any Money borrowed under the Authority of this Act, and the Annuity of the funded Debt, the Money which the Commissioners shall set apart and apply each Year as and for a Sinking Fund as herein-after provided, and such Portion of the Expenses of extending the Mains and Pipes from Time to Time as the Commissioners shall think equitable and fair to charge to such Account.

Domestic Water Rate to be levied.

LIV. It shall be lawful for the Commissioners, and they are hereby authorized and required, once in every Year, to assess and levy a Rate, to be called "The Domestic Water Rate," upon and from the Occupiers of all Dwelling Houses, and such Parts or Portions of all Shops and Buildings as may be used as Dwelling Houses, within the Limits for compulsory Supply, which Domestic Water Rate shall be assessed and levied at an equal or uniform Rate *per* Pound of the full annual Value of such Dwelling Houses, and Parts or Portions of Shops and Buildings, and of any Gardens, Yards, or Greens attached or belonging thereto respectively; Provided always, that no Domestic Water Rate shall be assessed or levied in respect of any such Dwelling House or other Premises unless the Mains or other Pipes of the Commissioners shall be laid down and properly charged with Water within One hundred Feet from the outer Wall, Fence, or Boundary of such Premises; nor shall any Domestic Water Rate be assessed or levied in respect of any Dwelling House or other Premises which are situated so high that the under Story thereof cannot be properly supplied with Water for domestic Purposes by means of the existing Tank and Mains as aforesaid, or any Renewals thereof or Additions thereto

thereto which may be made by the Commissioners: Provided also, that it shall be lawful for the Commissioners to agree with the Owners or Occupiers of such last-mentioned Dwelling Houses and other Premises for the Supply of Water thereto by Force Pumps or otherwise, at such Rates and on such Terms and Conditions as the Commissioners may think fit.

Public Water Rate to be levied.

LV. It shall in like Manner be lawful for the Commissioners, and they are hereby authorized and required, once in every Year, to assess and levy a Rate, to be called "The Public Water Rate," upon and from the Occupiers of all Dwelling Houses, Shops, Warehouses, Counting-houses, Coach-houses, Stables, Cellars, Vaults, Buildings, Depôts, Workshops, Mills, Manufactories, Halls, Hospitals, Poor-houses, Public Buildings, Barracks, Schools, and Prisons, and of the several Gardens, Yards, or Greens thereto belonging, and all other Tenements, Buildings, Premises, and Heritages within the Limits for compulsory Supply, except as herein-after mentioned, at the Rate of Threepence *per* Pound of the full annual Value thereof: Provided always, that no Public Water Rate shall be assessed or levied on or from any Railway Company, Canal Company, or Gas Company, for or in respect of the Line of Railway or Canal, or Gas Pipes, belonging to such Company, but such Rate shall be assessed and levied on and from such Companies in respect of all Stations, Depôts, and Buildings occupied by them respectively: Provided also, that the said Public Water Rate shall not be assessed or levied upon the Occupiers of any Garden not attached to or occupied with a Dwelling House, or of any Arable, Meadow, or Pasture Land within the said Limits, in respect of such Garden or Land: Provided also, that no Public Water Rate shall be assessed or levied in respect of any Church, Chapel, or other Building exclusively used for Public Worship, nor in respect of any Building exclusively used for the gratuitous Education of the Poor.

Assessment of Rates.

LVI. The Commissioners may assess the said Domestic Water Rate and Public 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 all such Rates shall be assessed for the Period from the Twenty-eighth Day of *May* in each Year to the Twenty-eighth Day of *May* in the Year following, and shall be payable in advance, at the Office of the Commissioners, on the Twenty-eighth Day of *May* in each Year, or as soon thereafter as the same shall be demanded.

Surveyors to be appointed.

LVII. The Commissioners shall annually appoint One or more Surveyors, who shall be sworn by the Provost or acting Chief Magistrate to administer their Office faithfully, according to their Judgment and Knowledge; and such Surveyors shall, as soon as may

be after the Twenty-eighth Day of *May* in each Year, survey the Houses, Buildings, and other Premises and Property in respect of which the said Rates are authorized to be levied; and a Certificate, signed by the Surveyor making such Survey, shall be deemed sufficient *primâ facie* Evidence of the full annual Value of the said Houses, Buildings, and other Premises or Property so surveyed by him.

Unoccupied Premises may be included in Rates.

LVIII. When any Premises in respect of which any Person may be liable to be assessed to the Domestic or Public Water Rate under the Provisions of this Act shall at the Time of assessing any such Rate be unoccupied, then and in every such Case it shall be lawful for the Commissioners to include such Premises, describing them in the Column in the said Rate appropriated to the Name of Occupier as being "Unoccupied;" and if any Person shall afterwards occupy such Property during any Part of the Period for which such Rate may have been assessed it shall be lawful for the Commissioners to insert the Name of such Occupier, and to levy from him, or from the Owner if he shall be liable to pay the same, 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 any such Person whose Name shall be so inserted in such Rate, and such Owner as last aforesaid, may appeal against the same to the Commissioners or to the Magistrates or Sheriff: Provided also, that, except as aforesaid, no Domestic or Public Water Rate shall be payable by any Person whatsoever in respect of unoccupied Premises.

Power to rate the Owners of Houses in certain Cases.

LIX. The Owner instead of the Occupier shall be liable to the Payment both of the Domestic and Public Water Rates for and in respect of every Dwelling House, Lodging, Shop, or other Premises, the annual Value of each of which shall not exceed the Sum of Five Pounds, and also for and in respect of every Dwelling House, Lodging, Shop, or other Premises which shall be let for a Term of Occupation less than One Year, or for Rents payable quarterly or at more frequent Periods, and the Powers and Provisions herein contained for the Recovery of the Domestic and Public Water Rates from Occupiers shall be construed to apply to the Owners of such Houses, Lodgings, Shops, and other Premises; and the Person receiving the Rent of any such House, Lodging, Shop, or other Premises as aforesaid from the Occupier thereof, on his own Account or as Agent or Factor for any Person interested therein, shall be deemed the Owner: Provided

Provided always, that the Commissioners shall allow to the Owners of all Houses, Lodgings, Shops, and other Premises not exceeding Five Pounds of yearly Rent or Value, who shall pay the Domestic or Public Water Rate authorized to be levied by this Act, an Abatement of Ten *per Cent.* on the Amount of such Rate paid by such Owner.

Owner may be rated without stating his Name.

LX. Whenever the Name of any Owner liable to be rated under the Provisions of this Act shall not be known to the Commissioners or to the Person assessing any Rate it shall be sufficient to rate such Owner in the Rate Book of the Commissioners as the Owner of the Property to be rated, by the Designation of "the Owner," without stating his Name.

Form of Rate.

LXI. Every such Rate shall be fairly transcribed in a Book to be kept for that Purpose, and may be in the Form of Schedule (A.) to this Act annexed, or to the same Effect; and every such Rate shall contain an Account of every Particular set forth at the Head of the respective Columns, so far as the same can be ascertained; and Notice shall be given to every Person rated of the Rate charged upon him, and that he may appeal to the Commissioners against the same within Fourteen Days after such Notice.

Rate to be open to Inspection of Ratepayers.

LXII. The Statement of the proposed Rate, and the Rate immediately after the same is assessed, shall be open to the Inspection of any Person interested or liable to pay such Rate at all reasonable Times; and any such Person may take Copies or Extracts from such Statement or Rate, without paying anything for the same; and any Person having the Custody of such Statement or Rate who refuses or does not permit any Person so interested or rated as aforesaid to take Copies or Extracts from such Statement or Rate, shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Rates may be amended.

LXIII. The Commissioners may from Time to Time amend any such Rate assessed by virtue of this Act by inserting therein the Name of any Person claiming and entitled to have his Name therein as Owner or Occupier, or by inserting therein the Name of any Person who ought to have been rated, or by striking out the Name of any Person who ought not to have been rated, or by raising or reducing the Sum at which any Person has been rated, if it appear to them that such Person has been erroneously rated, or by making such other Amendments therein as will make such Rate conformable to this Act, and no such Amendment shall be held to make void the Rate: Provided always, that every Person aggrieved by any such Alteration shall have the same Right of Appeal therefrom as he would have had if his Name had been originally inserted in such Rate, and no such Alteration had been made; and as respects such Person, the Rates shall

shall be considered to have been assessed at the Time when he received Notice of such Alteration; and every Person whose Rates are altered shall be entitled to Seven Days Notice of such Alteration before the Rate shall be payable by him.

Public Rates to be open to Inspection of the Commissioners.

LXIV. The Commissioners, or any Person by them authorized, may from Time to Time inspect all or any of the Public or Parochial Rates and Assessments in any Parish or other District within the Limits of this Act, and the Books in which are contained all the Assessments by which the same are made, and may take Copies thereof or Extracts therefrom respectively; and any Person having the Custody of such Rates or Assessments who does not suffer the Commissioners, or any Person authorized by them, to inspect the same at reasonable Times, or to take Copies thereof or Extracts therefrom, shall be liable to a Penalty not exceeding Five Pounds for every such Offence.

Commissioners may arrange for Assessment and Collection of Rates.

LXV. It shall be lawful for the Commissioners from Time to Time to agree with any Officers having the Charge and Collection of any other Rates or Assessments within the Limits of this Act, for the Assessment and Collection of the several Rates authorized to be made and levied by this Act, in such Manner and Form as the Commissioners and such Officers respectively shall mutually determine, with the view to the Collection thereof in the most satisfactory and economical Manner.

Appeal to Commissioners on Ground of Inequality.

LXVI. If any Person shall think himself aggrieved by any Rate imposed or other Charge made by the Commissioners under the Authority of this Act, on the Ground of Inequality, Unfairness, or Incorrectness in the Valuation of any rateable Property included therein, or that the Premises are only partially occupied as a Dwelling House, or on any other Ground, he may appeal to the Commissioners within Fourteen Days from the Date of the Notice of such Rate or other Charge; and the Commissioners are hereby authorized and empowered, if they shall think such Person aggrieved, to give such Relief in the Premises as they shall deem reasonable.

Rate Books to be Evidence.

LXVII. In any Proceeding to levy and recover, or consequent on the levying or recovering of any Rate under the Provisions of this Act, the Books of Rates of the Commissioners, and all Entries made therein, in manner by this Act directed, by the Production thereof alone, and without any Evidence that the Requirements of this Act have been given or complied with, shall be received as Evidence of such Rate and of the Amount thereof.

Recovery of Arrears of Rates.

LXVIII. The Commissioners may recover any Arrears of Water Rates or Charges due under the Provisions of this Act, either according

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ing to the ordinary Procedure before any competent Court, or by obtaining from the Magistrates or Sheriff a summary Warrant to recover such Arrears, with Costs, from the Persons liable to pay the same, which Warrant the Magistrates or Sheriff shall grant on Production of a List of the Names and Addresses of the Persons so in arrear, and the Amounts respectively due by them, with a Certificate by the Collector that they have been severally required to make Payment of the said Arrears, by a Requisition, printed or written, or partly printed and partly written, in the Name of the Commissioners, delivered to them personally or left at their respective Dwelling Places, or in the Premises in respect of which the Rates are assessed or Charges made, at least Fourteen Days previously, and that such Water Rates and Charges are truly due by them: Provided always, that it shall be in the Power of the Persons so in arrear, at any Time during the course of the said Fourteen Days, to cite the Treasurer or Collector of the Commissioners to appear before the Magistrates or Sheriff, who shall thereupon summarily inquire into and dispose of any Objections to the said Rates or Charges stated in the said Citation; and the Judgment of the said Magistrates or Sheriff in the said Matter shall be final and conclusive, and not subject to Review by any Court or in any Manner whatsoever.

Power to enforce Warrant for Recovery of Arrears.

LXIX. The Commissioners may, in virtue of the said Warrant, enter into the Premises of the Persons so in arrear, and poind, seize, remove, or secure their Goods, Chattels, and Effects, or so much thereof as will fully satisfy the respective Amounts due by them, including Costs, and may, after the Lapse of Four Days, in the event of Nonpayment of the said Arrears and Costs, sell and dispose of the said Goods, Chattels, and Effects, and apply the Proceeds in or towards Payment of such Arrears and Costs.

Power to borrow Money.

LXX. It shall be lawful for the Commissioners to borrow on Mortgage such Sums as shall be required to defray the Compensation to be paid to the Company for the existing Undertaking, and for Redemption of the said Dividend, and buying up any Portion of the same or of the Shares in respect of which the same is payable, and also to borrow on Mortgage any Sums not exceeding Seventy thousand Pounds over and above the Sums first above mentioned, and to make and grant Mortgages and Assignations of the Undertaking and the several Water Rates and Charges leviable under the Provisions of this Act in Security of the Payment of the Money so borrowed, and Interest thereon; and such several Sums and the Interest thereon shall be Charges on the Undertaking and the Water Rates and Charges hereby authorized to be levied, but postponed always to the said Dividend to the Shareholders, or so much thereof as shall remain unredeemed from Time to Time.

Commissioners may replace Loans paid off.

LXXI. If, after having borrowed the said Sums or any Part thereof, the Commissioners pay off the same, it shall be lawful for them again to borrow the Amount so paid off, postponed as aforesaid, and so from Time to Time; and the Mortgages or Assignations to be made and granted by the Commissioners may be partly in Writing and partly printed, and shall be subscribed by at least Two of the Commissioners and the Treasurer at a Meeting of the Commissioners.

Commissioners may borrow on Cash Account.

LXXII. 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 Sums which the Commissioners are authorized to borrow as aforesaid, or any Part thereof, postponed as aforesaid, and to make and grant Mortgages and Assignations of the Undertaking, and the several Water Rates and Charges leviable as aforesaid, 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 Sums due and owing by the Commissioners on such Cash Account, and for Money borrowed by them on Mortgages as aforesaid, shall never, when taken together, exceed the Sums by this Act authorized to be borrowed.

Application of Money raised and borrowed.

LXXIII. The several Sums raised and borrowed by the Commissioners under the Authority of this Act shall be applied for the Purposes of this Act, and to no other Purpose whatsoever.

Application of Rates.

LXXIV. The Water Rates and Charges levied under the Authority of this Act shall be applied in manner following; (that is to say,)

First, in defraying the Expenses of Management and Maintenance of the Undertaking, and in Payment of any Feu Duties or Ground Annuals exigible in respect of any Lands or Streams already acquired for the Purposes of the existing Undertaking:

Second, in Payment of the annual Dividend to the Shareholders of the Company, if and while the same shall be unredeemed:

Third, in Payment of any Feu Duties or Ground Annuals exigible in respect of any Lands or Streams which shall be acquired by the Commissioners:

Fourth, in Payment of the Interest of Money borrowed under the Authority of this Act, and of the Annuity on the Funded Debt, as after provided for:

Fifth, in Payment of such Portion of the Cost of extending Mains and Pipes from Time to Time as the Commissioners shall think reasonable, and of any other necessary annual Expenditure:

And

And lastly, out of the Surplus of the said Water Rates and Charges a Sum shall be annually set apart and appropriated for the Purpose of the Sinking Fund, as herein-after provided.

Dividend payable to Company to be secured over Undertaking.

LXXV. If the Compensation payable by the Commissioners to the Company for the existing Undertaking shall be made by way of a fixed redeemable annual Dividend as aforesaid, the Company shall, notwithstanding the granting of the Conveyance by them as herein-before provided, be Creditors of the Commissioners for the Amount of such annual Dividend, as the same shall be ascertained by Agreement or Arbitration as aforesaid, with legal Interest thereon, and the Expenses (if any) incident thereto incurred by the Default of the Commissioners, and be deemed to hold, by virtue of this Act, a Mortgage and Assignation of the Undertaking, and of the several Water Rates and Charges leviable under the Provisions of this Act, in Security of the said annual Dividend, Interest, and Expenses, which Mortgage and Assignation shall rank upon the Undertaking, Water Rates, and Charges, preferably to any Mortgages, Assignations, or other Securities granted by the Commissioners under the Authority of this Act, and may be rendered available in the Manner herein-after provided, without Prejudice to the Company suing for and recovering Payment of the said annual Dividend, Interest, and Expenses by any other legal Means.

Arrears may be enforced by Appointment of judicial Factor.

LXXVI. In the event of any half-yearly Payment of the said annual Dividend, or any Part thereof, or any Interest due thereon, not being paid within One Month after such Payment shall have become due, and after Demand thereof in Writing, it shall be lawful for the Company to render their said Security effectual by the Appointment of a Judicial Factor; and in like Manner, in the event of any Interest on Money borrowed by the Commissioners as aforesaid, or of any Annuity of the Funded Debt as after mentioned, not being paid within One Month after such Payment shall have become due, and after Demand thereof in Writing, it shall be lawful for the Mortgagee or Funded Debt Holder holding (by himself, or in conjunction with other Mortgagees or Funded Debt Holders joining in the Application) not less than Ten thousand Pounds of Debt, to render their said Security effectual by the Appointment of a Judicial Factor; and the Application for such Appointment shall be made by summary Petition to the Court of Session, or, in Time of Vacation, to the Lord Ordinary on the Bills, who are hereby respectively authorized and required, on such Application being made by the Company, or by a Mortgagee or Mortgagees, or Funded Debt Holder or Holders, in right of not less than Ten thousand Pounds of said Debt, to appoint some Person as Judicial Factor, to the Effect and with the Powers herein-after mentioned, unless, previously to such Application being advised, the Amount of such

Half Year's Dividend or Interest or Annuity, with Interest and Expenses, shall have been paid to the Petitioner or Petitioners, or unless the said Court or Lord Ordinary, as the Case may be, shall be satisfied that Consignation thereof should, under the Circumstances, be accepted in lieu of Payment, and such Consignation shall be made accordingly; and the Interlocutor making such Appointment shall not be subject to Review or Appeal.

Powers and Duties of Judicial Factor.

LXXVII. The Judicial Factor so appointed, on finding Security in common Form, shall exercise all the Powers conferred by this Act upon the Commissioners for and in relation to assessing, levying, and recovering the several Water Rates and Charges hereby granted, and managing and maintaining the Undertaking, and the Commissioners shall hand over to him all Rate Books and other Books and Documents necessary for that Purpose; and after defraying the Expense of such Application, Management, and Maintenance, the said 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 the same, according to the Priority hereby established; and such Judicial Factory shall continue not only until all Arrears of Dividend, Interest, and Annuity due at the Date of the Appointment of such Judicial Factor, and any Dividend, Interest, or Annuity which shall have become due during his Continuance in Office, with Interest and Expenses, including the Expenses of the Application for such Appointment and of carrying the Purposes thereof into execution, shall have been paid, but until any Half Year's Dividend, Interest, or Annuity, which, although not due, may become current during his Continuance in Office, and a sufficient Sum to meet Expenses, shall have been paid or consigned in one of the chartered Banks in *Scotland*; and upon Payment and Consignation as aforesaid of the said several Dividends, Interest, and Annuity, with Interest and Expenses, it shall be lawful for the Commissioners to apply to the Court of Session or Lord Ordinary as aforesaid for the Recall of the Appointment of the Judicial Factor.

Commissioners may fund Debt and issue Certificates of Funded Debt.

LXXVIII. It shall be lawful for the Commissioners, from Time to Time, in lieu of continuing on Mortgage the Sums which they may have borrowed under the Authority of this Act, to resolve to fund the whole of such Sums or such Part thereof as they shall think fit, and on any such Resolution being passed the Amount stated therein shall be denominated "The *Paisley* Waterworks Funded Debt;" and such Funded Debt shall be postponed to the said Dividend, or so much thereof as may remain unredeemed from Time to Time, and the Interest thereon; and it shall be lawful for the Commissioners to issue to any Person, Company, Trustees, or Corporation paying to them any Portion of the said Sums, a Certificate of such Person, Company, Trustees, or Corporation being the Holder of Funded Debt to the Amount

Amount so paid; and every such Certificate may be according to the Form of the Schedule (B.) to this Act annexed, or to the like Effect, and shall be subscribed, at a Meeting of the Commissioners, by Two of the Commissioners and the Treasurer: Provided always, that after the Conversion of any Part of the said Sums into Funded Debt, it shall not be lawful for the Commissioners to issue Mortgages or Assignations for, or again to borrow, the Sums so converted; and the Powers of borrowing by the Commissioners shall, to the Extent of the Sums so from Time to Time converted into Funded Debt, be extinguished; and the Sums due and owing at any One Time on the Security of the Undertaking and of the Water Rates and Charges by this Act authorized to be levied shall not exceed the Sums by this Act authorized to be borrowed.

Register of Holders of Funded Debt to be kept.

LXXIX. The Commissioners shall from Time to Time cause the Names of the several Parties who may be interested in such Funded Debt as aforesaid, with the Amount of the Interest therein possessed by them respectively, to be entered in a Book to be kept for that Purpose, and to be called the "Register of Holders of Funded Debt;" and such Book shall be accessible at all seasonable Times to the several Holders of such Debt, or of Mortgages or Assignations granted by the Commissioners.

Transfer of Funded Debt.

LXXX. The Interests of the several Holders of such 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 to be granted by the Commissioners may be transferred or transmitted under the Provisions of this Act and the said Commissioners Clauses 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 the Treasurer may demand any Sum not exceeding Two Shillings and Sixpence.

Annuity to be paid.

LXXXI. The several Holders of the said Funded Debt shall receive an Annuity thereon at any Rate not exceeding Four Pounds *per Centum per Annum*, which shall be fixed by the Commissioners in any Resolution to be passed by them as aforesaid, and specified in the Certificates issued to the Holders of the said Funded Debt, and which Annuity shall be payable half-yearly, on the Fifteenth Day of *May* and the Eleventh Day of *November* in every Year; and the Holders of the said Funded Debt shall not be entitled to Repayment of the Capital thereof, but the same shall be redeemable by the Commissioners in whole or in part, by means of the Sinking Fund herein-after provided, and not otherwise, on Payment to the Holders of the said Funded Debt of a Principal Sum equal to Twenty-five Years Pur-

chase of the said Annuity, Six Months Notice of their Intention so to redeem being given by the Commissioners to the Holders of such Part of the said Funded Debt as may be intended to be so redeemed, and such Holders respectively shall be bound to accept of such Redemption Money when tendered by the Commissioners: Provided always, that it shall be lawful for the Commissioners, by means of the said Sinking Fund as aforesaid, to redeem such Funded Debt or any Part thereof at a less Rate than Twenty-five Years Purchase, by Agreement with the Holders thereof.

Security of Holders of Funded Debt.

LXXXII. The several Holders of such Funded Debt shall be Creditors of the Commissioners for the Payment of the said Annuity, and shall be deemed to hold, by virtue of this Act, a Mortgage and Assignation of the Undertaking, and the several Water Rates and Charges leviable under the Provisions of this Act, in Security of such Payment, postponed always to the said Dividend, if and while the same shall be unredeemed; and the Holders of the said Funded Debt shall rank *pari passu* with the Holders of the Sums of Money which the Commissioners may have in Loan, or be entitled to borrow, and the Interest thereon.

Accounts to be kept and published.

LXXXIII. The Commissioners shall cause Books to be provided and kept, and true and regular Accounts to be entered therein of all Sums of Money received and paid by them for the Purposes of this Act; and they shall cause the Accounts and the Affairs of the Trust to be balanced in each Year as at the Twenty-eighth Day of *May*; and they shall annually apply to the Sheriff, who shall appoint Two Auditors who shall be the Auditors of the Commissioners Accounts for One Year; and an Abstract of the Accounts, certified as correct by the Treasurer and Two of the Commissioners and the said Auditors, shall annually be published within Two Months after the said Twenty-eighth Day of *May*, in Two Newspapers usually circulating in *Paisley*.

Rates to be regulated by annual Expenditure.

LXXXIV. The Commissioners shall from Year to Year so regulate the Water Rates for Domestic Purposes and Charges to be levied under the Provisions of this Act that the Amount of such Water Rates and Charges, together with the fixed Public Water Rate, shall be as near as may be sufficient to meet their annual Expenditure (as distinguished from Expenditure of Capital), including as herein-before mentioned; and if in any Year the Amount received shall be more than such annual Expenditure, as the same shall be ascertained and fixed at or after the Close of each financial Year, the Commissioners shall and they are hereby required (unless an Increase in the Rate of Interest or other annual Charge for the Year then beginning or current shall be anticipated) to make a corresponding Reduction in such

Water Rates for Domestic Purposes and Charges, or any of them, for the Year then beginning or current.

Company may convey certain Land already sold by them.

LXXXV. Whereas a Portion of the Contingency Fund set apart under the recited Act was invested in the Purchase of certain Land near *Paisley*, known by the Name of *West Thornley Muir*, on which it was contemplated to construct a Reservoir, and which has since been sold by the Company, but no Conveyance thereof has yet been granted by them to the Purchaser thereof: It shall be lawful for the Company to execute and deliver to such Purchaser a Conveyance of the said Land; and the Price thereof, when received, shall be placed to the Credit of the said Contingency Fund.

Provision for Expense of Extensions of Pipes until Undertaking vested in Commissioners.

LXXXVI. Until the existing Undertaking shall be vested in the Commissioners as aforesaid, it shall be lawful for the Company, with the Consent in Writing of the Commissioners, to advance, out of the said Contingency Fund, such Sums, not exceeding Three hundred Pounds in any One Year from and after the First Day of *June* One thousand eight hundred and fifty-four, as may be requisite for defraying the Expense of any Extensions of the Mains and Pipes of the Company which may be necessary for supplying the Inhabitants of *Paisley* and the Suburbs thereof, and Places adjacent thereto, with Water.

Provision for Sinking Fund.

LXXXVII. The Balance of the Contingency Fund accumulated under the Provisions of the recited Act, after Payment of the said Advances and of the Costs mentioned in the last Section of this Act, and the Costs of the said Arbitration in so far as payable by the Commissioners, shall be set apart as a Sinking Fund, and in addition thereto it shall be lawful for the Commissioners, and they are hereby required, annually to set apart as a Sinking Fund, out of the Water Rates and Charges hereby authorized to be levied, a Sum of not less than Five hundred Pounds and not more than One thousand Pounds, and such Sinking Fund shall be from Time to Time applicable to the Redemption of the said Dividend or buying up the Shares in respect of which the same is payable, and the Redemption of Mortgages, and of the Annuity payable to the Holders of the said Funded Debt; and such Fund shall be lodged in any of the Joint Stock Banks in *Scotland*, or invested in Government Securities, or lent out at Interest, in the Name and at the Discretion of the Commissioners, until the same be applied for the Purposes before specified: Provided always, that no Part of the said Sinking Fund shall be applied in the Redemption of the said Annuity until the whole of the said Dividend shall have been redeemed, or the said Shares shall have been bought up, and until the whole other Mortgages of the Commissioners shall have been redeemed.

LXXXVIII. The

Works to be maintained in good Repair.

LXXXVIII. The Commissioners shall maintain the Undertaking in complete and substantial Repair, and shall, once in every Three Years at least, have the same inspected and reported on by an Engineer to be appointed by them, and the Report of such Engineer shall be published by the Commissioners in Two Newspapers usually circulating in *Paisley*; and the Commissioners shall also once in every Year, if required by the Company, if and while the said Dividend shall remain unredeemed, have the Reservoirs, Conduits, Machinery, Works, and Buildings of the Company to be transferred to them as aforesaid, including any Additions thereto, inspected and reported on by a neutral Engineer to be mutually agreed upon, or, failing such Agreement, to be appointed by the Sheriff of *Renfrewshire* at *Paisley*, on the Application of the Company; and the whole Expense incurred in relation to the Appointment of such neutral Engineer, and the Inspection and Report by him, shall be defrayed by the Commissioners; and whatever such Engineers respectively shall report to be necessary to be done to maintain the Undertaking, or the said Reservoirs, Conduits, Machinery, Works, and Buildings in such Repair, the Commissioners shall do within such Time as such Engineers respectively may direct.

Power to Sheriff to order Repair of Reservoirs, and in certain Cases to direct the Water therein to be lowered.

LXXXIX. In order to provide against Accidents to Life or Property by the bursting of any Reservoir made or to be made under the Provisions of the recited Act or of this Act, whenever it shall be represented to the Sheriff Substitute of the County of *Renfrew*, at *Paisley*, by the Owners or Occupiers of any Dwelling House, Mill, Factory, or other Works situate below such Reservoir as aforesaid, and so as to be in danger of being destroyed or injured by the Water of such Reservoir in case it should escape therefrom, that such Reservoir is in a dangerous State, such Sheriff Substitute shall forthwith make Inquiry into the Truth of such Representation, and if he shall be satisfied that such Reservoir is in a dangerous State he shall order and require the Commissioners, within a Time to be specified, to put such Reservoir into a proper State of Repair, or construct such Works as may be necessary to remove the Danger; and in case the Commissioners shall not within the Time so limited, and to the Satisfaction of such Sheriff Substitute, have repaired the said Reservoir or constructed the said Works, or in case upon receiving such Representation as aforesaid such Sheriff Substitute shall consider the Danger to be so imminent as not to admit of Delay, he may, if he shall think fit, order and direct the Officer in charge of such Reservoir, or any other Person or Persons whom he may think proper, to enter upon the Premises of the Commissioners, and to open the Sluices of such Reservoir, or otherwise to let off so much of the Water from such Reservoir and to such a Level as may be neccssary to remove the Danger, and to keep the Water in such Reservoir at the reduced Level until the said Reservoir shall have been repaired, or such Works as aforesaid

aforesaid shall have been constructed, to the Satisfaction of such Sheriff Substitute, signified by him in a Writing superseding such Order, or until such Order shall be superseded upon Appeal as herein-after mentioned; and such Order may be in the Form or to the Purport and Effect following; (that is to say,)

'To *A. B.*

'I the undersigned, Sheriff Substitute of the County of Renfrew at Paisley, do hereby order and direct you, and such Person or Persons as you may require to aid and assist you herein, forthwith to do all such Acts as may be necessary to lower the Water in a certain Reservoir, known as the Reservoir, by the Space of Feet or thereabouts, and to keep the same at that Level until you shall be further instructed by me or by the Sheriff of the said County; and you shall do as little Injury as possible to the Property of the Commissioners under the Paisley Waterworks Act, 1854; and in acting in obedience to the Premises this shall be your sufficient Warrant.

'Given under my Hand, this Day of

'(Signed) *C. D.*'

And no Person acting under and in pursuance of such Order shall be deemed a Trespasser; and any Person who shall obstruct or prevent such Person in the Discharge of such Order, or shall wilfully do any Act in contravention of such Order, shall for every such Offence be liable to a Penalty not exceeding Fifty Pounds: Provided always, that, except when the Urgency of the Case will not admit of the Delay, such Sheriff Substitute, before making an Order to repair any such Reservoir or to construct any Works as aforesaid, or to lower the Water in any such Reservoir, shall cause Notice to be given to the Clerk of the Commissioners, and shall hear and consider any Evidence that may be tendered on behalf of the Commissioners against the making of such Order: Provided also, that if the Commissioners shall consider themselves aggrieved by any such Order given or pronounced by such Sheriff Substitute they may appeal against the same to the Sheriff of the said County, who shall hear and determine such Appeal, and may either confirm or supersede the Order of such Sheriff Substitute as he may think proper, but until such Order shall be superseded it shall continue in full Force, and the Order or Judgment of such Sheriff shall be final and not subject to Review on any Ground whatever; and all the Costs, Charges, and Expenses of applying for, obtaining, and enforcing such Order shall be borne by the Commissioners, unless the Sheriff Substitute making the Order shall direct such Costs, Charges, and Expenses, or a proportionate Part of them, to be borne by the Parties applying for such Order, which he is hereby authorized to do; and the Costs of any such Appeal as aforesaid shall be in the Discretion of the said Sheriff: Provided further, that the

Commissioners shall not be liable to pay any Persons any Damages, Penalties, Costs, Charges, or Expenses for or in respect of or be answerable or accountable to any Persons for any Diminution or Cessation of the Supply of Water, or any other Breach or Non-performance of their or any of their Duties, Liabilities, or Obligations under this Act, which may be occasioned in or by or result from the Execution of any such Order as aforesaid, anything in this Act to the contrary notwithstanding.

Application of Penalties.

XC. All Penalties and Forfeitures exigible under this Act and the Acts incorporated herewith, after deducting the Costs incurred in relation thereto, so far as not recovered from the Offender, shall be paid over to the Treasurer of the *Paisley* Infirmary, for the Benefit of that Institution, instead of being applied in the Manner provided by such Acts.

Commissioners not to exercise Powers till Undertaking vested.

XCI. Notwithstanding anything in this Act contained it shall not be lawful for the Commissioners to exercise any of the Powers by this Act granted to them until the existing Undertaking of the Company shall be vested in them, as herein-before provided, except in so far as may be necessary for ascertaining the Compensation payable for such Undertaking.

Expenses of Act.

XCII. All the Costs, Charges, and Expenses of applying for and obtaining this Act and incidental thereto, and of vesting the existing Undertaking in the Commissioners, shall be paid by the Commissioners; and it shall be lawful for the Company to advance the same, or any Part thereof, on behalf of the Commissioners, out of the said Contingency Fund already accumulated as aforesaid: Provided always, that in fixing the Compensation payable by the Commissioners to the Company for such Undertaking, the Arbiters or Oversman shall have regard to the Amount of the Contingency Fund as it would have stood if the Advances for such Costs, Charges, and Expenses had not been made therefrom,

SCHE-

SCHEDULES referred to in this Act.

SCHEDULE (A.)

Form of Rate.

An Assessment to the Domestic Water Rate [*or* Public Water Rate, *as the Case may be*] for the Burgh of Paisley, for the Year from the Twenty-eighth Day of May One thousand eight hundred and to the Twenty-eighth Day of May One thousand eight hundred and at the Rate of in the Pound.

Number in the Rate.	Name of Person rated.	Name of the Owner of the Property rated.	Description and Situation of Property.	Full Annual Value.	Rate at in the Pound.

SCHEDULE (B.)

Form of Certificate of Funded Debt.

No.

This is to certify, that *A.B.* [*Name and Designation*] is the Holder of Pounds of "The Paisley Waterworks Funded Debt," created by and under the Provisions of "The Paisley Waterworks Act, 1854," and is entitled to receive an Annuity on the said Sum, at the Rate of per Centum per Annum.

Signed at a Meeting of Commissioners, this Day of One thousand eight hundred and

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1854.