# CHAPTER clxi.

An Act for authorising the construction of additional Waterworks, and for providing an increased Supply of Water to the City and Royal Burgh of Perth and places adjacent; and for other purposes. [2d August 1877.] A.D. 1877.

WHEREAS by an Act passed in the tenth year of the reign of His Majesty King George the Fourth, intituled "An Act for "supplying the city of Perth, and the suburbs and vicinity thereof, "with water," (herein-after called "the Act of 1829,") certain Commissioners (herein-after referred to as "the existing Commissioners") were appointed, and were authorised to make and maintain the works in that Act mentioned, for supplying a district comprising certain parts of the city of Perth and its neighbourhood with water, and for that purpose to borrow on the security of the rates, duties, and assessments thereby authorised any sum or sums of money not exceeding in the whole at any one time the sum of ten thousand pounds: 10 G. 4. c. ciii.

And whereas the existing Commissioners have executed the works authorised by the Act of 1829, and have from time to time borrowed for the purposes thereof sums amounting in all to eleven thousand seven hundred and eighty-two pounds two shillings and ninepence, and have by means of the sinking fund thereby established paid off sums amounting in all to nine thousand seven hundred and eighty-two pounds two shillings and ninepence; and the amount now due and owing by the existing Commissioners is two thousand pounds:

And whereas in the year one thousand eight hundred and fifty-six certain persons formed themselves into a company, under the name of "The Bridgend of Perth Water Company (Limited)" (herein-after called "the Limited Company"), for the purpose of supplying with water the inhabitants of Bridgend of Perth and the suburbs of Perth on the east bank of the Tay:

And whereas the Limited Company have constructed certain waterworks, and the present share capital of the Limited Company

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consists of one thousand one hundred pounds, divided into one thousand one hundred shares of one pound each, and such capital has been subscribed or taken and paid up to the extent of one thousand and fifty-seven pounds:

And whereas the Limited Company have borrowed money on mortgage or bond on the security of their works to the extent of six hundred and seventy-five pounds:

And whereas the Right Honourable the Earl of Kinnoull is the owner of certain waterworks for supplying with water his feuars on the Hill of Kinnoull, adjoining the city of Perth:

And whereas since the passing of the Act of 1829 the city of Perth has greatly increased in extent, and a large portion thereof is not included within the limits of the Act of 1829:

And whereas the present supply of water to the said city and the suburbs thereof is insufficient for the wants and conveniences of the present and increasing population, trade, and manufactures of the said city and suburbs; and it is expedient that a further supply of water should be afforded and placed under the control and management of the Commissioners incorporated by this Act, and herein-after called "the Commissioners":

And whereas it is expedient that the Act of 1829 should be in part repealed, and that the undertaking of the existing Commissioners and their whole rights and privileges, lands, buildings, reservoirs, works, and other property should be transferred to and vested in the Commissioners:

And whereas it is expedient that the Commissioners should be empowered to purchase the undertakings of the Limited Company and the Earl of Kinnoull in manner herein-after provided:

And whereas plans and sections showing the lines and levels of the works authorised by this Act, and also a book of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act, were duly deposited with the principal sheriff clerk of the county of Perth, and are herein-after respectively referred to as the deposited plans, sections, and book of reference:

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

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

Short title.

**1.** This Act may be cited as "The Perth Water Act, 1877."

Certain sections of Act of 1829 repealed.

**2.** Subject to the provisions of this Act, sections 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 41, 43, 44, 45, 49, 51, 52, 55, 58, and 59 of the Act of 1829, and also all such other provisions thereof as are in any way inconsistent with the provisions of this Act, are hereby repealed.

Act and Act of 1829 to be construed as one.

**3.** This Act and the Act of 1829, as altered and amended by this Act, shall be taken and construed as one Act, and shall be carried into execution by the Commissioners.

Certain provisions of general Acts herein named incorporated.

**4.** "The Lands Clauses Consolidation (Scotland) Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "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 rotation and election of the Commissioners when the Commissioners are to be elected by the ratepayers or other like class of electors, with respect to the accounts to be kept by the Commissioners, and also with the exception of clauses 84, 86, and 87, "The Waterworks Clauses Act, 1847," except the provisions with respect to the communication pipes to be laid by the undertakers, and with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit, and also with the exception of clauses 68, 70, 71, 72, and 88, "The Waterworks Clauses Act, 1863," and the provisions of "The Railways Clauses Consolidation (Scotland) Act, 1845," with respect to the temporary occupation of lands near the railway during the construction thereof, and with respect to the crossing of roads or other interference therewith, are (except where expressly varied by this Act) incorporated with and form part of this Act: Provided always, that, as regards the Waterworks Clauses Acts, 1847 and 1863, the same (except as aforesaid) shall apply to the waterworks by this Act authorised to be made, and to the existing waterworks by this Act vested in the Commissioners, and to any waterworks which may under the powers of this Act be acquired by the Commissioners.

Interpretation of terms.

**5.** In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction; and in this Act and in those Acts as applied to this Act—

The word "sheriff" means the sheriff of the county of Perth, or any one of his substitutes;

The expression "the undertaking" means and comprehends the works by this Act authorised, and the undertakings and works by or under the powers of this Act vested in or acquired by the Commissioners;

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The expression "the Police Commissioners" means the lord provost, magistrates, and council of Perth constituted and acting as Commissioners of Police under the provisions of "The General Police and Improvement (Scotland) Act, 1862;"

The expression "the Valuation Acts" means the Public Act, seventeenth and eighteenth Victoria, chapter ninety-one, intituled "An Act for the valuation of lands and heritages in Scotland," and any Acts amending the same;

The expression "the valuation roll" means the valuation roll made up in terms of the Valuation Acts;

The expression "lands and heritages," besides having the meaning assigned to it in the Valuation Acts, means and includes feu duties and ground annuals;

The expression "the limits of supply of the Act of 1829" means the limits of supply as defined in that Act, and in addition thereto all lands and heritages outside the said limits which at the passing of this Act are supplied with water by the existing Commissioners, and which lands and heritages were rated under the Act of 1829 for the year commencing on the fifteenth day of May one thousand eight hundred and seventy-six;

The expression "the Bridge Commissioners" means the Commissioners acting under the Act passed in the fifth year of the reign of His Majesty King George the Third, chapter eighty-nine, intituled "An Act for the building a bridge over the River Tay at or near the town of Perth, in the county of Perth;"

The expression "the three Companies" means the Caledonian Railway Company, the North British Railway Company, and the Highland Railway Company; and

The expression "the station committee" means the Perth General Station Committee incorporated by "The Perth General Station Act, 1865."

Commissioners incorporated.

**6.** The Commissioners shall be a body corporate under the name and style of "The Waterworks Commissioners of Perth," with perpetual succession and a common seal, and shall have power to sue and be sued, and to purchase, take, hold, and dispose of lands and other property for the purposes of this Act, and shall have all the other powers and privileges of a body corporate.

First Commissioners.

**7.** The lord provost of the city and royal burgh of Perth for the time being, and Robert Robertson, James Wotherspoon, Daniel McKenzie, George Brown, Andrew Coates, Thomas Calderwood, Peter Campbell, John Dickson, Robert Dow, John Fraser, Kirwood Hewat, John Jamieson, John Moir, John Moncreiff, John MacLeish,

William Munro, John Murdoch, Alexander Moncrieff, John Miller Miller, James Colquhoun Pinkerton, Robert Pullar, Robert Greig Ramsay, Thomas Roy, and William Burns Thomson shall be and are hereby appointed the first Commissioners for executing and carrying into effect the purposes of this Act, and shall continue in office until the first election of Commissioners shall take place in manner herein-after provided, when the powers of the said Commissioners hereby nominated and appointed shall cease and determine.

Future Commissioners.

**8.** The future Commissioners for the purposes of this Act shall be the lord provost of the city and royal burgh of Perth for the time being, and twenty-four other persons to be elected in the manner herein-after provided.

Division of burgh into wards.

**9.** Whereas in the year one thousand eight hundred and sixty-nine Commissioners appointed under the provisions of "The Municipal Elections Amendment (Scotland) Act, 1868," for the purpose of dividing the city and royal burgh of Perth (herein-after called "the burgh") into wards, divided the burgh within the limits thereof, as previously fixed and defined, for police purposes into four wards, the limits of which they also fixed and defined: For the purpose of electing the Commissioners under this Act, as herein-after provided, the burgh shall be deemed to be divided into the four wards so fixed and defined, so far as the same are embraced within the limits of compulsory supply herein-after defined, but subject always to the following provisions; that is to say, the whole territory within the said limits of compulsory supply situated on the east side of the River Tay, and not included within the limits of the third ward, shall for the purposes of this Act be included therein and be held to form part thereof, and the whole territory on the west side of the River Tay within the limits of compulsory supply not included in any of the other wards shall for the purposes of this Act be included within the limits of the fourth ward and be held to form part thereof.

First election of Commissioners.

**10.** On the Wednesday next following the first Tuesday of November one thousand eight hundred and seventy-eight, six Commissioners shall be elected for each of the said four wards by the electors therein as herein-after provided.

Mode in which Commissioners to retire.

**11.** On the Wednesday next following the first Tuesday of November one thousand eight hundred and seventy-nine, and in every succeeding year, two Commissioners for each ward shall go out of office, and in the year one thousand eight hundred and seventy-nine the Commissioners for each ward who shall go out shall be the Commissioners who had the smallest number of votes at the election of Commissioners in the year one thousand eight

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hundred and seventy-eight; and in the year one thousand eight hundred and eighty the Commissioners for each ward who shall go out of office shall be the Commissioners who at the first election under this Act had the next smallest number of votes (the majority of the Commissioners always determining, where the votes for any two Commissioners representing the same ward shall have been equal, who shall be the person to retire), and thereafter the Commissioners who shall go annually out of office shall always be the Commissioners who have been longest in office: Provided that any Commissioner going out of office shall be capable of being immediately re-elected.

Annual election of Commissioners.

**12.** On the Wednesday next following the first Tuesday of November one thousand eight hundred and seventy-nine, and in every succeeding year, the electors in each ward shall elect two Commissioners in place of the Commissioners who, as herein-before provided for, go out of office.

Clerk to give notice to parties elected Commissioners.

**13.** The clerk to the Commissioners shall, within two days after each election, intimate by a letter through the post to each person who has been elected a Commissioner that he has been so elected, and in the event of any such person failing to intimate in writing to the clerk within seven days from the date of posting the intimation to him his acceptance of the office, he shall be held to have declined to accept the same, and another Commissioner shall in that event be elected to fill his place, in terms of the provisions hereinafter contained for filling up any vacancy in the Commissioners which may occur in the course of the year.

Mode of filling up vacancies in Commissioners.

**14.** If any vacancy in the course of the year occur in the Commissioners by death, disability, or resignation, or by any Commissioner becoming a Commissioner ex officio, such vacancy shall be filled up ad interim by the remaining Commissioners by election at a general meeting to be called on five days notice by the clerk by intimation in writing to each of such remaining Commissioners; but any Commissioner so elected ad interim shall go out of office on the Wednesday next following the first Tuesday of November next ensuing his election; and the vacancy thereby occurring shall be supplied at the annual election to be held next after the occurrence of such vacancy, by the ward by which the Commissioner causing the vacancy was elected, and which shall in that case elect an additional Commissioner, unless the party so causing the vacancy would have gone out of office at that election; and any Commissioner so elected to fill a vacancy shall go out of office at the time the Commissioner causing the vacancy would have gone out of office had he continued a Commissioner.

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Qualification of electors and Commissioners.

**15.** The right of electing Commissioners shall be in and belong to all such persons as are or shall be qualified to vote in the election of a member of Parliament for the burgh by virtue of the Acts second and third William the Fourth, chapter sixty-five, and thirty-first and thirty-second Victoria, chapter forty-eight, and as are duly registered as such voters in the register then in force made up in terms of the Registration Acts, and such register so completed from time to time shall be and shall be deemed to be the register of electors of the Commissioners, and every person whose name appears in the said register at the time any such election takes place shall be duly qualified to be elected a Commissioner; but any person whose name does not so appear on the said register shall not be qualified to be elected a Commissioner: Provided always, that no person shall be so entitled to vote who has not at least one month before the date of any election at which he tenders his vote paid the whole rates then due and payable by him under this Act; and a list made up and signed by the treasurer of the Commissioners of the persons who have not so paid the whole rates due by them shall be sufficient evidence of the nonpayment thereof by the persons appearing therein.

Elections to be conducted in same manner as elections of town councillors in royal burghs.

**16.** Subject to the provisions of this Act, the annual elections of Commissioners under this Act shall be conducted as nearly as the circumstances will permit in the same manner as the election of town councillors in the royal burghs in Scotland is conducted under the Act 3 and 4 William IV. cap. 76, "The Municipal Elections Amendment (Scotland) Act, 1868," "The Municipal Elections Amendment (Scotland) Act, 1870," and "The Ballot Act, 1872:" Provided that in all such elections the chairman of the Commissioners shall act as returning officer, and the clerk to the Commissioners shall in all respects occupy the place and perform the whole duties of the town clerk under the above-mentioned Acts in so far as necessary to carry the provisions of this Act into effect; and the whole expense of and incident to the elections under this Act shall be paid by the Commissioners out of the moneys levied by them under this Act.

Electors to vote in wards where their property qualification is situate.

**17.** Every person entitled to vote in the election of Commissioners shall vote for Commissioners for that ward only wherein the property or part thereof in respect of which his name appears in the register of electors is situate, and if any person be registered in respect of property situate in more than one ward, he may vote for Commissioners for any one of such wards, but having so voted, he shall not afterwards at the same election vote for a Commissioner for any other ward, and any vote so afterwards given by him shall be void.

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Presiding officers at elections.

**18.** The Commissioners shall from time to time appoint for each of the wards one of their own number to be the presiding officer at the election for such ward, and such presiding officer shall declare the name of the person elected, and his declaration and decision thereon shall be final, and in the case of an equality in the number of votes for any two or more persons, the presiding officer shall decide by lot which of such persons shall be elected.

Manner of proceeding if any person be elected a Commissioner in more than one ward.

**19.** If any person be elected a Commissioner in more than one ward, he shall within three days after notice thereof choose, or in default thereof the Commissioners at their next meeting shall declare, for which ward such Commissioner shall serve, and he shall thereupon be held to be elected in that ward only which he shall so choose or which the Commissioners shall so declare, and shall be held to decline to be a Commissioner for any other ward.

Commissioner neglecting to act, &c. to cease to be one.

**20.** If any Commissioner to be elected under this Act shall intimate to the clerk in writing that he refuses to accept the office of Commissioner, or if any such Commissioner shall for the period of six months at any one time neglect to attend or abstain from attending the meetings of the Commissioners (such Commissioner not being prevented by illness or reasonable cause to be allowed by the Commissioners at any of their meetings), or shall intimate to the clerk in writing that he resigns his office of Commissioner, every such intimation or non-attendance shall be taken and held to be a refusal to act, and he shall cease to be a Commissioner.

Penalty on disqualified person acting as Commissioner.

**21.** Every person to be elected under this Act who shall act as a Commissioner, not being duly qualified, or after having become disqualified, or after ceasing to be a Commissioner, shall for every such offence be liable to a penalty of fifty pounds.

Contracts for supply of water not to disqualify Commissioner.

**22.** No person shall be disqualified from being, continuing, or acting as a Commissioner by reason of his being concerned in any contract entered into with the Commissioners for the supply of water or other articles of any kind, or of his being a mortgagee of the property of the Commissioners.

Payment of rates, &c. not to disqualify any judge.

**23.** No person shall be incapable of acting as a justice of the peace, or sheriff, or exercising any judicial function in the carrying out of this Act, by reason of his being a Commissioner or of being interested in any contract under this Act for a supply of water, or being liable under this Act to the payment of any rate or other money.

First meeting of Commissioners.

**24.** The first meeting of the Commissioners shall be called by the lord provost, and the same shall be held at such place in Perth as he shall determine, within six weeks after the passing of this

Act, upon such day and at such hour as he may fix; and the Commissioners shall hold an annual meeting in Perth on the third Monday of June in the year one thousand eight hundred and seventy-eight, and in each year thereafter, and at all meetings of the Commissioners nine of their number shall be a quorum.

Chairman of meetings.

**25.** At all meetings of the Commissioners the lord provost when present shall be chairman, and in his absence the chairman shall be elected by a majority of votes of the Commissioners present, and the lord provost shall when present be chairman of all committees of which he is member.

Place of meeting.

**26.** All meetings of the Commissioners after the first meeting may be held at such place within the burgh as the Commissioners may from time to time appoint.

How meetings to be called.

**27.** The clerk shall have power to call meetings of the Commissioners at such times as may be necessary for any of the purposes of this Act or connected therewith; and any two of the Commissioners may at any time require the clerk to call a special meeting of the Commissioners for any of the purposes of this Act or connected therewith.

Notice of meetings.

**28.** The clerk shall give notice of each meeting to the Commissioners in such way and manner as the Commissioners may from time to time direct.

Meetings may be adjourned.

**29.** The Commissioners present at the first meeting or at any subsequent meeting or at any adjourned meeting may from time to time adjourn any such meeting to the same or any other place within the burgh; and if at any meeting of the Commissioners there be not a quorum present within one half hour after the time appointed for such meeting, the Commissioners present, or the major part of them, may adjourn such meeting, to be held on another day at the same or any other place within the burgh.

Commissioners under recited Act to go out of office.

**30.** From and after the passing of this Act, the existing Commissioners under the recited Act shall go out of office, and their whole powers, duties, and functions shall cease and determine.

Existing waterworks vested in Commissioners.

**31.** From and after the passing of this Act, the water undertaking of the existing Commissioners, including lands, buildings, reservoirs, mains, pipes, rights to water, plant, stock in hand, and property of every description, stores, machinery, arrears of water rates, water rents or charges, and all other property heritable and movable, real and personal, relating to or arising out of the water undertaking of the existing Commissioners (all herein-after called "the existing waterworks"), with the whole powers, rights, and privileges belonging to such Commissioners in relation thereto, shall belong to and

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are hereby vested in the Commissioners for the purposes of this Act, subject to any mortgages, charges, incumbrances, debts, and liabilities to which the existing water undertaking or the existing waterworks, with their appurtenances, or the lands on which they are erected, are or may be liable.

Saving debts and claims.

**32.** From and after the passing of this Act, all debts and money due from or to the existing Commissioners, or any persons on their behalf, shall be payable and paid by or to the Commissioners.

Saving conveyances, contracts, &c.

**33.** From and after the passing of this Act, all deeds, conveyances, grants, assignments, leases, purchases, sales, mortgages, bonds, covenants, agreements, contracts, and securities which before the passing of this Act have been executed, made, or entered into by, with, to, or in relation to the existing Commissioners, and which are now in force, and all obligations and liabilities which before the passing of this Act have been incurred by or to, or which but for the passing of this Act might or would have arisen in relation to, the existing Commissioners, shall be as valid and of as full force and effect in favour of, against, or in relation to the Commissioners as if the same had been executed, made, or entered into by, with, to, or in relation to, or had been incurred by or to, or had arisen in relation to the Commissioners.

Causes and rights of action reserved.

**34.** From and after the passing of this Act, all causes and rights of action or suit accrued before the passing of this Act, and in any manner enforceable by, for, or against the existing Commissioners, shall be and remain as good, valid, and effectual for or against the Commissioners as they would or might have been for or against the existing Commissioners if this Act had not been passed.

Actions not to abate.

**35.** Nothing in this Act shall cause the abatement, discontinuance, or determination of, or shall in anywise prejudicially affect, any action, suit, or other proceeding at law or in equity commenced by or against the existing Commissioners, either solely or jointly with any other person or corporation, before the passing of this Act, and now pending, but the same may be continued, prosecuted, or enforced by or against the Commissioners, either solely or, as the case may require, jointly with such other person or corporation.

Saving submissions and awards.

**36.** No submission to arbitration of any matter in dispute between the existing Commissioners and any other person or corporation, under which any reference is pending and incomplete at the passing of this Act, and no award heretofore made and remaining in force, shall be revoked or prejudicially affected by anything in this Act contained, but every such submission and award shall be as valid and effectual for or against the Commissioners as it would have been for or against the existing Commissioners.

Officers of existing Commissioners to be accountable for books, &c.

**37.** All officers and persons who at the passing of this Act have in their possession or under their control any books, documents, papers, or effects belonging to the existing Commissioners, or to which the existing Commissioners would but for the passing of this Act have been entitled, shall be liable to account for and deliver up the same to the Commissioners, or to such persons as the Commissioners may appoint to receive the same, in the same manner and subject to the same consequences on refusal or neglect as if such officers and persons had been appointed by and become possessed of such books, documents, papers, or effects for the Commissioners.

Commissioners may appoint officers and servants.

**38.** The Commissioners may appoint officers and servants, or may determine that the officers and servants of the existing Commissioners shall be the officers and servants of the Commissioners until they shall be removed by the Commissioners, or shall die or resign, and such officers and servants shall be subject to the provisions of the Act of 1829 and this Act, as regards both past and future conduct and intromissions, in so far as respectively applicable; and all bonds or securities for such conduct and intromissions granted to the existing Commissioners shall be and remain valid, and may be enforced by the Commissioners to the same extent and effect as such bonds or securities might have been enforced by the existing Commissioners if this Act had not been passed.

Books, &c. to be evidence.

**39.** All books and documents which would have been evidence in respect of any matter for or against the existing Commissioners shall be admitted as evidence in respect of the same or the like matter for or against the Commissioners.

Resolutions to remain in force.

**40.** All resolutions of any meeting of the existing Commissioners, or of any duly constituted and authorised committee thereof, shall, so far as the same are applicable and remain in force, continue to be operative and shall apply to the Commissioners and to the officers and servants of the Commissioners until duly revoked or altered by the Commissioners or under their authority.

General saving of rights and claims.

**41.** Notwithstanding the passing of this Act, everything heretofore done, suffered, and confirmed respectively under or by virtue of the Act of 1829, or otherwise, relating to the existing Commissioners, shall be as valid as if this Act had not been passed, and this Act shall accordingly be subject and without prejudice to everything so done, suffered, and confirmed respectively, and to all rights, liabilities, claims, and demands, present or future, which, if this Act had not been passed, would be incident to or consequent on anything so done, suffered, and confirmed respectively; and with respect to all things so done, suffered, and confirmed respectively, and to all such rights, liabilities, claims, and demands, the Commissioners shall to all intents represent the

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existing Commissioners; and the generality of this provision shall not be deemed to be restricted by any other of the provisions of this Act.

Power to Commissioners to purchase undertaking of Limited Company.

**42.** Subject to the provisions of this Act, the Commissioners shall purchase, and the Limited Company shall sell, the undertaking of the Limited Company, including therein all the works, land, property, estate, pipes, pumping apparatus, filtering beds, stock, and plant belonging to the Limited Company, on such terms and conditions as the Commissioners and the Limited Company may agree upon, and in case of difference of opinion between the Commissioners and the Limited Company as to the amount of compensation money for such purchase, the same shall be settled by arbitration in the manner provided by "The Lands Clauses Consolidation (Scotland) Act, 1845;" it being hereby provided that the said compensation money so to be settled shall be paid by the Commissioners to the Limited Company upon the day on which the Commissioners introduce a supply of water into Bridgend of Perth by means of the works authorised by this Act, or any of them, and shall bear interest from and after the said day at the rate of five pounds per centum per annum till paid.

Application of purchase money by Limited Company.

**43.** Upon and from such purchase the Limited Company shall stand possessed of the money which shall be paid to them by the Commissioners for the purchase of the undertaking of the Limited Company, and all other moneys (if any) belonging to the Limited Company, upon trust, first for payment and discharge of their debts and liabilities, so far as the same are not to be paid and discharged by the Commissioners, and subject thereto to divide and distribute the same among the holders of shares in the capital of the Limited Company rateably and in proportion to their respective shares in the capital of the Limited Company; and the directors of the Limited Company may exercise all powers necessary for such division and distribution and for winding up the affairs of the Limited Company.

Persons appearing in the books as shareholders to be deemed such.

**44.** The several persons whose names shall appear in the books of the Limited Company to be the proprietors of shares therein shall, unless the contrary be proved to the satisfaction of the directors of the Limited Company, be considered to be shareholders of the Limited Company for the purposes of the distribution of the purchase money for the undertaking of the Limited Company and of other moneys (if any) belonging to the Limited Company.

Receipt in case of persons not sui juris.

**45.** The receipt of any tutor or curator, or curator bonis, of any shareholder in the Limited Company, being a minor, idiot, or lunatic, shall be an effectual discharge to the Limited Company, and to the directors thereof, for the money in such receipt expressed to be received.

Provisions in case of absence of shareholders.

**46.** If the Limited Company be unable by reason of the absence from Great Britain or of the incapacity of any shareholder, his executors, administrators, or assigns, or if his existence or place of abode not being after reasonable inquiry ascertainable by the Limited Company, to pay such shareholder, his executors, administrators, or assigns, the sum of money which may be payable to him or them by the Limited Company under the provisions of this Act, then and in every such case the Limited Company shall from time to time pay into the Bank of Scotland or into any other chartered bank in Scotland, in manner directed by and under the authority of the Court of Session, all money which according to this Act ought to be paid by the Limited Company to him or them, and such payment shall be deemed to be payment by the Limited Company to him or them, and he or they shall be entitled to obtain payment of such money on satisfying the Court of his or their right thereto.

Limited Company to be dissolved.

**47.** When and so soon as all the debts and liabilities of the Limited Company shall have been fully paid and satisfied, and the assets of the Limited Company shall have been distributed in manner aforesaid and their affairs wound up, the Limited Company shall be dissolved.

Upon payment of consideration and execution of conveyance undertaking to vest in Commissioners.

**48.** Immediately upon the payment by the Commissioners of the purchase money for the undertaking of the Limited Company, and upon the execution by the Limited Company under their common seal of a deed of conveyance duly stamped, and in which the consideration is truly stated, of the undertaking of the Limited Company to the Commissioners, the said undertaking comprised in such conveyance, and all the rights, powers, privileges, and easements of the Limited Company, shall become vested in the Commissioners, subject to all contracts, debts, liabilities, and obligations of the Limited Company for all the estate and interest of the Limited Company therein, as from the date specified in the said deed of conveyance, and such vesting is in this Act referred to as "the transfer": Provided always, that from such transfer there is hereby excepted any moneys standing to the credit of the Limited Company in the hands of their bankers or elsewhere, and all arrears of water rent, and all stock or shares in any company, and all other investments belonging to them.

Receipt of three directors discharge Commissioners.

**49.** The receipt of any three or more of the directors of the Limited Company for the purchase money of the undertaking of the Limited Company shall be a sufficient discharge to the Commissioners for the same, and the Commissioners shall not be bound

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to see to the application or be answerable for the misapplication or non-application thereof.

Limited Company's debts, &c. to be paid.

**50.** All debts, mortgages, rents, rates, charges, and sums of money, actions and suits and proceedings, and causes of action, suit, or proceeding, which at the time of the transfer are due or owing from or pending or existing against the Limited Company, shall, as between the Limited Company and the Commissioners, be paid, discharged, settled, or otherwise satisfied by the Limited Company: Provided always, that from the date of the transfer the Commissioners shall become and be liable for any annual feu duties, rents, and other obligations contained in the feu or other rights of the lands and heritages comprised in the undertaking of the Limited Company.

Actions, &c. not to abate.

**51.** No action, suit, prosecution, or other proceedings whatsoever commenced or liable to be commenced either by or against the Limited Company shall abate or be discontinued or be prejudicially affected by reason of the transfer, but the same shall continue or take effect, whether for or against the Commissioners, in the same manner in all respects as the same would have continued and taken effect in relation to the Limited Company if the transfer had not been made; without prejudice, however, to any remedy which the Commissioners may have, exercise, and enforce against the Limited Company under the provisions of this Act, or any agreement to be made between the Commissioners and the Limited Company under the provisions of this Act.

Power to Commissioners to purchase undertaking of the Earl of Kinnoull.

**52.** Subject to the provisions of this Act, the Commissioners shall purchase the undertaking belonging to the Right Honourable the Earl of Kinnoull for supplying with water his feuars on the Hill of Kinnoull, as existing at the passing of this Act, including therein the works, land, property, estate, reservoir, filter bed, pipes, pumping apparatus, and all stock and plant connected therewith, on such terms and conditions as the Commissioners and the said Earl may agree upon, and in case of difference of opinion between the Commissioners and the said Earl as to the amount of compensation money for such purchase, the same shall be settled by arbitration in manner to be agreed upon between the Commissioners and the said Earl; it being hereby provided that the said compensation money so to be settled shall be paid by the Commissioners to the said Earl upon the day on which the Commissioners commence to supply water to the feuars on the said Hill of Kinnoull by means of the works authorised by this Act, or any of them, and shall bear interest from and after the said day at the rate of five pounds per centum per annum till paid.

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Power to Commissioners to maintain and extend existing waterworks.

**53.** Subject to the provisions of this Act, the Commissioners may maintain, manage, regulate, work, and use the existing waterworks, and any other waterworks which the Commissioners may acquire under the powers of this Act, and may from time to time renew, enlarge, and extend the same respectively, and add to the mains, pipes, works, apparatus, and conveniences of the existing waterworks and other waterworks respectively, when and as they find it necessary or expedient so to do.

Power to make additional waterworks.

**54.** Subject to the provisions of this Act, the Commissioners may make and maintain, in the lines and according to the levels shown on the deposited plans and sections, the works herein-after described, with all proper embankments, filtering beds, dams, sluices, cuts, channels, pipes, wells, tanks, engines, buildings, machinery, and other works and conveniences connected therewith or incidental thereto, and may enter upon, take, and use such of the lands delineated on the said plans and described in the deposited book of reference as may be required for that purpose. The works hereinbefore referred to and authorised by this Act are—

First. A reservoir (herein-after called Reservoir No. 1) to be situate on the Burgh Muir of Perth, within the field numbered 89 on sheet XCVII., 8, Perth parish, of the Ordnance Survey, scale $\frac{1}{2500}$, to be formed by an embankment commencing at a point where an imaginary straight line, measured in a south-easterly direction, two hundred and thirteen yards or thereabouts from the north-westerly corner of the said field, would intersect an imaginary straight line, measured in a south-westerly direction, two hundred yards or thereabouts from the north-easterly corner of the said field; which embankment will extend in an easterly direction for a distance of twenty-seven yards or thereabouts; thence in a southerly direction for a distance of twenty-seven yards or thereabouts; thence in a westerly direction for a distance of twenty-seven yards or thereabouts; and thence in a northerly direction for a distance of twenty-seven yards or thereabouts to its point of commencement, and there terminate:

Second. A reservoir (herein-after called Reservoir No. 2) to be situate on the lands of Tullylumb Farm, to be formed by an embankment commencing at a point where an imaginary straight line, measured in a north-easterly direction, one hundred yards or thereabouts from the north-east corner of the mansion house called Atholebank, would intersect an imaginary straight line, measured in a north-westerly direction, two hundred and twenty-three yards or thereabouts from the north-east corner of the house called Viewland; which embankment will

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extend in an easterly direction for a distance of twenty-seven yards or thereabouts; thence in a southerly direction for a distance of twenty-seven yards or thereabouts; thence in a westerly direction for a distance of twenty-seven yards or thereabouts; thence in a northerly direction for a distance of twenty-seven yards or thereabouts to its point of commencement, and there terminate:

Third. An aqueduct, conduit, or pipe (herein-after called Conduit No. 1) commencing within and at the southerly side of the waterworks of the existing Commissioners situate at the junction of South Tay Street and Marshall Place of Perth, and terminating within and at the east of the side of Reservoir No. 1:

Fourth. An aqueduct, conduit, or pipe (herein-after called Conduit No. 2) commencing within and at the easterly side of Reservoir No. 1, and terminating at the junction of West Bridge Street with Gowrie Street, Bridgend of Perth, at a point twelve yards or thereabouts, measured in a north-westerly direction, from the corner of Gowrie Street and East Bridge Street, Bridgend of Perth:

Fifth. An aqueduct, conduit, or pipe (herein-after called Conduit No. 3) commencing within and at the southerly side of the said waterworks of the existing Commissioners, and terminating within and at the easterly side of Reservoir No. 2:

Sixth. An aqueduct, conduit, or pipe (herein-after called Conduit No. 4) commencing within and at the easterly side of Reservoir No. 2, and terminating at the junction of West Bridge Street with Main Street, Bridgend of Perth, at a point twelve yards or thereabouts, measured in a south-westerly direction, from the corner of Main Street and East Bridge Street, Bridgend of Perth:

Seventh. A road (herein-after called Road No. 1) to be situate in the said field marked 89 on sheet XCVII., 8, Perth parish, of the Ordnance Survey, $\frac{1}{2500}$ scale, to commence at a point in the road leading from a house known as Gowriebank past the north side of the said field, five hundred and thirty-three yards or thereabouts, measured along such road from its commencement at its junction with a road leading from the Old Gallows Road past the said Gowriebank towards Oakbank, and to terminate at or near to the foot of the northerly embankment of Reservoir No. 1:

Eighth. A road (herein-after called Road No. 2) to commence at a point in the road leading from the Glasgow Road past the said house known as Viewland towards the Burgh Muir of Perth,

one hundred and sixty yards or thereabouts, measured along such road from its commencement at its junction with the said Glasgow Road, and to terminate at or near to the foot of the southerly embankment of Reservoir No. 2.

Lands to be taken by agreement.

**55.** In addition to the lands authorised to be taken by the Commissioners under the powers of this Act, the Commissioners may purchase by agreement lands not exceeding in the whole five acres for the purposes of this Act, or any of them; but they shall not upon any such lands erect any buildings, except such as may be required for the purposes of the waterworks, including dwelling-houses for officers or men employed in or about the waterworks.

Powers for compulsory purchases limited.

**56.** The powers of the Commissioners for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Power to take servitudes by agreement.

**57.** Persons empowered by "The Lands Clauses Consolidation (Scotland) Act, 1845," to sell and convey or dispose of lands may, if they think fit, subject to the provisions of that Act, and of "The Lands Clauses Consolidation Acts Amendment Act, 1860," and of this Act, grant to the Commissioners any servitude, right, or privilege (not being a servitude of water required for the purposes of this Act) in, over, or affecting any such lands; and the provisions of the said Acts with respect to lands and annual feu duties or ground annuals, so far as the same are applicable in this behalf, shall extend and apply to such grants, and to such servitudes, rights, and privileges as aforesaid respectively.

Powers of deviation.

**58.** The Commissioners may make lateral deviations from the lines of the works by this Act authorised to the extent marked on the deposited plans, and may make vertical deviations from the levels of the said works as defined on the deposited sections to any extent not exceeding three feet upwards or seven feet downwards: Provided always, that the Commissioners may erect any water tower, stand-pipe, or other like work, of any height which for the time being may be necessary or proper for the purposes of this Act: Provided also, that the Commissioners shall not, in the exercise of the powers of lateral deviation hereby given, construct any embankment of the reservoirs herein-before described, and shown on the deposited plans, of a greater height above the general surface of the ground than that shown on the deposited sections with respect to the corresponding embankment, and three feet in addition.

Temporary occupation of lands.

**59.** The provisions with respect to the temporary occupation of lands of "The Railways Clauses Consolidation (Scotland) Act, 1845," as applied to this Act, shall apply only to the reservoirs by this Act authorised and the works immediately connected therewith;

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and for the purposes of this Act those provisions shall be read as if such reservoirs and works were therein mentioned instead of "the railway," and the boundaries of such reservoirs and works instead of "the centre of the railway," and the prescribed limits shall be two hundred yards from such boundaries.

As to works affecting Perth Bridge.

**60.** Whereas in constructing the works herein-before authorised, it is proposed to carry Conduit No. 2 and Conduit No. 4 along Perth Bridge on either side thereof, such conduits passing through the circular openings of the cast-iron brackets which support the pavements and parapets of the bridge; nothing in this Act contained shall authorise the Commissioners to make use of the bridge for the above purpose, except in the manner and subject to the conditions herein-after specified; that is to say,

(1.) Each such conduit where passing along the bridge shall be sustained by independent supports fixed into the masonry of the bridge for that purpose, and one of such supports shall be erected on each side of all the said brackets of the bridge within three or four feet of the said brackets, and at such levels that such supports will carry the conduits through the circular openings in the said brackets without resting on such brackets:

(2.) All the works to be executed by the Commissioners where passing along the bridge, shall be executed at the sight and to the satisfaction of the engineer of the Bridge Commissioners, and such works shall be constructed and for ever maintained by and at the expense of the Commissioners in a perfectly water-tight condition and in proper order and repair:

(3.) The said works shall be made and for ever maintained and used, and all operations connected therewith shall be conducted, at the sole risk of the Commissioners, and in such manner as not to injure or endanger the bridge; and if in the execution, maintenance, or use of any of the works the Commissioners, or by reason of any defect in or accident to or want of repair of the same, or in consequence of such works in any manner of way, any damage be caused to the bridge, the Commissioners shall be bound to repair such damage at their own expense with the least possible delay.

For protection of works of railway companies and Perth general station.

**61.** Nothing in this Act contained shall authorise the Commissioners, without the previous consent in writing of the three companies respectively or the station committee, as the case may be, to take or acquire any lands belonging to those companies, or any of them, or to the station committee, or any right in any of such

lands other than an easement or right of making through the same, and of maintaining and using the pipes herein-before specially authorised in the manner and subject to the conditions herein-after specified, nor to enter upon, use, or interfere with any of such lands temporarily or permanently, except so far as may be necessary for making, maintaining, and using such pipes in such manner and subject to such conditions; that is to say,

(1.) Each such pipe, where passing through any lands belonging to the three companies, or any of them, or to the station committee, and for such distance on each side of the said lands as may be necessary for the purpose of access as herein-after mentioned, shall be laid in a culvert of such dimensions as to admit of access to the pipe for the purpose of repair or renewal thereof without entering upon or interfering in any way with the lands, works, or buildings above the same:

(2.) Each such culvert shall be laid in such position and at such depth below the surface of the said lands as shall be required by the engineer of the company or station committee, as the case may be, to whom such lands belong, and each such culvert shall be of such construction and strength as shall be approved by such engineer:

(3.) All the works of the Commissioners, where passing through any lands belonging to the three companies, or any of them, or to the station committee, or within ten yards of any of their works, shall be constructed and completed according to working plans, sections, and specifications which shall be submitted to the engineer of the company or station committee, as the case may be, to whom such lands or works belong previously to the commencement of such works of the Commissioners, and shall be subject to his approval, and such works shall be constructed, carried on, and for ever maintained by and at the expense of the Commissioners, and under the superintendence and to the reasonable satisfaction in all respects of such engineer:

(4.) The said works shall be completed within six months after the commencement thereof, and shall be made and for ever maintained and used, and all operations connected therewith shall be conducted, at the sole risk of the Commissioners, and in such manner as not to injure or endanger any works, buildings, lands, or property of the three companies, or any of them, or of the station committee, nor, so far as practicable, to cause any interruption, impediment, or inconvenience to their traffic; and if in the execution, maintenance, or use of any of the works of the

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Commissioners, or by reason of any defect in or accident to or want of repair of the same, or in consequence of such works in any manner of way, any injury be caused to any works, buildings, lands, or property of the three companies, or any of them, or of the station committee, or of any other companies or persons using their respective railways or station, or any interruption, impediment, or inconvenience be occasioned to their traffic, the Commissioners shall pay all loss, damages, and expenses arising from or consequent on such injury, interruption, impediment, or inconvenience:

(5.) In the event of any difference between the engineer of the Commissioners and the engineer of any of the three companies or of the station committee, with respect to the mode of construction or maintenance, or the plans or specifications of any of the works of the Commissioners mentioned in this section, such difference shall be referred to and finally determined by James Leslie, civil engineer, Edinburgh, whom failing Thomas Stevenson, civil engineer, Edinburgh, whom failing an engineer appointed by the sheriff:

Provided always, that the Commissioners may vary the manner and conditions herein-before specified of making the said pipes and relative works to such extent as may be previously agreed upon in writing between them and the three companies respectively or the station committee, as the case may be, who shall be affected by such variation.

Provisions with respect to works affecting Post Office telegraph system.

**62.** With respect to the Post Office telegraph system the following provisions shall take effect:

The Commissioners shall not by any work or thing interfere with any telegraph post, wire, tube, apparatus, or work of Her Majesty's Postmaster General, or execute or do any work or thing causing or likely to cause any interruption of or impediment to postal telegraphic communication, unless and until the Commissioners have given to the Postmaster General one calendar month's previous notice in writing of their intention to execute or do the proposed work or thing, specifying all necessary and proper particulars relating thereto, and unless and until the Postmaster General has approved of the proposed work or thing by writing delivered to the Commissioners, or has failed to approve or to disapprove of the same for one calendar month after service of such notice and particulars on him: Provided always, that this section shall not be deemed to prevent the Commissioners executing any repairs or other works or things which shall be necessary to prevent accidents, and in

any such case the Commissioners shall forthwith give notice to the Postmaster General of any such interference, and the reason for the same:

Her Majesty's Postmaster General may annex to his approval under this Act of any work or thing such reasonable terms and conditions as to the time and mode of execution of any such work or thing as he thinks fit, and the Commissioners shall observe and perform the same:

The engineer and other officers and servants and workmen of Her Majesty's Postmaster General may at and for all reasonable times enter on and into and remain on any of the lands and works of the Commissioners for the purpose of examining, repairing, altering, or removing any telegraph post, wire, tube, apparatus, or work the property of the Postmaster General being thereon:

The Commissioners shall from time to time make full compensation to Her Majesty's Postmaster General for any expense, loss, or damage which he is put to or sustains by reason of the Commissioners by any work or thing executed or done by them interfering with any telegraph post, wire, tube, apparatus, or work of the Postmaster General; and if at any time any such work or thing causes an interruption of or impediment to postal telegraphic communication, the Commissioners shall, in addition to making compensation as aforesaid, be liable to forfeit a sum not exceeding twenty pounds for every twenty-four hours during which that interruption or impediment continues; and the amount of any such expense, loss, damage, or forfeiture shall be a debt due from the Commissioners to the Crown, and be recoverable accordingly with costs, or the same may be recovered with costs on behalf of the Postmaster General as a penalty is recoverable from the Commissioners:

Inasmuch as it is contemplated to introduce a general measure for the better protection of the national telegraphs, and to enlarge the powers of the Postmaster General in relation thereto, this section shall only remain in force for one year from the date of the passing of this Act, and to the end of the then next session of Parliament.

Period for completion of works.

**63.** If the works authorised by this Act are not completed within five years from the passing of this Act, then on the expiration of that period the powers by this Act granted to the Commissioners for making and completing the said works, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Water limits of Act.

**64.** The limits of this Act for the purpose of water supply by the Commissioners shall comprise and include the city and royal burgh of Perth within the parliamentary limits and boundaries

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thereof as the same are defined and described in the Public Act, second and third William the Fourth, chapter 65, and also the district comprised within an area extending one mile in all directions beyond the said parliamentary limits and boundaries; and the limits described in this section are herein-after referred to as "the water limits."

Limits for compulsory supply of water.

**65.** The limits of this Act for the compulsory supply of water by the Commissioners shall comprise and include the city and royal burgh of Perth within the aforesaid parliamentary limits and boundaries thereof, such limits and boundaries being herein-after referred to as "the compulsory water limits."

Domestic supply within compulsory water limits

**66.** The Commissioners shall from time to time, as they think fit, cause pipes to be laid and water to be brought throughout all the streets within the compulsory water limits, and shall at the request of the owner or occupier of any house or part of a house occupied as a separate dwelling, situate within those 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 coach-house and stable, not being for carriages and horses kept for hire, and for any watercloset or closets and fixed bath or baths in such dwelling-house: Provided always, that no person shall be entitled to require the Commissioners to furnish to him a supply of water unless some pipe of the Commissioners shall have been laid within one hundred feet of the outer wall, fence, or boundary of the premises in respect of which such supply is demanded, or, in the case of tenements situated in a close or private place, unless some pipe of the Commissioners shall have been laid within one hundred feet of the entrance to such close or private place, at the nearest part thereof, or unless the Commissioner 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 premises or such entrance as aforesaid, the domestic water rate therein provided for being held for the purposes of the said requisition and agreement to be the rate specified in this Act.

Owner to provide and maintain service pipes, &c.

**67.** For the purpose of providing for the better distribution of the water supply among the inhabitants within the compulsory water limits, the Commissioners may require the owner of any dwelling-house or tenement of dwelling-houses not properly supplied with water, within one hundred feet of the outer wall, fence, or boundary

whereof, or if situate in a close or private place within one hundred feet of the entrance of such close or private place at the nearest part thereof, a pipe or pipes of the Commissioners are laid, to take a supply of water for such house or tenement by connecting a service pipe with the main pipe of the Commissioners in any street, and to provide, lay, and maintain in good and sufficient repair such service pipes, stand-pipes, or taps, cisterns, and other means and apparatus, and in such positions as may be necessary for that purpose; and, in the event of refusal or delay on the part of such owner to comply with such requisition, it shall be lawful for the Commissioners to enter such house or tenement, and premises connected therewith, and to provide, lay, and maintain such service pipes, stand-pipes, or taps, cisterns, and other means and apparatus, and in such positions as shall appear to them to be necessary for the purpose aforesaid, and to recover the expense thereof from such owner in the same manner as rates or penalties are recoverable under this Act: Provided always, that in case of any question or difference arising between the Commissioners and such owner with respect to the number or position of service pipes, stand-pipes, or taps, cisterns, or other means and apparatus necessary for the purpose aforesaid, the same shall be determined and fixed by the sheriff, on summary application by either of the parties, and the decision of the sheriff shall be final, and not subject to appeal or review in any court or by any process whatsoever: Provided also, that for the purposes of this section it shall be lawful for any owner of one or more floors or storeys of any such house or tenement as may be divided into separate floors or storeys either to erect a service pipe in or upon the common staircase, or along the back or side wall of any such house or tenement on the outside, to communicate with the main pipe of the Commissioners in any street, or to carry a service pipe through all or any of the floors or storeys into which such house or tenement may be divided; and the owner of the lowest storey shall permit such service pipe, if necessary, to be carried through and under the same, and all such owners shall at all reasonable times afford access to such floors or storeys for the erection of the service pipe, and for making all repairs necessary thereon, without any claim for compensation; provided that such pipe shall be so erected as to occasion the least possible inconvenience to any such owner, and that any injury done to such floors or storeys shall be forthwith repaired.

Water need not be laid on above certain elevation.

**68.** The Commissioners shall not be bound at any time to lay on the supply of water at any elevation at which the water cannot be supplied by gravitation from the distributing reservoirs.

Water pipes, &c. may be

**69.** The Commissioners may from time to time, subject to the provisions of this Act, extend, vary, enlarge, or increase their

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extended or enlarged.

engines, machinery, wells, tanks, mains, pipes, reservoirs, and other works, in such way and manner as they may think requisite or advisable for supplying water within the water limits: Provided always, that such extension, alteration, enlargement, or increase shall be executed only on lands or property belonging to the Commissioners, or that may be acquired by them by agreement for such purposes.

Supply for domestic purposes beyond compulsory limits.

**70.** The Commissioners shall cause pipes to be laid down and water for domestic purposes to be brought to all places within the water limits beyond the compulsory water limits, whenever they shall be required by so many owners or occupiers of houses or parts of houses occupied as separate dwellings in such part of the district beyond the compulsory water limits as that the aggregate amount of water rates payable by them annually, at such rates as may be fixed by the Commissioners as herein-after provided, shall not be less than one-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 ten successive years at least: Provided also, that no person shall be entitled to a supply of water for any purpose beyond the compulsory water limits when such supply would interfere with the proper supply of water for domestic purposes within the compulsory water limits.

Supply of water to railway companies and general station committee at fixed price.

**71.** From and after the passing of this Act, the Commissioners shall provide and furnish to each of the three companies and to the station committee, at such places within the water limits as such companies and committee respectively shall appoint, and by means of communication pipes, meters, and other necessary and proper apparatus to be provided, laid down, and maintained at the cost of such companies and committee respectively, sufficient supplies of water for the buildings, works, water tanks, engines, and other property belonging to or occupied by them respectively, and for all other purposes for which they may respectively require supplies of water, including the refreshment rooms and hotel, and appurtenances thereof, which are or may hereafter be erected in connexion with the Perth General Station, but excepting other dwelling-houses, upon payment at the rate of fourpence for each quantity of one thousand gallons, as ascertained by meter, which may be so supplied: Provided always, that the total amount payable to the Commissioners by each of the said parties in respect of such supplies shall not in any year be less than the sums following; that is to say, two hundred and thirty pounds by the Caledonian Railway Company, one hundred pounds by the North British Railway Company, one

hundred pounds by the Highland Railway Company, and forty pounds by the station committee, although the quantities of water taken from the Commissioners by the said parties respectively may not in such year be sufficient to yield the said respective sums at the aforesaid rate, unless the Commissioners have failed to supply the said parties respectively with quantities of water sufficient to yield the said respective sums at that rate.

Price so fixed to be in full of all payments, except public water rate.

**72.** In consideration of the payments provided for in the immediately preceding section of this Act, the three companies, and each of them, and the station committee, and the lands and heritages belonging to and occupied by them respectively (including and excepting as in the immediately preceding section of this Act), shall be exempt from the domestic water rate herein-after authorised, and from all other rates and payments under this Act, except the public water rate of one penny in the pound of the annual value, according to the valuation roll of the lands and heritages belonging to them respectively, within the compulsory water limits other than lines of railway and railway sidings: Provided always, that the said exemption shall only exist so long as the said lands and heritages remain the property of the three companies, or any of them, or of the station committee.

Railway companies and station committee may take supplies of water elsewhere.

**73.** Nothing in this Act contained shall prevent the three companies, or any of them, or the station committee, from taking supplies of water otherwise than from the Commissioners; but they shall, nevertheless, pay the sums and rates by this Act provided to be paid by them as if they took no such other supplies.

Commissioners may contract for supply of water.

**74.** The Commissioners may from time to time enter into contracts with any public or local bodies, person or persons, for the supply by the Commissioners, either within or beyond the water limits, of water to or for such public or local bodies, person or persons respectively, in bulk or otherwise, on such terms and conditions as may be agreed upon.

Commissioners may supply water for other than domestic purposes.

**75.** The Commissioners may, if they see fit, furnish to any person within the water limits a supply of water for boilers, steam engines, or other machinery, or for railway purposes, or for warming or ventilating any dwelling-house or other premises, or for working any machine or apparatus, or for cattle, or for horses, or washing carriages, where such horses or carriages are kept for hire or are the property of a dealer, or for gardens, fountains, or ornamental purposes, or for flushing sewers or drains, or for any trade or manufacture or manufacturing purpose, or for any other purpose not domestic; and such supplies respectively may, where no special rate is provided by this Act, be furnished at such rates and upon such

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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 rate for such supply of water shall be uniform to all persons in the same circumstances and requiring the same extent of supply.

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

**76.** Every pipe, 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 and return of foul air or other noisome or impure matter into the pipes or mains of the Commissioners, or into any pipes connected or communicating therewith; and notwithstanding anything in "The Waterworks Clauses Act, 1847," or in this Act contained, the Commissioners shall not be bound to supply water into any pipe, cistern, or other receptacle for water, closet, soil pan, or private bath which shall not be so constructed and used.

Provisions as to common pipes.

**77.** Where there shall be in any building or part of a building within the water limits a common pipe, the supply through and from which pipe shall be used by or shall be accessible to the various occupiers of such building or part of a building as aforesaid, nothing in this Act contained shall render it obligatory upon the Commissioners to give or continue a supply of water through or from such common pipe, unless the several water rates and charges which may be payable under the provisions of this Act to the Commissioners, in respect of the supply of water through such common pipe to such building and every part thereof, shall first have been paid to the Commissioners by the owner or occupiers of such building or part of a building as aforesaid.

Repairs or renewal of pipes and other apparatus.

**78.** If it shall be found that in any house, building, or premises in which water is supplied by the Commissioners, waste, misuse, or pollution of water arises from or is caused by any mode of arrangement or using of any pipes, valves, cocks, cisterns, waterclosets, or other apparatus, it shall be lawful for the Commissioners to require the owner and occupier of such building or premises, within a period to be specified in such requisition, not being less than two days after the date thereof, to repair or alter such pipes, valves, cocks, cisterns, waterclosets, or other apparatus, so as to prevent any such waste, misuse, or pollution: Provided always, that should such repair or alteration be required in any building or part of a building owned or occupied by several persons, the expense of such repair or alteration shall be defrayed by such persons in proportion to their respective rents or annual value, as the same may be ascertained from the police

assessment books of the burgh, or otherwise, and in case of dispute among the parties, or any of them, relative to their proportion of such expense, the same shall be determined by one of the magistrates of the burgh: Provided also, that in the event of the expense of such repair or alteration being paid by the occupier of any such building or premises, he shall be entitled to recover such expense from the owner thereof, or to deduct the same from his rent.

Power to Commissioners to supply water for cleansing sewers.

**79.** The Commissioners shall be entitled to supply water, free of charge, for the purpose of flushing and cleansing the drains and sewers, watering the streets, and extinguishing fires within the compulsory water limits, and for the use of such public baths and wash-houses as may be erected for charitable and sanitary purposes: Provided that the supply of water for domestic purposes shall be sufficiently maintained before the Commissioners shall supply water for public or sanitary purposes.

Price of water may be ascertained by measure.

**80.** The Commissioners may agree with any person for supplying him with water by measure, and may require any person supplied with water for other than domestic purposes to take and pay for his supply by measure. In both cases a meter for ascertaining the quantity consumed shall be provided by the Commissioners at a reasonable rent.

Apparatus to be approved by the manager of the Commissioners.

**81.** All the apparatus used or to be used for conveying and supplying water to the houses of the inhabitants, and manufactories or other premises supplied or to be supplied with water under the provisions of this Act, shall be subject to the approval of the manager or other person appointed by the Commissioners.

Byelaws with respect to the supply of water.

**82.** It shall be lawful for the Commissioners to make byelaws for the prevention of waste, misuse, or undue consumption of water within the water limits, and to impose such penalties for breaches of such byelaws, not exceeding forty shillings for each offence, as may be considered expedient, and from time to time as they shall think fit to repeal, alter, or re-enact any such byelaws; but no such byelaw shall have effect until confirmed by the sheriff.

Public fountains, &c. to be supplied with water.

**83.** The Commissioners shall at all times keep properly supplied with water, free of charge, all such drinking fountains, drinking troughs, stand-pipes, or public urinals, as may be erected by the police commissioners within the compulsory water limits.

Commissioners to estimate annual sums required.

**84.** The Commissioners shall be bound, and they are hereby authorised and required, once in every year to estimate and fix the amount of money necessary to be levied for the purpose of defraying the costs, charges, and expenses of supplying the district within the compulsory water limits with water for and during the year then

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current, under which shall be comprehended the payment of the interest of any money to be borrowed under the provisions of this Act, as well as any sum of money which shall be set apart and applied each year as and for a sinking fund as herein-after provided, and the salaries, wages, and other expenses of any engineers, surveyors, clerks, collectors, or other officers or servants employed by them, and all other charges and expenses chargeable against revenue.

Commissioners may levy rates for supply of water.

**85.** In order to raise a sum of money sufficient for the purposes aforesaid, it shall be lawful for the Commissioners to assess and levy within the compulsory water limits rates to be called respectively "The Domestic Water Rate" and "The Public Water Rate," and to be assessed and levied upon the persons and property and in the manner herein-after specified.

Rates for supply beyond compulsory water limits.

**86.** It shall be lawful for the Commissioners to charge for or in respect of a supply of water for domestic purposes to any houses or parts of houses occupied as separate dwellings beyond the compulsory water limits, but included within the water limits, such rates as may from time to time be agreed on by the Commissioners and the owners or occupiers of such houses or parts of houses.

Rates vested in the Commissioners.

**87.** The several rates from time to time made or receivable under this Act by the Commissioners are by this Act vested in the Commissioners, and shall be payable when and as they appoint, and to the collectors and other persons whom they appoint to receive the same.

Domestic water rate to be levied.

**88.** Subject to the provisions of this Act, the Commissioners are hereby authorised and required once in every year to assess and levy the domestic water rate upon and from the occupiers of all lands and heritages (except those belonging to or occupied by the three companies, or any of them, or the station committee, in so far as herein-before exempted from the said rate) within the compulsory water limits, according to the full annual value thereof as appearing in the valuation roll in force therein for the time being: Provided always, that the rate leviable on buildings or parts of buildings appropriated and occupied as shops, warehouses, mills, manufactories, counting-houses, chambers, or offices of any description shall not exceed one half of the rate per pound which may for the time being be levied on other lands and heritages: Provided also, that as regards all persons who shall be the occupiers of any such lands or heritages (other than tenements situate in a close or private place) they shall not be liable to be assessed in respect thereof for the said domestic water rate, unless some pipe of the Commissioners shall be laid down within one hundred feet of the outer wall or fence or boundary of the same; and that as regards

the occupiers of tenements situate in a close or private place they shall not be liable to be assessed in respect of such tenements for the said rate, unless some pipe of the Commissioners shall be laid down within one hundred feet of the entrance of such close or private place: Provided further, that no occupier, the under storey of whose dwelling-house is situate at a higher level than that at which the Commissioners can supply water thereto by means of their distributing reservoirs, shall be liable to the said rate in respect of such dwelling-house and property belonging thereto or occupied therewith; and that no occupier of premises so situated which are not supplied with water by the Commissioners shall be liable to the said rate in respect of such premises.

Public water rate to be levied.

**89.** Subject to the provisions of this Act, it shall also be lawful for the Commissioners, and they are hereby authorised and required, once in every year to assess and levy upon and from the owners of all lands and heritages within the compulsory water limits, except lines of railway and railway sidings, the public water rate of one penny in the pound of the full annual value of all such lands and heritages, according to the valuation roll in force therein for the time being.

Rates to be regulated by annual expenditure, and provision for sinking fund.

**90.** The Commissioners shall during each current year so regulate the rates to be levied for the supply of water under the provisions of this Act that the amount of such rates, with the aid of the public water rate, shall be sufficient to pay the interest on money borrowed for the purposes of this Act, together with all the charges and expenses herein-before specified with regard to the estimate of costs, charges, and expenses of supplying the compulsory water limits with water for and during the year then current, including such sum as the Commissioners shall set apart for the purpose of the sinking fund; and if in any year the amount received shall be more than sufficient for all the purposes aforesaid, the Commissioners shall make a corresponding reduction in the water rate or water rates to be in the next year assessed and levied.

Assessment of rates.

**91.** Subject to the provisions of this Act, the Commissioners may assess any rate by this Act authorised to be levied 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 fifteenth day of May in each year to the fifteenth day of May in the year following, and shall be payable in advance at such place or places, on such days and within such hours, as the Commissioners shall appoint; and the said rates, or any of them, when assessed upon owners, may be levied by the Commissioners from the occupiers of the lands or heritages in respect of which the same are payable; and every such occupier shall be

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entitled to deduct the rates so paid by him out of the rent due or becoming due by him to any such owner.

Mode of ascertaining rental of property to be assessed.

**92.** The Commissioners may estimate and fix the real rent or full annual value of the lands and heritages liable to "the domestic water rate" and "the public water rate" respectively by the valuation thereof as appearing in the valuation roll: Provided always, that where the said valuation of any lands or heritages includes other property than that subject to assessment, or otherwise does not afford the means for assessing the said rates, or either of them, in terms of this Act, the same shall be assessed by the Commissioners in such manner as shall in their opinion be just.

Unoccupied premises may be included in rates.

**93.** When any premises, in respect of which any person may be liable to be assessed to any 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 such rate appropriated to the name of occupier as being "unoccupied"; and if any person shall afterwards occupy such premises 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 person, 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 premises, 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: Provided always, that any such person whose name shall be so inserted in such rate or the rate book of the Commissioners, and such owner as last aforesaid, may appeal against the same to the Commissioners or to the sheriff: Provided also, that except as aforesaid no rate leviable under this Act shall be payable by any person whatsoever in respect of unoccupied premises.

Owner may be rated without stating his name.

**94.** If the name of an 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, after due inquiry, 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.

**95.** Every such rate shall be fairly transcribed in a book to be kept for that purpose, and may be in the form of the First Schedule 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, failing which the rate will be held to be correct.

Rate to be open to inspection of ratepayers.

**96.** The proposed 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 rate without paying anything for the same, and any person having the custody of such rate who refuses or does not permit any person so interested or rated as aforesaid to take copies or extracts from such rate shall for every such offence be liable to a penalty not exceeding five pounds.

Rates may be amended.

**97.** The Commissioners may from time to time amend any 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 the Commissioners 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 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 the rate book and no such alteration had been made, and as respects such person the rate shall be considered to have been assessed at the time when he received notice of such alteration, and every person whose rate is altered shall be entitled to seven days notice of such alteration before the rates shall be payable by him, and if not appealed against within the said seven days it shall be held to be correct.

Any person aggrieved may lodge objections and be heard.

**98.** If any person shall consider himself to be improperly or unduly rated, he may, within fourteen days from the date of the notice being given of such rate, lodge with the collector written objections signed by him, and the Commissioners, or a committee named by them, shall proceed on such days and at such places as shall be fixed by them, and of which notice shall be given to every such person by the collector not less than forty-eight hours previously, to consider such objections, and shall dispose thereof.

Appeal to sheriff against rates.

**99.** If any person who shall have lodged objections as aforesaid shall think himself aggrieved by the determination of the Commissioners or their committee, he may appeal to the sheriff within fourteen days after the date of such determination, and the sheriff shall thereupon summarily call before him the clerk to the Commissioners, or the collector, and such person, and shall, without written

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pleadings, inquire into and decide all disputes and questions competently raised by such appeal, and may, if he see cause, award expenses to either party.

Decision of sheriff to be final.

**100.** It shall not be lawful for any person to object to or resist payment of any rate of which he has received notice as aforesaid, except by lodging objections with the collector, and thereafter appealing to the sheriff in manner herein-before provided, and the determination of the Commissioners or their committee, if not appealed from, or the decision of the sheriff on appeal, shall be final, and shall not be subject to suspension, reduction, advocation, or appeal, or to any other form or stay of execution.

As to rates within the limits of Act of 1829.

**101.** Whereas the increased supply of water will not benefit persons within the limits of the Act of 1829 to the same extent as persons beyond such limits, and it is therefore just and expedient that the Commissioners should be empowered to levy for a time a differential rate for the domestic supply of water in manner hereinafter mentioned: The Commissioners, notwithstanding anything herein-before contained, shall be entitled to levy the domestic water rate upon or from the occupiers of the lands and heritages within the limits of supply of the Act of 1829, according to the full annual value thereof, as herein-before provided for, only to the extent of two thirds of the domestic water rate for the time being levied upon and from the occupiers of lands and heritages beyond such limits: Provided always, that the domestic water rate within the limits of the Act of 1829 shall not fall below sevenpence in the pound in the case of dwelling-houses, and threepence halfpenny in the pound in the case of buildings or parts of buildings appropriated or occupied as shops, warehouses, mills, manufactories, counting-houses, chambers, or offices of any description, until a domestic water rate at these amounts levied over the whole compulsory water limits under this Act shall, together with the other rates authorised by this Act, exceed the sum required to meet the several payments specified in section 125 of this Act, when the differential rate hereby authorised shall cease and determine, and the rates levied over the whole compulsory water limits shall be and remain uniform in amount in all time thereafter.

Commissioners may arrange for the assessment and collection of rates.

**102.** The Commissioners may from time to time agree and determine with any officers, having the charge and collection of any other rates and assessments within the limits of this Act, for the assessment and collection of the several rates authorised 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 assessment and collection thereof in the most satisfactory and economical manner.

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Recovery of rates.

**103.** It shall be lawful for the collector in his own name, but on behalf and at the risk and expense of the Commissioners, to recover any arrears of rates due by any person or by any number of persons, either according to the ordinary procedure before any competent court, or by obtaining from the sheriff or magistrates a summary warrant to recover such arrears, with the addition of ten per centum thereon in lieu of any costs which have been or may require to be incurred from the person or persons respectively liable in payment of the same, which warrant the sheriff or magistrates shall grant on production of an extract from the rate, made up, in pursuance of the provisions herein-before contained, of the entries therein relating to such person or persons, showing the amounts respectively due by him or them, and a certificate by the collector that he had given to such person or persons a special or second notice requiring him or them to make payment of the amount due by him or them within fourteen days thereafter, that such period had expired, and that the said amount had not been paid, and was still truly due; and such warrant shall authorise the collector to cause any messenger-at-arms, sheriff officer, or officer of court to enter into the premises of the person or persons so in arrear, and poind, seize, remove to a place of safety, or otherwise secure any goods and effects therein belonging to or in the lawful possession of such person or persons, or so much thereof as will fully satisfy the arrears due by him or them respectively, with the addition of ten per centum thereon in lieu of costs, and shall also authorise the collector after the lapse of four days, in the event of nonpayment of the said arrears and costs, to cause any messenger-at-arms, officer of court, sheriff officer, or licensed auctioneer to sell and dispose of the said goods and effects, and shall further authorise the collector, on receiving payment of the price of the said goods and effects, to apply the same in payment of the said arrears and addition of ten per centum thereon respectively due by such person or persons, and also in payment of the expenses attending the sale: Provided always, that if any person who has been required to make such payment shall, before the day on which such warrant is to be applied for, give notice to the collector that he objects to the amount which he is required to pay, the collector shall not be entitled to include such person in the summary warrant so to be applied for, but may proceed against him by summons in ordinary form for the recovery of the said arrears, with all costs of recovering the same.

Assessments, &c. to be recoverable beyond limits of Act.

**104.** In case any person liable to payment of any of the assessments or rates authorised to be levied under and in virtue of the provisions of this Act shall remove to any place beyond the compulsory water limits, it shall, nevertheless, be lawful for the Com-

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missioners and the collector or other officers to put the decrees and warrants which may be granted for the recovery of such assessments or rates in manner before mentioned into execution within or beyond such limits in the same manner as if such person had continued to reside within such limits, such decrees or warrants being first endorsed by a magistrate or sheriff or justice of the peace for the burgh or county within which they are to be put into execution.

Regulating sales of effects for payment of assessments.

**105.** Every sale which shall take place in pursuance of the provisions herein-before contained shall be conducted by public auction, and on such notice and at such place as the sheriff or magistrates who shall grant the warrant may direct, or failing such direction, as the collector may fix.

Collector to account for surplus proceeds of such sales.

**106.** The collector shall account to the owner of any goods and effects which are sold in pursuance of the provisions herein-before contained for any surplus which may remain after applying the proceeds of sale in payment of the said arrears and addition of ten per centum thereon due by him and expenses of sale, and shall for a period of three months after the date of every sale preserve evidence of the amount of such proceeds.

Providing appeal against any oppressive proceedings of collector.

**107.** The owner of any goods and effects which shall have been either poinded or sold in pursuance of the provisions herein-before contained, and who shall consider himself aggrieved by any proceeding under such warrant, may present a petition to the sheriff or magistrates who granted the warrant, and the sheriff or magistrates shall thereupon summarily call before him or them the party complained of and such petitioner, and without written pleadings shall inquire into and decide any dispute, question, or claim of damage raised by such petition, and in addition to the award of damages (if any) may award expenses to either party; and the decision of the sheriff or magistrates on any such dispute, question, or claim shall be final and not subject to suspension, reduction, advocation, or appeal, or to any other form of review or stay of execution.

Owners of houses to be liable for rates in certain cases.

**108.** The owner as well the occupier shall be liable for the payment of the domestic water rate for and in respect of every dwelling-house or part of a house used as a dwelling-house, or other premises, the annual value of which shall not exceed the sum of four pounds, and also for and in respect of every dwelling-house or part of a house used as a dwelling-house, or other premises, which shall be let for a term of occupation less than twelve months; and the powers and provisions in this Act contained for the recovery of the domestic water rate from occupiers shall be construed to apply also to the owners of such houses and premises; and the person receiving the

rent of any such house or premises as aforesaid from the occupier thereof, on his own account, or as agent or factor for any person interested therein, shall for the purpose of this section be deemed the owner; provided that where any owner pays any domestic water rate under the provisions of this section he shall be entitled to recover the same from the occupier, or from the occupiers if more than one, in the proportions in which they are respectively liable.

Rate books to be evidence.

**109.** In any proceeding to levy and recover, or consequent on the levying or recovering of any rate under the provisions of this Act, the rate book of the Commissioners, and all entries made therein in manner by this Act directed, on the production thereof alone, and without any evidence that the notices or other requirements of this Act have been given or complied with, shall be received as primâ facie evidence of such rate and of the amount thereof.

Notice of rate to be given.

**110.** Notice of every rate made under this Act having been made, and of the place where the rate is deposited, shall be given by the Commissioners by placards posted in some public places within the burgh, but it shall not be necessary in any case to prove that such notice has been given.

Appointment of auditor.

**111.** In the month of January of the year one thousand eight hundred and seventy-eight, and of every year thereafter, the Commissioners shall make application to the sheriff for the appointment by him for the financial year or period then current of an auditor (being a person well skilled in accounts, and not being one of the Commissioners, or holding office under them) to audit and docquet the accounts of the Commissioners, and such auditor shall be allowed such reasonable remuneration for his time, trouble, and responsibility as may be agreed upon between him and the Commissioners, or as in case of difference shall be fixed by the sheriff, and in case the office of such auditor shall before such accounts have been audited by him become vacant by death, or from any other cause, the Commissioners shall make application to the sheriff for the appointment by him of an auditor to supply such vacancy, and the whole books, accounts, vouchers, and documents of the Commissioners shall be laid before the auditor for the purposes of such audit.

Power to borrow.

**112.** The Commissioners from time to time, under the authority of this Act, may borrow at interest all such sums as they think requisite for the purposes of this Act, not exceeding in the whole thirty-five thousand pounds, on the security of the rates and charges by this Act authorised, and may mortgage the same accordingly;

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and if after having borrowed the sums of money by this Act authorised, or any part thereof, the Commissioners shall pay off the same or any part thereof otherwise than by means of the sinking fund herein-after mentioned, it shall be lawful for the Commissioners again to borrow the amount so paid off, and so from time to time.

Forms of mortgage and transfer.

**113.** Every mortgage to be granted by the Commissioners, and every assignation or transfer of such mortgage, shall be by deed duly stamped, in which the consideration shall be truly stated, and may be respectively in the forms contained in the Second and Fourth Schedules to this Act, or to the like effect.

Mortgages may be accompanied with interest warrants.

**114.** It shall be lawful for the Commissioners to issue along with any such mortgage, and during the period of any postponement of the term of payment thereof, interest warrants in the form contained in the Third Schedule to this Act, or to the like effect, signed by the treasurer, for the periodical payment of the interest to become due on the principal sums thereby secured during the period for which such mortgage is intended to subsist; and the delivery to the Commissioners or their treasurer, or to any person on their behalf, of any such interest warrant, duly stamped as a receipt, shall be a valid and sufficient discharge to the Commissioners for the interest in respect of which the same was issued.

Commissioners may borrow on credit of a cash account.

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

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

**116.** Every mortgage to be granted by the Commissioners may be partly in writing and partly printed, and shall be signed by at least two of the Commissioners and the treasurer, and all drafts or orders on the cash account before mentioned shall be signed by any two of the Commissioners authorised so to do, and by the treasurer: Provided always, that no Commissioner or treasurer

shall by his subscription of any such mortgage, draft, or order be or be held to have rendered himself individually or personally liable for the payment of any money so borrowed, drawn, or received, or any interest thereon, or of any sums whatsoever in respect thereof.

Sinking fund.

**117.** The Commissioners shall and they are hereby required annually, after the expiration of five years from the passing of this Act, to set apart as a sinking fund from and out of the moneys received by them under the authority of this Act (other than money borrowed) such an anuual sum as shall by accumulation, with compound interest thereon at the rate of four per centum per annum, be sufficient to pay off in fifty years the whole of the principal moneys borrowed for the purposes of this Act; and such sinking fund shall be from time to time applicable to the redemption of the mortgages and money borrowed on cash credit or cash account under the authority of this Act: Provided that in the event of the Commissioners being able to borrow money on more favourable terms, by obliging themselves to repay the principal moneys within any shorter term than fifty years, they shall have power to do so, anything to the contrary herein notwithstanding.

Protection of lender from inquiry.

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

Application of money raised and borrowed.

**119.** The several sums raised and borrowed by the Commissioners on mortgage or on cash credit or cash account under the authority this Act shall be applied for the purposes of this Act.

Arrears may be enforced by appointment of judicial factor.

**120.** In the event of any interest to the amount of one hundred pounds, or of any principal moneys to the amount of one thousand pounds due on any mortgage or mortgages of the Commissioners, not being paid within one month after the same shall have become due, and after demand thereof in writing, it shall be lawful for the holder or holders of such mortgages to render his or their 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 authorised and required on such application being made 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 sums due with interest and expenses shall have been paid, 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

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in lieu of payment, and such consignation be made accordingly; and the interlocutor making such appointment shall not be subject to review or appeal.

Powers and duties of judicial factor.

**121.** 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 rates and charges by this Act authorised to be levied, and managing and maintaining the undertakings, works, and property to be vested in or to be acquired or constructed by the Commissioners under the provisions of this Act, and the Commissioners shall deliver 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 payment therefrom; and such judicial factory shall continue not only until all arrears of mortgages due at the date of the appointment of such judicial factor, and all interest due thereon, and any interest 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 also until any half year's interest 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 banks in Scotland incorporated by Act of Parliament or royal charter; and upon payment and consignation as aforesaid of such mortgages, 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, who may recall such appointment accordingly.

Mortgages to be personal estate.

**122.** All mortgages to be granted by the Commissioners under the authority of this Act, and all money to be advanced and lent on the security of the rates and charges leviable by them, shall be movable or personal estate, and transmissible as such, and shall not be of the nature of heritable or real estate.

Discharge of mortgages.

**123.** Any person entitled to any mortgage granted by the Commissioners under the authority of this Act may discharge the same, and his right and interest therein, in favour of the Commissioners, and every such discharge may be written, or partly written and partly printed, on the mortgage, and may be according to the form contained in the Fifth Schedule to this Act, or to the like effect, and such discharge, when signed by the person entitled to such mort-

gage and duly stamped, shall be valid and effectual to all intents and purposes.

Water account to be kept.

**124.** The treasurer shall keep a separate and distinct 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.

Application of revenue.

**125.** Subject to the provisions of this Act, the Commissioners shall apply all moneys from time to time received by them under the powers of this Act (not being money raised by borrowing, for the application of which provision is herein-before made) in manner and order following, and not otherwise; (that is to say,)

(First.) In payment of the expenses of managing and maintaining the undertaking, including therein all expenses of and incidental to the raising, levying, and recovering of rates, rents, charges, and revenues, and the borrowing of moneys for the purposes of this Act, and in payment of any feu duties, ground annuals, or other charges exigible in respect of any lands or property required for the purposes of the undertaking:

(Secondly.) In payment of interest of money borrowed under the authority of this Act:

(Thirdly.) In setting apart annually the sinking fund for paying off the money borrowed under the authority of this Act:

(Fourthly.) In carrying the powers and provisions of this Act into execution:

(Fifthly.) The surplus (if any) from time to time shall be so applied as to facilitate the reduction of the domestic water rate when circumstances shall permit the same to be done.

Application of penalties.

**126.** All penalties and forfeitures exigible under this Act from any person or body other than the Commissioners shall be payable to the Commissioners, and shall, when recovered, be applied by them to the purposes of this Act.

Providing for transfer of powers to Police Commissioners.

**127.** Whereas the provisions of "The General Police and Improvement (Scotland) Act, 1862," have been adopted and are now in force within the burgh:

At any time after the thirteenth day of September one thousand eight hundred and seventy-eight, the Police Commissioners may, at any meeting called specially for the purpose, resolve that it is expedient that the whole powers and authority vested in the Commissioners should be transferred to the Police Commissioners; and if such resolution is come to the same shall be published in the "Edinburgh Gazette," and thereupon the

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Commissioners shall be dissolved, and the whole powers, rights, privileges, and authority of every kind vested in the Commissioners, and whether conferred on them by this or any other Act of Parliament, and standing unrepealed, shall be and the same are hereby transferred to and vested in the Police Commissioners, who shall thenceforward, as part of their ordinary business, and according to the rules by which the conduct of such business is regulated, exercise and enjoy the whole powers, rights, privileges, and authority aforesaid, and perform the whole duties and obligations and fulfil all contracts incumbent on the Commissioners; and in construing this Act the expression "the Commissioners" shall be read as if the expression "the Police Commissioners" had been inserted instead thereof:

From and after the publication of such resolution as aforesaid, the whole lands, houses, rents, assessments, claims, demands, rights, properties, and effects of every kind, heritable or movable, real or personal, belonging to or vested in the Commissioners or in any other person on their behalf under this Act, or otherwise howsoever (but subject in each case to any liabilities to which the same or the Commissioners may be legally liable), shall become vested in and shall belong to the Police Commissioners for the purposes of this Act as fully and effectually to all intents and purposes as if the same had been formally and particularly conveyed to and vested in the Police Commissioners, with full power, right, and authority to levy, adjudge, sue for, and recover the same:

All bonds, assignments, leases, grants, conveyances, or other deeds or securities that may have been, prior to the publication aforesaid, made or granted by the Commissioners under the authority of this Act, or under any other Act of Parliament or legal authority, shall respectively be as good, valid, and effectual to all intents and purposes as if the same had been made or granted by the Police Commissioners, and shall be binding upon them; and all debts contracted and all lawful contracts and agreements entered into, and all obligations undertaken by the Commissioners shall remain valid and binding upon the Police Commissioners as if the same had been contracted, entered into, and undertaken by them under the authority of this Act:

Every rate and assessment which shall have been authorised to be collected and levied by virtue of this Act or any other Act, prior to the publication aforesaid, together with all arrears of the same, shall, after such publication, continue to be due and payable, and shall and may be collected and levied by such

ways and means, and under such restrictions and regulations, as the same might have been collected and levied by the Commissioners, and shall be received and applied by the Police Commissioners to and for the purposes for which such rate and assessment were imposed; and all debts and penalties incurred and due under this Act from any person shall and may be demanded and recovered from such person, and received and applied by the Police Commissioners for the purposes of this Act:

Upon and after such transfer as aforesaid, the several persons holding offices under or who may be employed by the Commissioners shall continue to exercise their offices until they shall respectively be lawfully displaced or removed by the Police Commissioners, or be incapable of executing their offices; and so long as such officers continue to fulfil the duties previously pertaining to their offices, the salaries and remuneration of such officers in respect of such duties shall be paid out of the rates and assessments authorised by this Act: Provided always, that no contract shall be entered into by the Commissioners with any officer employed by them for a longer period at any one time than one year.

Expenses of Act.

**128.** All costs, charges, and expenses of and incident to the preparing for, obtaining, and passing this Act, or otherwise in relation thereto, shall be paid by the Commissioners out of the money to be borrowed under the authority of this Act.

A.D. 1877.

# SCHEDULES referred to in the foregoing Act.

## THE FIRST SCHEDULE.

### Form of Rate.

An Assessment to the Domestic Water Rate [*or Public Water Rate, as the case may be*] for the city and royal burgh of Perth for the year from the day of 18 , to the day of 18 , at the rate of in the pound.

| Number in the Rate Book. | Description of Property. | Name of Proprietor. | Name of Occupier. | Yearly Rent or Value. | Amount of Assessment. |
|---|---|---|---|---|---|
| | | | | | |

## THE SECOND SCHEDULE.

### Form of Mortgage.

Mortgage No. £

By virtue of "The Perth Water Act, 1877," we, the Waterworks Commissioners of Perth, in consideration of the principal sum of [*specify amount*] paid by [*name and designation of mortgagee*] to the treasurer to the said Commissioners for the purposes of the said Act, do hereby grant and assign to the said [*name of mortgagee*], and his executors, administrators, and assignees [*or, as the case may be*], such proportion of the several rates and charges to be levied by the said Commissioners under the authority of the said Act as the said sum of [*specify amount*] doth or shall bear to the whole sum which is or shall be borrowed upon the credit of the said rates and charges, to hold to the said mortgagee and his foresaids until the said principal sum and whole interest due thereon shall be fully paid and satisfied; and it is hereby stipulated that the

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

Signed by two of the Commissioners and the treasurer. L.S.

## THE THIRD SCHEDULE.

### Form of Interest Warrant.

Mortgage No. .

Dated 18

Interest Warrant.

For pounds shillings and pence, £

Less Income Tax - -

£

Payable on 18 at the

Treasurer.

## THE FOURTH SCHEDULE.

### Form of Transfer of Mortgage.

I, *A.B.*, of , in consideration of the sum of paid to me by *C.D.*, of do hereby transfer to the said *C.D.*, his executors, administrators, and assignees, a certain mortgage, number , granted by the Waterworks Commissioners of Perth, under "The Perth Water Act, 1877," bearing date the day of , in favour of *E.F.*, for securing the sum of and interest [*or, if such transfer be by indorsement*, the within security], and all my right, estate, and interest in and to the rates, charges, or other moneys thereby assigned. In witness whereof [*testing clause according to the law of Scotland*].

## THE FIFTH SCHEDULE.

### Form of Discharge.

Received from the treasurer to the Waterworks Commissioners of Perth, acting on their behalf, the sum of being the principal sum contained in the within mortgage (all interest due thereon having been previously paid), and the said mortgage is now delivered up as paid.

Dated this day of one thousand eight hundred and

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