ANNO UNDECIMO

VICTORIÆ REGINÆ.

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Cap. viii.

An Act for the better supplying with Water the Royal Burgh of *Stirling* and Suburbs thereof.

[9th *June* 1848.]

WHEREAS the Royal Burgh of *Stirling* and Suburbs thereof are not at present sufficiently supplied with Water, and the making of Waterworks for supplying the same would be of great Benefit, but the same 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, That the following Acts of Parliament, (that is to say,) "The Commissioners Clauses Act, 1847," "The Lands Clauses Consolidation (*Scotland*) Act, 1845," and "The Waterworks Clauses Act, 1847," shall, save as varied or altered by this Act, be incorporated with and form Part of this Act.

8 & 9 Vict. c. 19. and 10 & 11 Vict. cc. 16. & 17. incorporated with this Act.

Short Title.

II. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments and Parliamentary Notices, it

shall be sufficient to use the Expression "The *Stirling* Waterworks Act, 1848."

Limits of Act.

III. And be it enacted, That the Limits of this Act shall comprise and include the Royal Burgh of *Stirling* and Suburbs thereof, so far as situate on the South Side of the River *Forth*, (excepting those Parts lying beyond a Line drawn Three hundred Yards to the Eastward of the Stream called the *Easter Burn*,) the *Castle Hill* of *Stirling*, so far as without the Royalty of the said Burgh, the Lands of *South Field* (except *South Lodge* and *Randolph Field*) in the Parish of *Stirling*, and *Allan Park*, *Port Street*, and other Buildings erected on the Piece of Ground known by the Name of *Allan's Croft*, in the Parish of *Saint Ninians*, all in the County of *Stirling*.

Number of Commissioners.

IV. And be it enacted, That the Number of Commissioners for the Purposes of this Act shall be Thirteen.

Appointment of first Commissioners.

V. And be it enacted, That the Provost of the said Burgh for the time being, *John Dick* and *Patrick Graham Morison*, Two of the Bailies of the said Burgh, and *James Burden*, *Robert Smith*, *James Robb*, and *Alexander M'Donald*, Four of the Town Councillors of the said Burgh, *Ebenezer Bow*, *William Hutton Forrest*, *Alexander Lachlan Moodie*, *William Rankin*, *John Sawyers*, Writer, and *David Yellowlees*, shall be and they are hereby appointed the first Commissioners for putting this Act into execution, from the Date of the passing thereof to the Time herein-after prescribed for the first Election of Commissioners by the Rate-payers, under the Provisions herein-after contained.

Duties of Commissioners.

VI. And be it enacted, That the Commissioners herein-before named, and their Successors, to be appointed or elected or substituted as herein-after mentioned, shall be the Commissioners for the Purposes of this Act, and for making and maintaining the Waterworks and all Works and Conveniences which they may deem necessary for such Purposes, subject to the Provisions contained in this Act, and in the Acts incorporated herewith, and shall be called "The *Stirling* Waterworks Commissioners;" and the Provost of *Stirling* for the Time being shall be the Chairman of the Commissioners.

Future Commissioners.

VII. And be it enacted, That the future Commissioners for the Purposes of this Act shall be the Provost of the said Burgh for the Time being, Six Members of the Town Council of the said Burgh, and Six Persons to be elected at the Times and in the Manner after mentioned.

Qualification of Commissioners.

VIII. And be it enacted, That every Person rated on House Property for the "Public Water Rate" in respect of any such Property of the yearly Rental of Ten Pounds at the least, and who shall have paid all such Rates as may have been due and payable by him under this Act at or before the Term of *Whitsunday* preceding the annual Election of Commissioners for the Time, shall be qualified to be elected a Commissioner under this Act.

IX. And

Election of Commissioners by the Town Council.

IX. And be it enacted, That the Magistrates and Town Council of the said Burgh shall, at their Meeting held for the Election of Magistrates and other Office Bearers of the said Burgh in the Month of *November* One thousand eight hundred and forty-nine, nominate and appoint Six Members of the Town Council of the said Burgh to be Commissioners under this Act, along with the Provost of the said Burgh, and the other Persons to be elected in manner herein-after mentioned; and at every such Meeting to be held for the Purposes aforesaid in every succeeding Year the said Magistrates and Town Council shall nominate and appoint Two Members of the said Town Council to be Commissioners in lieu of the Commissioners appointed by them, and going out of Office by Rotation under the Provisions of this Act.

Rotation of Commissioners appointed by the Town Council.

X. And be it enacted, That at the Meeting to be held for the Purposes aforesaid in the Year One thousand eight hundred and fifty One Third of the first Six Commissioners nominated and appointed by the said Magistrates and Town Council as aforesaid shall go out of Office, and at the next Meeting to be held for the same Purposes in the Year thereafter another Third of such Commissioners shall go out of Office, and at the next of such Meetings the Remainder of such Commissioners shall go out of Office, and in every Year thereafter One Third of the Commissioners appointed by the said Magistrates and Town Council, being those who have been longest in Office, shall go out of Office; and the Order of the Rotation of the said Six Commissioners shall be determined by the said Magistrates and Town Council within One Month after the Date of the Meeting at which the said Six Commissioners shall have been nominated and appointed as aforesaid.

Vacancies may be supplied.

XI. And be it enacted, That if any Commissioner appointed by the said Magistrates and Town Council shall cease to be a Town Councillor, or shall die, or resign, or be disqualified, or cease to be a Commissioner from any other Cause than going out of Office by Rotation, the said Magistrates and Town Council, if they think fit, may, at any Meeting of the said Magistrates and Town Council, and within One Month from the happening of such Vacancy, nominate and appoint another Member of the said Town Council to be a Commissioner in his Place; and every Commissioner so nominated and appointed shall continue in Office only so long as the Person in whose Place he is appointed would have been entitled to continue in Office.

Meetings for Election of Commissioners by Rate-payers.

XII. And for the Purpose of electing Commissioners from Time to Time by Persons, Rate-payers under this Act, and qualified to vote at such Elections, be it enacted, That the first Meeting of such Persons shall be held in the Year One thousand eight hundred and forty-nine on the first *Tuesday* following the Meeting at which the said Magistrates and Town Council are directed to appoint Commissioners from amongst the Members of the said Town Council, and similar Meetings shall be held in each Year and on the first *Tuesday* following the Meetings of the said Magistrates and Town Council held for the Purposes aforesaid.

XIII. And

Time for Commissioners elected by Rate-payers going out of Office.

XIII. And be it enacted, That the prescribed Time for the Commissioners elected by Rate-payers going out of Office by Rotation shall be on the first *Tuesday* in each Year following the Meeting at which the said Magistrates and Town Council are directed to appoint Commissioners from amongst the Members of the said Town Council.

Members of Town Council not to be elected.

XIV. And be it enacted, That no Person, being a Magistrate or Town Councillor of the said Burgh, shall be qualified to be elected a Commissioner by Rate-payers under this Act; and if any Person duly elected by the said Rate-payers shall afterwards become a Magistrate or Town Councillor of the said Burgh, he shall cease to be a Commissioner, unless he shall be elected to be Provost of the said Burgh.

Qualification of Electors.

XV. And be it enacted, That until the Waterworks are completed and a Supply of Water distributed under the Provisions of this Act all Persons rated under this Act for the "Public Water Rate" in respect of Property of the yearly Rent or Value of Three Pounds or upwards, and after the said Waterworks are completed and a Supply distributed as aforesaid all Persons charged with Water Rates in respect of any such Property of the like Value of Three Pounds, and who shall have paid all such Rates as shall have been due and payable by him at or before the Term of *Whitsunday* preceding the Election, shall be entitled to vote in the Election of Commissioners to be elected by Rate-payers as aforesaid.

Time and Place of first and subsequent Meetings;

XVI. And be it enacted, That the Commissioners shall hold their first Ordinary Meeting on the third *Tuesday* after the passing of this Act, and every subsequent annual Meeting shall be held on the third *Tuesday* of *October* in each Year; and all Meetings of the Commissioners may be held either at their ordinary Place of Business or in the Town House of *Stirling*.

and of monthly Meetings.

XVII. And be it enacted, That the monthly Meetings of the Commissioners shall be held on the first *Tuesday* in every Month.

Power to borrow Money.

XVIII. And be it enacted, That it shall be lawful for the Commissioners to borrow on Mortgage any Sums not exceeding in the whole the Sum of Seven thousand five hundred Pounds.

Power to make Waterworks according to deposited Plan.

XIX. And whereas Plans and Sections showing the Line and Levels of the Waterworks, and also a Book of Reference containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers of the Lands and Streams in or through which the same are intended to be made or to pass, have been deposited in the Office of the Sheriff Clerk of the County of *Stirling* at *Stirling*; be it enacted, That it shall be lawful for the Commissioners, subject to the Provisions and Restrictions in this and the said incorporated Acts contained, to make and maintain the said Waterworks in the Line and on the Levels and upon the Lands delineated on the said Plans and described in the said Book of Reference, and to enter upon, take, and use such of the Lands, Streams, Springs, and Waters mentioned in the said Plan and Book of Reference as shall be necessary for that Purpose.

XX. And

Power to Commissioners to purchase additional Land not exceeding Fifteen Acres.

XX. And be it enacted, That, in addition to the Lands and Streams authorized to be purchased as aforesaid, it shall be lawful for the Commissioners to contract with any Party willing to sell or lease the same, for the Purchase or Lease of any Streams or Springs of Water, or of any Land not exceeding in Quantity Fifteen Acres, which shall be deemed proper or expedient for the Purposes of the Waterworks: Provided always, that nothing herein contained shall authorize the said Commissioners to divert or use any such Stream or Spring of Water, unless and until they shall purchase the Interests therein of and from all Persons whose beneficial Use thereof shall be affected thereby.

Owners may grant Leases.

XXI. And be it enacted, That the Persons empowered by the said "Lands Clauses Consolidation (*Scotland*) Act, 1845," to convey Lands shall have full Power to grant Leases of any Lands and Streams for the Purposes of this Act, or any Servitude, Power, or Authority in or over such Lands or Streams.

Power for compulsory Purchase of Lands limited.

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

Period within which Works are to be completed.

XXIII. And be it enacted, That the Waterworks shall be completed within Five Years from the passing of this Act; and on the Expiration of such Period the Powers by this or the said incorporated Acts granted to the Commissioners for executing such Works, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the said Waterworks as shall then be completed.

Existing Waterworks vested in Commissioners for Purposes of this Act.

XXIV. And be it enacted, That the whole Springs, Streams, Reservoirs, Conduits, Pipes, public Wells or Fountains, and all other Works, Matters, or Things made, erected, or used at the Time of the passing of this Act for supplying the said Burgh with Water, and belonging to the said Magistrates and Town Council, shall immediately on the passing of this Act belong to and be well and effectually vested in the Commissioners for the Purposes of this Act: Provided always, that the Commissioners shall only be bound to keep up and maintain the said several Works until a Supply of Water shall be brought in, under the Powers of this Act, for the Use of the Inhabitants of the said Burgh.

After Supply of Water under this Act, Commissioners may dispose of existing Works.

XXV. And be it enacted, That it shall be lawful for the Commissioners, after the Introduction of the said Supply, to take up and remove the said several Reservoirs, Conduits, Pipes, Wells, Fountains, and Works, and to dispose of the same, as well as of the said several Springs and Streams, Matters or Things, in such Manner and Way, and for such of the Purposes of this Act as they may think expedient: Provided always, that if the Commissioners shall take up or remove any of the Sixteen existing public Wells or Fountains of the said Burgh they shall be bound to construct and substitute others in their Stead in the same Situation, or in some other Situation near thereto, equally convenient, and likewise to construct Five addi-

tional Wells or Fountains in Situations within the said Bounds most requiring the same, and to maintain and supply the same with Water for domestic Purposes only: Provided always, that if any Person, being an Occupier or Occupiers of any Premises within the Limits of this Act, shall take or cause to be taken or use for the Purposes of any Trade or Business any Water from the said Wells or Fountains, or any of them, he shall forfeit and pay for each Offence a Sum of Money not exceeding Forty Shillings.

Regulating Water Pipe for supplying the Premises of the Bank of Scotland.

XXVI. And whereas an Agreement was made between the Magistrates and Town Council of the said Burgh and the Governor and Company of the Bank of *Scotland*, by which, for the Consideration therein expressed, the said Magistrates and Town Council agreed to give to the said Bank in perpetuity, for the Use of the said Bank's Property in *King Street*, and the Occupiers of the Buildings erected thereon at the Time the said Agreement was made, but not for the Occupiers of any other Houses to be erected thereon, a Water Pipe from the Town's Main Pipe in *Baker Street*, of a Bore of the Diameter of Three Fourth Parts of an Inch, which Pipe was to be put in by the said Bank at their Expense, and to be subject to the Inspection from Time to Time of the Town's Inspector, which said Agreement was entered on the Minutes of the said Magistrates and Town Council dated the Twenty-third Day of *November* in the Year One thousand eight hundred and thirty-five; be it enacted, That the Commissioners shall be bound to continue to the said Bank in perpetuity, but for the Use of the said Property and the Occupiers of the Buildings erected thereon at the said Date exclusively, but not for the Occupiers of any Houses erected thereon subsequent to the said Date, a Water Pipe from the said Main, of the like Bore of Three Fourth Parts of an Inch; and in the event of the said Main being removed the Commissioners shall be bound, at their own Expense, to provide and lay a Pipe of similar Dimensions to supply Water to the said Bank's Property, from the nearest Main Pipe which shall be laid in lieu of the said Main in *Baker Street*, or to connect the existing Water Pipe with the said nearest Main, and to continue the same in perpetuity as aforesaid: Provided always, that the Pipe put in or to be put in as before mentioned shall be maintained and renewed, when necessary, at the Expense of the said Bank, and shall from Time to Time be subject to the Inspection of the Commissioners, their Officers and Servants.

Commissioners may agree with the Owners of Lands as to the said Springs and Streams.

XXVII. And be it enacted, That if any of the said Springs or Streams which are herein-before declared to be vested in the Commissioners shall be situated in or flow through the Lands of any Person who is also an Owner of Lands or Springs required and authorized to be taken for the Purposes of this Act, it shall be lawful for the Commissioners and any such Person to contract and agree as to the Value of any such Springs and Streams vested as aforesaid, and also to contract and agree that the Amount of such Valuation shall be imputed in part Payment of the Price of any Lands or other Springs belonging to the same Person which may be taken or required for the Purposes of this Act, and on any such Contract or Agreement being entered into the Value of the said Springs and Streams therein agreed upon and determined shall be a Deduction from the Price to be paid or deposited

deposited by the Commissioners for the said Lands and other Springs taken and required as aforesaid, and the said Springs and Streams vested as aforesaid shall thereupon revert and belong to and be effectually reinvested in the Owners of the Lands through which the same are situate or flow as aforesaid.

Rates at which Water is to be supplied for domestic Purposes.

XXVIII. And be it enacted, That the Commissioners shall, at the Request of the Owner or Occupier of any House or Part of a House, Inn, or Hotel in any Street in which any Pipe of the Commissioners shall be laid, or of any Person who, under the Provisions of this Act, or any Act incorporated therewith, shall be entitled to demand a Supply of Water for domestic Purposes, furnish to such Owner or Occupier or other Person a sufficient Supply of Water for their domestic Uses at the Rate herein-after specified; (that is to say,) at a Rate *per Annum* not exceeding Sixpence *per* Pound upon the Rack Rent or annual Value of the Tenements supplied with Water: Provided nevertheless, that the Commissioners shall not be obliged to furnish such Supply to any Person for any less Sum than Two Shillings and Sixpence in any One Year.

Supply of Water not to include Supply for Shipping, &c.

XXIX. And be it enacted, That a Supply of Water for domestic Purposes shall not include a Supply of Water for Railway Purposes, or for Shipping, Baths, Horses, or Cattle, or for washing Carriages, or any of them, kept for Sale, or kept or let or used for Hire, or a Supply of Water for any Trade, Manufacture, or Business whatsoever.

Water for other than domestic Purposes to be supplied by Agreement.

XXX. And be it enacted, That it shall be lawful for the Commissioners to supply any Corporation or Person with Water for other than domestic Purposes at such Rent and upon such Terms and Conditions as shall be agreed upon between the Commissioners and the Corporation or Person being desirous of having such Supply of Water.

Certain Occupiers to be supplied gratis.

XXXI. Provided always, and be it enacted, That if any Dwelling House or Parts of Dwelling Houses shall be occupied as separate Tenements, the Commissioners shall be bound, on the Owner thereof providing and laying down the necessary Service Pipes at his own Expense, to give a Supply of Water free of Expense to the Occupiers thereof whose Rent does not exceed Three Pounds.

Rates to be paid half-yearly.

XXXII. And be it enacted, That all Water Rates under this Act shall be paid in advance, by equal half-yearly Payments at *Martinmas* and *Whitsunday*.

Commissioners to estimate annual Sums required.

XXXIII. And be it enacted, That the Commissioners shall and they are hereby authorized and required, Once in each Year, to estimate and fix the Amount of Money necessary to be levied for the Purpose of defraying the current Costs, Charges, and Expenses of supplying the Places within the Limits of this Act with Water, under which shall be understood to be comprehended the Payment of the Interest of any Money borrowed, as well as any Sum of Money which shall be set apart as and for a Sinking Fund for paying off and discharging any Principal Monies so borrowed and secured, or for providing for Contingencies,

tingencies, also the Expenses of the Waterworks, together with the Expense of providing and preserving Springs, and otherwise obtaining and distributing Supplies of Water within the Limits aforesaid, and such Portions of the Salaries, Wages, and other Expenses of any Engineers, Surveyors, Clerks, Collectors, or other Officers or Servants employed by them as the Commissioners shall think equitable and fair to charge to such Account, and all other Charges and Expenses attendant upon procuring and distributing a Supply of Water, and for other the Purposes authorized and required by this Act.

Commissioners to make a Public Water Rate.

XXXIV. And for the Purpose of providing Money for the Purposes aforesaid, be it enacted, That it shall be lawful for the Commissioners and they are hereby required, Once in every Year, to cause a Rate, to be called the "Public Water Rate," to be made upon all Dwelling Houses, Inns, Hotels, Taverns, and other similar Premises situated within the Limits of this Act; and such Rate shall be made according to the Rack Rent or annual Value of the Property rated, but shall not exceed Sixpence in the Pound of such Rack Rent or annual Value; and the said "Public Water Rate" shall from Time to Time be collected and paid by half-yearly or quarterly Payments, as the Commissioners shall think proper, and shall be chargeable on and recoverable from the Occupier, or in his Default, when the Rack Rent or annual Value of the Premises rated does not exceed Three Pounds, from the Owner of such House Property, in the same Manner as Water Rates are or may be recovered under the Authority of this Act.

Exemptions from Rates.

XXXV. Provided also, and be it enacted, That no Person shall be rated for any such Public Water Rate made in pursuance of this Act in respect of any Church, Chapel, Meeting House, or other Building exclusively used for Public Worship, or any Building exclusively used for the Purposes of gratuitous Education of the Poor or of Public Charity, or any Property belonging to the Commissioners.

Rates may be prospective or retrospective.

XXXVI. And be it enacted, That the Commissioners may make any such Public Water Rate as aforesaid 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.

Notice of Rate to be given.

XXXVII. And be it enacted, That Notice of the Place where a Statement of the proposed Rate is deposited for Inspection by the Rate-payers shall be given by the Commissioners by Advertisement published Once at least in some Newspaper published in *Stirling*, or if there be no Newspaper published in *Stirling*, then in some Newspaper published in the nearest Burgh or Place, in the Week immediately previous to such Rate being made, or as nearly so as may be.

Form of Rate.

XXXVIII. And be it enacted, That every such Rate shall be fairly transcribed in a Book to be kept for that Purpose, and may be in the Form given in the Schedule (A.) annexed to this Act, or as near thereto as the Circumstances of the Case will admit of; and every such Rate shall contain an Account of every Particular set forth

at

at the Head of the respective Columns, so far as the same can be ascertained; and every such Rate shall be signed by Three of the Commissioners, or by the Clerk of the Commissioners.

Rate to be open to Inspection of Rate-payers, who may take Copies, &c.

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

Rates may be amended.

XL. And be it enacted, That the Commissioners may from Time to Time amend any such Rate made by virtue of this Act, by inserting therein the Name of any Person claiming and entitled to have his Name therein as Owner or Occupier, or by inserting therein the Name of any Person who ought to have been rated, or by striking out the Name of any Person who ought not to have been rated, or by raising or reducing the Sum at which any Person has been rated, if it appear to them that such Person has been under-rated or over-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 avoid the Rate: Provided always, that every Person aggrieved by any such Alteration shall have the same Right of Appeal therefrom as he would have had if his Name had been originally inserted in such Rate, and no such Alteration had been made; and as respects such Person, the Rates shall be considered to have been made at the Time when he received Notice of such Alteration; and every Person whose Rates are altered shall be entitled to Seven Days Notice of such Alteration before the Rate shall be payable by him.

How Water and other Rates to be ascertained.

XLI. And be it enacted, That the Water Rates and all other Rates to be levied and payable under this Act shall be made and payable according to a Valuation to be made of all or any Part of all of the rateable Property within the Limits of this Act, by some competent Person to be appointed by them for that Purpose; and the Rates to be made by the Commissioners upon Property for the Purposes of this Act shall be payable upon such Valuation.

Person appointed to make Valuation to make a Declaration before acting.

XLII. And be it enacted, That before any such Valuation shall be made the Person appointed to make it shall make and subscribe a solemn Declaration to make such Valuation fairly and impartially according to the best of his Judgment; and an Entry or Minute shall be made in the Book of Proceedings of the Commissioners of the making and subscribing of such Declaration, and of the Date thereof; and any Justice to whom Application is made for that Purpose shall administer such Declaration.

Poor Rate to be open to Inspection.

XLIII. And be it enacted, That the Commissioners, or any Person by them authorized, may from Time to Time inspect any of the Rates for

by Commissioners.

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

Unoccupied Premises to be included in the Rates; and if the Premises are afterwards occupied, a Portion of the Rates to be paid.

XLIV. And be it enacted, That when any Property in respect of which any Person is liable to be assessed as Occupier to any such Rate is unoccupied at the Time of making any such Rate, the Commissioners shall in every such Case include such Property in the said Rate, describing it in the Column appropriated to the Name of the Occupier as being "empty;" and if any Person afterwards occupy such Property during any Part of the Period for which such Rate was made the Commissioners shall insert in such Rate the Name of such Occupier, and collect from such Occupier, or from the Owner, if he be liable to pay the same, a Portion of the said Rate proportioned to the Time during which such Person occupies such Property, and every such Person shall thereupon be deemed to all Intents and Purposes to be properly rated, and all such Rates may be collected and recovered from the Person liable to pay the same in the same Manner as other Rates made payable under the Provisions of this Act: Provided always, that any Person whose Name is so inserted in such Rate, and such Owner as last aforesaid, may appeal against such Rate to the Sheriff, in the same Manner as he might have appealed if named in the Rate.

Commissioners may excuse Persons on account of Poverty from Payment of Rates or a Proportion thereof.

XLV. And be it enacted, That it shall be lawful for the Commissioners, from Time to Time, to appoint One or more of their own Body to hear and determine all Appeals which shall be made against the Payment of any Rate on the Ground of Poverty; and it shall be lawful for the Commissioners, or for the Commissioner or Commissioners so appointed as aforesaid, to summon before him or them, by Summons signed by any One of them, any Person who may be in arrear in Payment of any Monies due, or any Rate or Assessment made by virtue of this Act; and if it shall be made to appear to the Satisfaction of the Commissioners that any Person rated or assessed to any Rate to be made under the Authority of this Act is unable through Poverty to pay the Amount of the Rate or Assessment upon him, it shall be lawful for them to order and direct that such Person shall be wholly excused from the Payment of such Rate or Assessment, or from the proportionate Part thereof, as to the Commissioners may seem proper; and the Sum at which such Person may have been so rated or assessed, or such proportionate Part of the same from the Payment of which such Person may be so excused as aforesaid, shall not be collected, nor shall any Person be charged therewith, or in any Manner be called upon or be liable to account for the same, except as herein-before mentioned.

Appeal to Commissioners on

XLVI. And be it enacted, That if any Person shall think himself aggrieved by any Public Water Rate, on the Ground of Inequality, Unfairness,

Unfairness, or Incorrectness in the Valuation of any rateable Property included therein, he may appeal to the Commissioners at their first Meeting which shall be holden after the Expiration of Seven Days from the Time of demanding such Rate or Assessment, and the Commissioners, at their first Meeting, or any Adjournment thereof, are hereby authorized and empowered, if they shall think such Person aggrieved, to give such Relief in the Premises as to them the Commissioners shall seem reasonable. Ground of Inequality.

XLVII. And be it enacted, That if any Person shall think himself aggrieved by any such Determination of the Commissioners he may appeal to the Sheriff within One Month after the Date of such Determination; but no such Appeal shall be entertained by the Sheriff unless Fourteen clear Days Notice in Writing of such Appeal, stating the Nature and Ground thereof, be given by the aggrieved Party to the Commissioners; nor shall any Appeal against the Determination of the Commissioners be entertained unless the Party appealing against such Determination shall, within Fourteen Days after the same shall have been made, give Notice in Writing of such Appeal, stating the Matter or Cause thereof, to the Party in whose Favour such Determination shall have been made; and the Judgment of such Sheriff in the said Appeal shall be final and conclusive. Parties may appeal to the Sheriff against a Rate.

XLVIII. And be it enacted, That in any Proceeding to levy and recover, or consequent on the levying or recovering, of any Rate under the Provisions of this Act the Books of Rates of the Commissioners, and all Entries made therein in manner by this Act directed, by the Production thereof alone, and without any Evidence that the Notices and other Requirements of this Act have been given or complied with, or Proof of the Signatures of the Commissioners or of their Clerk whose Names appear thereon or subscribed therein, shall be received as Evidence of such Rate and of the Contents thereof. Rate Books to be Evidence.

XLIX. And be it enacted, That in order to reduce the Amount of the Principal of any such Sum or Sums of Money as shall be borrowed on Security for the Purposes of this Act it shall be lawful for the Commissioners and they are hereby authorized, yearly and every Year, to deduct, appropriate, and set apart and apply out of the several Rates levied under the Authority of this Act such a Sum of Money as they shall think fit, as and for a Sinking Fund, and the Sum or Sums so from Time to Time set aside, and also all other Monies which shall be applied by the Commissioners in augmentation of the said Fund, shall be applied in Payment, so far as the same will extend, of the Principal Sums charged upon and owing by the Commissioners as Security as aforesaid, or the same shall be invested in the Public Funds, or on Government or Real Security, or in the Purchase of Stock or Shares in any Bank in *Scotland* incorporated by Act of Parliament or Royal Charter, or deposited at Interest in any such Bank in the Name of the Commissioners; and the Dividends and Interest of the Money so invested, when and as the same shall become due, shall from Time to Time be received and invested in like Manner, in order that the said Monies so set aside and invested may accumulate at Compound Interest; and when such accumulated Fund shall amount to a Sum which Sinking Fund to be formed for paying off Money borrowed.

which in the Opinion of the Commissioners can be conveniently applied for that Purpose, the Stocks, Shares, Funds, or Securities wherein the same shall be invested shall be sold or otherwise converted into Money, and the Monies arising from any such Sale or Conversion shall be applied in Payment, so far as the same will extend, of the Principal Monies charged upon and owing on Security as aforesaid.

When Money borrowed shall be reduced to 500*l.*, a sufficient Sum shall be set apart to pay it off within Five Years.

L. And in order that the whole of the said Principal Monies may be discharged, be it enacted, That when and so soon as the Amount of the said Principal Monies shall, by means of such Payments or otherwise, be reduced to the Sum of Five hundred Pounds, it shall be lawful for the Commissioners and they are hereby authorized and required, out of the said several Rates, to deduct, appropriate, and set apart in each Year after the happening of such Event, and to invest in some one or other of the Ways provided for with respect to the other Sums to be deducted, set apart, and appropriated as aforesaid, such a Sum of Money as shall, with the accumulated Interest and Dividends thereof, be sufficient to enable them to pay off within Five Years the Remainder of the said Principal Monies; and the Commissioners shall from Time to Time sell or otherwise convert into Money the Stocks, Shares, Funds, or Securities, whenever the same shall be wanted, and shall apply the Proceeds thereof towards the Payment of the Balance of the said Principal Monies resting owing, until the whole thereof shall be discharged.

A reserved Fund for extraordinary Purposes to be formed.

LI. And be it enacted, That, in addition to the said Fund to be formed for the paying off of Monies borrowed, it shall be lawful for the Commissioners from Time to Time to deduct, set apart, and appropriate out of the said several Rates such Sum of Money as they shall think fit, for and towards a reserved Fund, to meet any extraordinary Claims or Demands which may at any Time arise against them for the Repair of the Waterworks, or otherwise in relation thereto; and the same, with the Interest and Dividends thereof, shall from Time to Time be invested and allowed to accumulate in some one or other of the Ways provided for with respect to Monies to be applied for the Purpose of paying off Monies borrowed, until the same shall amount to the Sum of One thousand Pounds.

When Sum set apart amounts to 1,000*l.*, Interest to be applied to Purposes of Act.

LII. And be it enacted, That when the Sum set apart and invested as last aforesaid shall have amounted to the Sum of One thousand Pounds, the Interest and Dividends thereof shall be received by the Commissioners, and by them applied to the general Purposes of this Act.

Payments may be made out of the Fund for contingent Epens es.

LIII. And be it enacted, That in the event of any extraordinary Claim or Demand arising against the Commissioners, for the Repair of the Waterworks or otherwise, it shall be lawful for the Commissioners to sell or otherwise convert into Money the Stocks, Shares, Funds, or other Securities wherein the said last-mentioned Monies shall have been invested, or such Part thereof as shall be necessary, and to apply the same for and towards any such Demand or Claim; and when and as often as the said Fund so set apart shall by means of any Payments be reduced below the Sum of One thousand Pounds it may be again restored

restored to the said Sum, and so from Time to Time as often as such Reduction shall happen.

Magistrates and Town Council may contribute Money for the Purposes of this Act.

LIV. And whereas the Waterworks will be of great Advantage to the Community of the said Burgh, and would be of further Advantage if the Commissioners were enabled to diminish the Rates herein-before authorized to be levied: And whereas the Magistrates and Town Council of the said Burgh, being desirous of carrying such Object into effect, have agreed to contribute a Sum of Two thousand Pounds for and towards the Purposes of this Act; be it enacted, That it shall be lawful for the said Magistrates and Town Council and they are hereby authorized to contribute out of the Common Good of the said Burgh, and, if necessary for that Purpose, to raise or borrow, such a Sum of Money as they shall think fit, not exceeding in the whole the Sum of Two thousand Pounds, for and towards the Purposes of this Act; and all Agreements heretofore entered into by and between the said Magistrates and Town Council, or any other Corporations or Persons, for the Purposes aforesaid, shall be as valid and binding as if the same had been entered into by and between the said Magistrates and Town Council and the Commissioners subsequent to the passing of this Act.

On Repayment of Money borrowed, Magistrates and Town Council to be the Commissioners.

LV. And be it enacted, That on the first *Monday* following the Publication in the *Edinburgh Gazette* of a Certificate under the Hands of the Sheriff that the whole Principal Monies borrowed by the Commissioners on Mortgage under the Powers of this Act have been paid off and discharged the several Persons who shall then be Commissioners shall from thenceforth cease to be Commissioners for the Purposes of this Act; and all the Provisions in this Act contained with reference to the Nomination and Appointment or Election of the Successors of such Commissioners, or to the making, Publication, or levying of Rates, of whatever Description or Kind, for Water supplied for domestic Purposes, and the said Public Water Rate, shall from thenceforth be and the same are hereby from thenceforth repealed; and thereupon the Waterworks, and all Property, Real and Personal, of whatever Kind or Description, and all Sums of Money, Credits, Debts, Securities, Rights, Remedies, Powers, Privileges, and Authorities theretofore vested in or belonging to, or which might or could have been enjoyed, exercised, recovered, or enforced by or for the Commissioners theretofore acting, excepting always such of them as related to the levying of Rates for Water for domestic Purposes, and the said Public Water Rate, shall from the Period aforesaid become well and truly vested in, and shall be held, used, and enjoyed, and may be exercised, enforced, or recovered by or for the said Magistrates and Town Council, to the like Extent as the same were held, used, or were or might have been enjoyed, exercised, or recovered by the Commissioners theretofore acting as aforesaid.

Sheriff to grant a Certificate when the whole of the Monies have been paid off.

LVI. And be it enacted, That the Sheriff shall and he is hereby required, on the Application of any One of the Commissioners, and on the same being proved to the Satisfaction of such Sheriff, to grant a Certificate in Writing that the whole of the said Principal Monies have been paid off and discharged within the Meaning of this Act; and

and for enabling the Sheriff to grant the said Certificate the Commissioners shall and they are hereby required to produce and exhibit to the said Sheriff all such Books or other Documents and Writings to them belonging as he shall think fit, and may in that Behalf direct.

Magistrates and Town Council to hold Works, and to supply Water gratis.

LVII. And be it enacted, That when the Waterworks shall become vested in the Magistrates and Town Council under the Provisions of this Act they shall hold the same for behoof of the Community of the said Burgh, and shall be bound and they are hereby required in all Time thereafter to maintain the same in an efficient Manner for the Purpose of supplying the Inhabitants thereof, and others within the Limits of this Act, with Water for domestic Purposes, and such Supply shall be furnished *gratis* to the said Inhabitants and others.

Application of Rates.

LVIII. And be it enacted, That all Monies which shall come to the Hands of the Commissioners from Water Rates, or any other Rates or Payments, or which shall be raised by Mortgage under this Act, shall be applied and disposed of as follows; (that is to say,) firstly, in defraying the Charges and Expenses which shall have been incurred or incident to the obtaining and passing this Act; and then in carrying the several Provisions of this Act into execution, as the Commissioners shall order and determine.

Saving the Rights of the Crown.

LIX. And be it enacted, That nothing contained in this Act, or in the Acts herein recited or referred to, shall extend to authorize the Commissioners to purchase, take, or use any Land or Soil, or any Rights in respect thereof, belonging to Her Majesty in right of her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or any Two of them, first had and obtained for that Purpose, and which such last-mentioned Commissioners, or any Two of them, are hereby authorized and empowered to give, or to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by Her Majesty, Her Heirs or Successors.

Lands belonging to the Ordnance not to be taken without Consent.

LX. And be it enacted, That it shall not be lawful for the Commissioners to purchase, take, or use any Lands belonging to the principal Officers of Her Majesty's Ordnance, without their Consent in Writing, to be signified under their Hands or under the Hands of any Two of them, first had and obtained for that Purpose, and which such principal Officers, or any Two of them, are hereby empowered to give.

Expenses of Act.

LXI. And be it enacted, That the Costs, Charges, and Expenses of applying for and obtaining and passing this Act shall be paid by the Commissioners out of the first Monies to be received by them in pursuance of this Act, in preference to all other Payments whatever.

Public Act.

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

SCHE-

SCHEDULE (A.) to which the foregoing Act refers.

Form of Rate.

AN Assessment to Public Water Rate for the Burgh of Stirling and Suburbs thereof, made this Day of in the Year of our Lord One thousand eight hundred and after the Rate of Pence in the Pound.

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

Signed by me, this Day of in the Year of our Lord One thousand eight hundred and

A. B.
Clerk to the Commsissioners of the Stirling Waterworks.

LONDON: Printed by GEORGE E. EYRE and WILLIAM SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1848.

ANNO UNDECIMO

VICTORIÆ REGINÆ.

****

Cap. viii.

An Act for the better supplying with Water the Royal Burgh of *Stirling* and Suburbs thereof.

[9th *June* 1848.]

WHEREAS the Royal Burgh of *Stirling* and Suburbs thereof are not at present sufficiently supplied with Water, and the making of Waterworks for supplying the same would be of great Benefit, but the same 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, That the following Acts of Parliament, (that is to say,) "The Commissioners Clauses Act, 1847," "The Lands Clauses Consolidation (*Scotland*) Act, 1845," and "The Waterworks Clauses Act, 1847," shall, save as varied or altered by this Act, be incorporated with and form Part of this Act.

8 & 9 Vict. c. 19. and 10 & 11 Vict. cc. 16. & 17. incorporated with this Act.

II. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments and Parliamentary Notices, it shall

Short Title.

[*Local.*] *T*

shall be sufficient to use the Expression "The *Stirling* Waterworks Act, 1848."

Limits of Act.

III. And be it enacted, That the Limits of this Act shall comprise and include the Royal Burgh of *Stirling* and Suburbs thereof, so far as situate on the South Side of the River *Forth*, (excepting those Parts lying beyond a Line drawn Three hundred Yards to the Eastward of the Stream called the *Easter Burn*,) the *Castle Hill* of *Stirling*, so far as without the Royalty of the said Burgh, the Lands of *South Field* (except *South Lodge* and *Randolph Field*) in the Parish of *Stirling*, and *Allan Park*, *Port Street*, and other Buildings erected on the Piece of Ground known by the Name of *Allan's Croft*, in the Parish of *Saint Ninians*, all in the County of *Stirling*.

Number of Commissioners.

IV. And be it enacted, That the Number of Commissioners for the Purposes of this Act shall be Thirteen.

Appointment of first Commissioners.

V. And be it enacted, That the Provost of the said Burgh for the time being, *John Dick* and *Patrick Graham Morison*, Two of the Bailies of the said Burgh, and *James Burden*, *Robert Smith*, *James Robb*, and *Alexander M'Donald*, Four of the Town Councillors of the said Burgh, *Ebenezer Bow*, *William Hutton Forrest*, *Alexander Lachlan Moodie*, *William Rankin*, *John Sawyers*, Writer, and *David Yellowlees*, shall be and they are hereby appointed the first Commissioners for putting this Act into execution, from the Date of the passing thereof to the Time herein-after prescribed for the first Election of Commissioners by the Rate-payers, under the Provisions herein-after contained.

Duties of Commissioners.

VI. And be it enacted, That the Commissioners herein-before named, and their Successors, to be appointed or elected or substituted as herein-after mentioned, shall be the Commissioners for the Purposes of this Act, and for making and maintaining the Waterworks and all Works and Conveniences which they may deem necessary for such Purposes, subject to the Provisions contained in this Act, and in the Acts incorporated herewith, and shall be called "The *Stirling* Waterworks Commissioners;" and the Provost of *Stirling* for the Time being shall be the Chairman of the Commissioners.

Future Commissioners.

VII. And be it enacted, That the future Commissioners for the Purposes of this Act shall be the Provost of the said Burgh for the Time being, Six Members of the Town Council of the said Burgh, and Six Persons to be elected at the Times and in the Manner after mentioned.

Qualification of Commissioners.

VIII. And be it enacted, That every Person rated on House Property for the "Public Water Rate" in respect of any such Property of the yearly Rental of Ten Pounds at the least, and who shall have paid all such Rates as may have been due and payable by him under this Act at or before the Term of *Whitsunday* preceding the annual Election of Commissioners for the Time, shall be qualified to be elected a Commissioner under this Act.

IX. And

Election of Commissioners by the Town Council.

IX. And be it enacted, That the Magistrates and Town Council of the said Burgh shall, at their Meeting held for the Election of Magistrates and other Office Bearers of the said Burgh in the Month of *November* One thousand eight hundred and forty-nine, nominate and appoint Six Members of the Town Council of the said Burgh to be Commissioners under this Act, along with the Provost of the said Burgh, and the other Persons to be elected in manner herein-after mentioned; and at every such Meeting to be held for the Purposes aforesaid in every succeeding Year the said Magistrates and Town Council shall nominate and appoint Two Members of the said Town Council to be Commissioners in lieu of the Commissioners appointed by them, and going out of Office by Rotation under the Provisions of this Act.

Rotation of Commissioners appointed by the Town Council.

X. And be it enacted, That at the Meeting to be held for the Purposes aforesaid in the Year One thousand eight hundred and fifty One Third of the first Six Commissioners nominated and appointed by the said Magistrates and Town Council as aforesaid shall go out of Office, and at the next Meeting to be held for the same Purposes in the Year thereafter another Third of such Commissioners shall go out of Office, and at the next of such Meetings the Remainder of such Commissioners shall go out of Office, and in every Year thereafter One Third of the Commissioners appointed by the said Magistrates and Town Council, being those who have been longest in Office, shall go out of Office; and the Order of the Rotation of the said Six Commissioners shall be determined by the said Magistrates and Town Council within One Month after the Date of the Meeting at which the said Six Commissioners shall have been nominated and appointed as aforesaid.

Vacancies may be supplied.

XI. And be it enacted, That if any Commissioner appointed by the said Magistrates and Town Council shall cease to be a Town Councillor, or shall die, or resign, or be disqualified, or cease to be a Commissioner from any other Cause than going out of Office by Rotation, the said Magistrates and Town Council, if they think fit, may, at any Meeting of the said Magistrates and Town Council, and within One Month from the happening of such Vacancy, nominate and appoint another Member of the said Town Council to be a Commissioner in his Place; and every Commissioner so nominated and appointed shall continue in Office only so long as the Person in whose Place he is appointed would have been entitled to continue in Office.

Meetings for Election of Commissioners by Rate-payers.

XII. And for the Purpose of electing Commissioners from Time to Time by Persons, Rate-payers under this Act, and qualified to vote at such Elections, be it enacted, That the first Meeting of such Persons shall be held in the Year One thousand eight hundred and forty-nine on the first *Tuesday* following the Meeting at which the said Magistrates and Town Council are directed to appoint Commissioners from amongst the Members of the said Town Council, and similar Meetings shall be held in each Year and on the first *Tuesday* following the Meetings of the said Magistrates and Town Council held for the Purposes aforesaid.

XIII. And

Time for Commissioners elected by Rate-payers going out of Office.

XIII. And be it enacted, That the prescribed Time for the Commissioners elected by Rate-payers going out of Office by Rotation shall be on the first *Tuesday* in each Year following the Meeting at which the said Magistrates and Town Council are directed to appoint Commissioners from amongst the Members of the said Town Council.

Members of Town Council not to be elected.

XIV. And be it enacted, That no Person, being a Magistrate or Town Councillor of the said Burgh, shall be qualified to be elected a Commissioner by Rate-payers under this Act; and if any Person duly elected by the said Rate-payers shall afterwards become a Magistrate or Town Councillor of the said Burgh, he shall cease to be a Commissioner, unless he shall be elected to be Provost of the said Burgh.

Qualification of Electors.

XV. And be it enacted, That until the Waterworks are completed and a Supply of Water distributed under the Provisions of this Act all Persons rated under this Act for the "Public Water Rate" in respect of Property of the yearly Rent or Value of Three Pounds or upwards, and after the said Waterworks are completed and a Supply distributed as aforesaid all Persons charged with Water Rates in respect of any such Property of the like Value of Three Pounds, and who shall have paid all such Rates as shall have been due and payable by him at or before the Term of *Whitsunday* preceding the Election, shall be entitled to vote in the Election of Commissioners to be elected by Rate-payers as aforesaid.

Time and Place of first and subsequent Meetings;

XVI. And be it enacted, That the Commissioners shall hold their first Ordinary Meeting on the third *Tuesday* after the passing of this Act, and every subsequent annual Meeting shall be held on the third *Tuesday* of *October* in each Year; and all Meetings of the Commissioners may be held either at their ordinary Place of Business or in the Town House of *Stirling*.

and of monthly Meetings.

XVII. And be it enacted, That the monthly Meetings of the Commissioners shall be held on the first *Tuesday* in every Month.

Power to borrow Money.

XVIII. And be it enacted, That it shall be lawful for the Commissioners to borrow on Mortgage any Sums not exceeding in the whole the Sum of Seven thousand five hundred Pounds.

Power to make Waterworks according to deposited Plan.

XIX. And whereas Plans and Sections showing the Line and Levels of the Waterworks, and also a Book of Reference containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers of the Lands and Streams in or through which the same are intended to be made or to pass, have been deposited in the Office of the Sheriff Clerk of the County of *Stirling* at *Stirling*; be it enacted, That it shall be lawful for the Commissioners, subject to the Provisions and Restrictions in this and the said incorporated Acts contained, to make and maintain the said Waterworks in the Line and on the Levels and upon the Lands delineated on the said Plans and described in the said Book of Reference, and to enter upon, take, and use such of the Lands, Streams, Springs, and Waters mentioned in the said Plan and Book of Reference as shall be necessary for that Purpose.

XX. And

Power to Commissioners to purchase additional Land not exceeding Fifteen Acres.

XX. And be it enacted, That, in addition to the Lands and Streams authorized to be purchased as aforesaid, it shall be lawful for the Commissioners to contract with any Party willing to sell or lease the same, for the Purchase or Lease of any Streams or Springs of Water, or of any Land not exceeding in Quantity Fifteen Acres, which shall be deemed proper or expedient for the Purposes of the Waterworks: Provided always, that nothing herein contained shall authorize the said Commissioners to divert or use any such Stream or Spring of Water, unless and until they shall purchase the Interests therein of and from all Persons whose beneficial Use thereof shall be affected thereby.

Owners may grant Leases.

XXI. And be it enacted, That the Persons empowered by the said "Lands Clauses Consolidation (*Scotland*) Act, 1845," to convey Lands shall have full Power to grant Leases of any Lands and Streams for the Purposes of this Act, or any Servitude, Power, or Authority in or over such Lands or Streams.

Power for compulsory Purchase of Lands limited.

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

Period within which Works are to be completed.

XXIII. And be it enacted, That the Waterworks shall be completed within Five Years from the passing of this Act; and on the Expiration of such Period the Powers by this or the said incorporated Acts granted to the Commissioners for executing such Works, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the said Waterworks as shall then be completed.

Existing Waterworks vested in Commissioners for Purposes of this Act.

XXIV. And be it enacted, That the whole Springs, Streams, Reservoirs, Conduits, Pipes, public Wells or Fountains, and all other Works, Matters, or Things made, erected, or used at the Time of the passing of this Act for supplying the said Burgh with Water, and belonging to the said Magistrates and Town Council, shall immediately on the passing of this Act belong to and be well and effectually vested in the Commissioners for the Purposes of this Act: Provided always, that the Commissioners shall only be bound to keep up and maintain the said several Works until a Supply of Water shall be brought in, under the Powers of this Act, for the Use of the Inhabitants of the said Burgh.

After Supply of Water under this Act, Commissioners may dispose of existing Works.

XXV. And be it enacted, That it shall be lawful for the Commissioners, after the Introduction of the said Supply, to take up and remove the said several Reservoirs, Conduits, Pipes, Wells, Fountains, and Works, and to dispose of the same, as well as of the said several Springs and Streams, Matters or Things, in such Manner and Way, and for such of the Purposes of this Act as they may think expedient: Provided always, that if the Commissioners shall take up or remove any of the Sixteen existing public Wells or Fountains of the said Burgh they shall be bound to construct and substitute others in their Stead in the same Situation, or in some other Situation near thereto, equally convenient, and likewise to construct Five additional

tional Wells or Fountains in Situations within the said Bounds most requiring the same, and to maintain and supply the same with Water for domestic Purposes only: Provided always, that if any Person, being an Occupier or Occupiers of any Premises within the Limits of this Act, shall take or cause to be taken or use for the Purposes of any Trade or Business any Water from the said Wells or Fountains, or any of them, he shall forfeit and pay for each Offence a Sum of Money not exceeding Forty Shillings.

Regulating Water Pipe for supplying the Premises of the Bank of Scotland.

XXVI. And whereas an Agreement was made between the Magistrates and Town Council of the said Burgh and the Governor and Company of the Bank of *Scotland*, by which, for the Consideration therein expressed, the said Magistrates and Town Council agreed to give to the said Bank in perpetuity, for the Use of the said Bank's Property in *King Street*, and the Occupiers of the Buildings erected thereon at the Time the said Agreement was made, but not for the Occupiers of any other Houses to be erected thereon, a Water Pipe from the Town's Main Pipe in *Baker Street*, of a Bore of the Diameter of Three Fourth Parts of an Inch, which Pipe was to be put in by the said Bank at their Expense, and to be subject to the Inspection from Time to Time of the Town's Inspector, which said Agreement was entered on the Minutes of the said Magistrates and Town Council dated the Twenty-third Day of *November* in the Year One thousand eight hundred and thirty-five; be it enacted, That the Commissioners shall be bound to continue to the said Bank in perpetuity, but for the Use of the said Property and the Occupiers of the Buildings erected thereon at the said Date exclusively, but not for the Occupiers of any Houses erected thereon subsequent to the said Date, a Water Pipe from the said Main, of the like Bore of Three Fourth Parts of an Inch; and in the event of the said Main being removed the Commissioners shall be bound, at their own Expense, to provide and lay a Pipe of similar Dimensions to supply Water to the said Bank's Property, from the nearest Main Pipe which shall be laid in lieu of the said Main in *Baker Street*, or to connect the existing Water Pipe with the said nearest Main, and to continue the same in perpetuity as aforesaid: Provided always, that the Pipe put in or to be put in as before mentioned shall be maintained and renewed, when necessary, at the Expense of the said Bank, and shall from Time to Time be subject to the Inspection of the Commissioners, their Officers and Servants.

Commissioners may agree with the Owners of Lands as to the said Springs and Streams.

XXVII. And be it enacted, That if any of the said Springs or Streams which are herein-before declared to be vested in the Commissioners shall be situated in or flow through the Lands of any Person who is also an Owner of Lands or Springs required and authorized to be taken for the Purposes of this Act, it shall be lawful for the Commissioners and any such Person to contract and agree as to the Value of any such Springs and Streams vested as aforesaid, and also to contract and agree that the Amount of such Valuation shall be imputed in part Payment of the Price of any Lands or other Springs belonging to the same Person which may be taken or required for the Purposes of this Act, and on any such Contract or Agreement being entered into the Value of the said Springs and Streams therein agreed upon and determined shall be a Deduction from the Price to be paid or deposited

deposited by the Commissioners for the said Lands and other Springs taken and required as aforesaid, and the said Springs and Streams vested as aforesaid shall thereupon revert and belong to and be effectually reinvested in the Owners of the Lands through which the same are situate or flow as aforesaid.

Rates at which Water is to be supplied for domestic Purposes.

XXVIII. And be it enacted, That the Commissioners shall, at the Request of the Owner or Occupier of any House or Part of a House, Inn, or Hotel in any Street in which any Pipe of the Commissioners shall be laid, or of any Person who, under the Provisions of this Act, or any Act incorporated therewith, shall be entitled to demand a Supply of Water for domestic Purposes, furnish to such Owner or Occupier or other Person a sufficient Supply of Water for their domestic Uses at the Rate herein-after specified; (that is to say,) at a Rate *per Annum* not exceeding Sixpence *per* Pound upon the Rack Rent or annual Value of the Tenements supplied with Water: Provided nevertheless, that the Commissioners shall not be obliged to furnish such Supply to any Person for any less Sum than Two Shillings and Sixpence in any One Year.

Supply of Water not to include Supply for Shipping, &c.

XXIX. And be it enacted, That a Supply of Water for domestic Purposes shall not include a Supply of Water for Railway Purposes, or for Shipping, Baths, Horses, or Cattle, or for washing Carriages, or any of them, kept for Sale, or kept or let or used for Hire, or a Supply of Water for any Trade, Manufacture, or Business whatsoever.

Water for other than domestic Purposes to be supplied by Agreement.

XXX. And be it enacted, That it shall be lawful for the Commissioners to supply any Corporation or Person with Water for other than domestic Purposes at such Rent and upon such Terms and Conditions as shall be agreed upon between the Commissioners and the Corporation or Person being desirous of having such Supply of Water.

Certain Occupiers to be supplied gratis.

XXXI. Provided always, and be it enacted; That if any Dwelling House or Parts of Dwelling Houses shall be occupied as separate Tenements, the Commissioners shall be bound, on the Owner thereof providing and laying down the necessary Service Pipes at his own Expense, to give a Supply of Water free of Expense to the Occupiers thereof whose Rent does not exceed Three Pounds.

Rates to be paid half-yearly.

XXXII. And be it enacted, That all Water Rates under this Act shall be paid in advance, by equal half-yearly Payments at *Martinmas* and *Whitsunday*.

Commissioners to estimate annual Sums required.

XXXIII. And be it enacted, That the Commissioners shall and they are hereby authorized and required, Once in each Year, to estimate and fix the Amount of Money necessary to be levied for the Purpose of defraying the current Costs, Charges, and Expenses of supplying the Places within the Limits of this Act with Water, under which shall be understood to be comprehended the Payment of the Interest of any Money borrowed, as well as any Sum of Money which shall be set apart as and for a Sinking Fund for paying off and discharging any Principal Monies so borrowed and secured, or for providing for Contingencies,

tingencies, also the Expenses of the Waterworks, together with the Expense of providing and preserving Springs, and otherwise obtaining and distributing Supplies of Water within the Limits aforesaid, and such Portions of the Salaries, Wages, and other Expenses of any Engineers, Surveyors, Clerks, Collectors, or other Officers or Servants employed by them as the Commissioners shall think equitable and fair to charge to such Account, and all other Charges and Expenses attendant upon procuring and distributing a Supply of Water, and for other the Purposes authorized and required by this Act.

Commissioners to make a Public Water Rate.

XXXIV. And for the Purpose of providing Money for the Purposes aforesaid, be it enacted, That it shall be lawful for the Commissioners and they are hereby required, Once in every Year, to cause a Rate, to be called the "Public Water Rate," to be made upon all Dwelling Houses, Inns, Hotels, Taverns, and other similar Premises situated within the Limits of this Act; and such Rate shall be made according to the Rack Rent or annual Value of the Property rated, but shall not exceed Sixpence in the Pound of such Rack Rent or annual Value; and the said "Public Water Rate" shall from Time to Time be collected and paid by half-yearly or quarterly Payments, as the Commissioners shall think proper, and shall be chargeable on and recoverable from the Occupier, or in his Default, when the Rack Rent or annual Value of the Premises rated does not exceed Three Pounds, from the Owner of such House Property, in the same Manner as Water Rates are or may be recovered under the Authority of this Act.

Exemptions from Rates.

XXXV. Provided also, and be it enacted, That no Person shall be rated for any such Public Water Rate made in pursuance of this Act in respect of any Church, Chapel, Meeting House, or other Building exclusively used for Public Worship, or any Building exclusively used for the Purposes of gratuitous Education of the Poor or of Public Charity, or any Property belonging to the Commissioners.

Rates may be prospective or retrospective.

XXXVI. And be it enacted, That the Commissioners may make any such Public Water Rate as aforesaid 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.

Notice of Rate to be given.

XXXVII. And be it enacted, That Notice of the Place where a Statement of the proposed Rate is deposited for Inspection by the Rate-payers shall be given by the Commissioners by Advertisement published Once at least in some Newspaper published in *Stirling*, or if there be no Newspaper published in *Stirling*, then in some Newspaper published in the nearest Burgh or Place, in the Week immediately previous to such Rate being made, or as nearly so as may be.

Form of Rate.

XXXVIII. And be it enacted, That every such Rate shall be fairly transcribed in a Book to be kept for that Purpose, and may be in the Form given in the Schedule (A.) annexed to this Act, or as near thereto as the Circumstances of the Case will admit of; and every such Rate shall contain an Account of every Particular set forth

at

at the Head of the respective Columns, so far as the same can be ascertained; and every such Rate shall be signed by Three of the Commissioners, or by the Clerk of the Commissioners.

Rate to be open to Inspection of Rate-payers, who may take Copies, &c.

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

Rates may be amended.

XL. And be it enacted, That the Commissioners may from Time to Time amend any such Rate made by virtue of this Act, by inserting therein the Name of any Person claiming and entitled to have his Name therein as Owner or Occupier, or by inserting therein the Name of any Person who ought to have been rated, or by striking out the Name of any Person who ought not to have been rated, or by raising or reducing the Sum at which any Person has been rated, if it appear to them that such Person has been under-rated or over-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 avoid the Rate: Provided always, that every Person aggrieved by any such Alteration shall have the same Right of Appeal therefrom as he would have had if his Name had been originally inserted in such Rate, and no such Alteration had been made; and as respects such Person, the Rates shall be considered to have been made at the Time when he received Notice of such Alteration; and every Person whose Rates are altered shall be entitled to Seven Days Notice of such Alteration before the Rate shall be payable by him.

How Water and other Rates to be ascertained.

XLI. And be it enacted, That the Water Rates and all other Rates to be levied and payable under this Act shall be made and payable according to a Valuation to be made of all or any Part of all of the rateable Property within the Limits of this Act, by some competent Person to be appointed by them for that Purpose; and the Rates to be made by the Commissioners upon Property for the Purposes of this Act shall be payable upon such Valuation.

Person appointed to make Valuation to make a Declaration before acting.

XLII. And be it enacted, That before any such Valuation shall be made the Person appointed to make it shall make and subscribe a solemn Declaration to make such Valuation fairly and impartially according to the best of his Judgment; and an Entry or Minute shall be made in the Book of Proceedings of the Commissioners of the making and subscribing of such Declaration, and of the Date thereof; and any Justice to whom Application is made for that Purpose shall administer such Declaration.

Poor Rate to be open to Inspection

XLIII. And be it enacted, That the Commissioners, or any Person by them authorized, may from Time to Time inspect any of the Rates for

by Commissioners.

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

Unoccupied Premises to be included in the Rates; and if the Premises are afterwards occupied, a Portion of the Rates to be paid.

XLIV. And be it enacted, That when any Property in respect of which any Person is liable to be assessed as Occupier to any such Rate is unoccupied at the Time of making any such Rate, the Commissioners shall in every such Case include such Property in the said Rate, describing it in the Column appropriated to the Name of the Occupier as being "empty;" and if any Person afterwards occupy such Property during any Part of the Period for which such Rate was made the Commissioners shall insert in such Rate the Name of such Occupier, and collect from such Occupier, or from the Owner, if he be liable to pay the same, a Portion of the said Rate proportioned to the Time during which such Person occupies such Property, and every such Person shall thereupon be deemed to all Intents and Purposes to be properly rated, and all such Rates may be collected and recovered from the Person liable to pay the same in the same Manner as other Rates made payable under the Provisions of this Act: Provided always, that any Person whose Name is so inserted in such Rate, and such Owner as last aforesaid, may appeal against such Rate to the Sheriff, in the same Manner as he might have appealed if named in the Rate.

Commissioners may excuse Persons on account of Poverty from Payment of Rates or a Proportion thereof.

XLV. And be it enacted, That it shall be lawful for the Commissioners, from Time to Time, to appoint One or more of their own Body to hear and determine all Appeals which shall be made against the Payment of any Rate on the Ground of Poverty; and it shall be lawful for the Commissioners, or for the Commissioner or Commissioners so appointed as aforesaid, to summon before him or them, by Summons signed by any One of them, any Person who may be in arrear in Payment of any Monies due, or any Rate or Assessment made by virtue of this Act; and if it shall be made to appear to the Satisfaction of the Commissioners that any Person rated or assessed to any Rate to be made under the Authority of this Act is unable through Poverty to pay the Amount of the Rate or Assessment upon him, it shall be lawful for them to order and direct that such Person shall be wholly excused from the Payment of such Rate or Assessment, or from the proportionate Part thereof, as to the Commissioners may seem proper; and the Sum at which such Person may have been so rated or assessed, or such proportionate Part of the same from the Payment of which such Person may be so excused as aforesaid, shall not be collected, nor shall any Person be charged therewith, or in any Manner be called upon or be liable to account for the same, except as herein-before mentioned.

Appeal to Commissioners on

XLVI. And be it enacted, That if any Person shall think himself aggrieved by any Public Water Rate, on the Ground of Inequality, Unfairness,

Unfairness, or Incorrectness in the Valuation of any rateable Property included therein, he may appeal to the Commissioners at their first Meeting which shall be holden after the Expiration of Seven Days from the Time of demanding such Rate or Assessment, and the Commissioners, at their first Meeting, or any Adjournment thereof, are hereby authorized and empowered, if they shall think such Person aggrieved, to give such Relief in the Premises as to them the Commissioners shall seem reasonable.

Ground of Inequality.

XLVII. And be it enacted, That if any Person shall think himself aggrieved by any such Determination of the Commissioners he may appeal to the Sheriff within One Month after the Date of such Determination; but no such Appeal shall be entertained by the Sheriff unless Fourteen clear Days Notice in Writing of such Appeal, stating the Nature and Ground thereof, be given by the aggrieved Party to the Commissioners; nor shall any Appeal against the Determination of the Commissioners be entertained unless the Party appealing against such Determination shall, within Fourteen Days after the same shall have been made, give Notice in Writing of such Appeal, stating the Matter or Cause thereof, to the Party in whose Favour such Determination shall have been made; and the Judgment of such Sheriff in the said Appeal shall be final and conclusive.

Parties may appeal to the Sheriff against a Rate.

XLVIII. And be it enacted, That in any Proceeding to levy and recover, or consequent on the levying or recovering, of any Rate under the Provisions of this Act the Books of Rates of the Commissioners, and all Entries made therein in manner by this Act directed, by the Production thereof alone, and without any Evidence that the Notices and other Requirements of this Act have been given or complied with, or Proof of the Signatures of the Commissioners or of their Clerk whose Names appear thereon or subscribed therein, shall be received as Evidence of such Rate and of the Contents thereof.

Rate Books to be Evidence.

XLIX. And be it enacted, That in order to reduce the Amount of the Principal of any such Sum or Sums of Money as shall be borrowed on Security for the Purposes of this Act it shall be lawful for the Commissioners and they are hereby authorized, yearly and every Year, to deduct, appropriate, and set apart and apply out of the several Rates levied under the Authority of this Act such a Sum of Money as they shall think fit, as and for a Sinking Fund, and the Sum or Sums so from Time to Time set aside, and also all other Monies which shall be applied by the Commissioners in augmentation of the said Fund, shall be applied in Payment, so far as the same will extend, of the Principal Sums charged upon and owing by the Commissioners as Security as aforesaid, or the same shall be invested in the Public Funds, or on Government or Real Security, or in the Purchase of Stock or Shares in any Bank in *Scotland* incorporated by Act of Parliament or Royal Charter, or deposited at Interest in any such Bank in the Name of the Commissioners; and the Dividends and Interest of the Money so invested, when and as the same shall become due, shall from Time to Time be received and invested in like Manner, in order that the said Monies so set aside and invested may accumulate at Compound Interest; and when such accumulated Fund shall amount to a Sum

Sinking Fund to be formed for paying off Money borrowed.

which in the Opinion of the Commissioners can be conveniently applied for that Purpose, the Stocks, Shares, Funds, or Securities wherein the same shall be invested shall be sold or otherwise converted into Money, and the Monies arising from any such Sale or Conversion shall be applied in Payment, so far as the same will extend, of the Principal Monies charged upon and owing on Security as aforesaid.

When Money borrowed shall be reduced to 500*l.*, a sufficient Sum shall be set apart to pay it off within Five Years.

L. And in order that the whole of the said Principal Monies may be discharged, be it enacted, That when and so soon as the Amount of the said Principal Monies shall, by means of such Payments or otherwise, be reduced to the Sum of Five hundred Pounds, it shall be lawful for the Commissioners and they are hereby authorized and required, out of the said several Rates, to deduct, appropriate, and set apart in each Year after the happening of such Event, and to invest in some one or other of the Ways provided for with respect to the other Sums to be deducted, set apart, and appropriated as aforesaid, such a Sum of Money as shall, with the accumulated Interest and Dividends thereof, be sufficient to enable them to pay off within Five Years the Remainder of the said Principal Monies; and the Commissioners shall from Time to Time sell or otherwise convert into Money the Stocks, Shares, Funds, or Securities, whenever the same shall be wanted, and shall apply the Proceeds thereof towards the Payment of the Balance of the said Principal Monies resting owing, until the whole thereof shall be discharged.

A reserved Fund for extraordinary Purposes to be formed.

LI. And be it enacted, That, in addition to the said Fund to be formed for the paying off of Monies borrowed, it shall be lawful for the Commissioners from Time to Time to deduct, set apart, and appropriate out of the said several Rates such Sum of Money as they shall think fit, for and towards a reserved Fund, to meet any extraordinary Claims or Demands which may at any Time arise against them for the Repair of the Waterworks, or otherwise in relation thereto; and the same, with the Interest and Dividends thereof, shall from Time to Time be invested and allowed to accumulate in some one or other of the Ways provided for with respect to Monies to be applied for the Purpose of paying off Monies borrowed, until the same shall amount to the Sum of One thousand Pounds.

When Sum set apart amounts to 1,000*l.*, Interest to be applied to Purposes of Act.

LII. And be it enacted, That when the Sum set apart and invested as last aforesaid shall have amounted to the Sum of One thousand Pounds, the Interest and Dividends thereof shall be received by the Commissioners, and by them applied to the general Purposes of this Act.

Payments may be made out of the Fund for contingent Expenses.

LIII. And be it enacted, That in the event of any extraordinary Claim or Demand arising against the Commissioners, for the Repair of the Waterworks or otherwise, it shall be lawful for the Commissioners to sell or otherwise convert into Money the Stocks, Shares, Funds, or other Securities wherein the said last-mentioned Monies shall have been invested, or such Part thereof as shall be necessary, and to apply the same for and towards any such Demand or Claim; and when and as often as the said Fund so set apart shall by means of any Payments be reduced below the Sum of One thousand Pounds it may be again

restored

restored to the said Sum, and so from Time to Time as often as such Reduction shall happen.

Magistrates and Town Council may contribute Money for the Purposes of this Act.

LIV. And whereas the Waterworks will be of great Advantage to the Community of the said Burgh, and would be of further Advantage if the Commissioners were enabled to diminish the Rates herein-before authorized to be levied: And whereas the Magistrates and Town Council of the said Burgh, being desirous of carrying such Object into effect, have agreed to contribute a Sum of Two thousand Pounds for and towards the Purposes of this Act; be it enacted, That it shall be lawful for the said Magistrates and Town Council and they are hereby authorized to contribute out of the Common Good of the said Burgh, and, if necessary for that Purpose, to raise or borrow, such a Sum of Money as they shall think fit, not exceeding in the whole the Sum of Two thousand Pounds, for and towards the Purposes of this Act; and all Agreements heretofore entered into by and between the said Magistrates and Town Council, or any other Corporations or Persons, for the Purposes aforesaid, shall be as valid and binding as if the same had been entered into by and between the said Magistrates and Town Council and the Commissioners subsequent to the passing of this Act.

On Repayment of Money borrowed, Magistrates and Town Council to be the Commissioners.

LV. And be it enacted, That on the first *Monday* following the Publication in the *Edinburgh Gazette* of a Certificate under the Hands of the Sheriff that the whole Principal Monies borrowed by the Commissioners on Mortgage under the Powers of this Act have been paid off and discharged the several Persons who shall then be Commissioners shall from thenceforth cease to be Commissioners for the Purposes of this Act; and all the Provisions in this Act contained with reference to the Nomination and Appointment or Election of the Successors of such Commissioners, or to the making, Publication, or levying of Rates, of whatever Description or Kind, for Water supplied for domestic Purposes, and the said Public Water Rate, shall from thenceforth be and the same are hereby from thenceforth repealed; and thereupon the Waterworks, and all Property, Real and Personal, of whatever Kind or Description, and all Sums of Money, Credits, Debts, Securities, Rights, Remedies, Powers, Privileges, and Authorities theretofore vested in or belonging to, or which might or could have been enjoyed, exercised, recovered, or enforced by or for the Commissioners theretofore acting, excepting always such of them as related to the levying of Rates for Water for domestic Purposes, and the said Public Water Rate, shall from the Period aforesaid become well and truly vested in, and shall be held, used, and enjoyed, and may be exercised, enforced, or recovered by or for the said Magistrates and Town Council, to the like Extent as the same were held, used, or were or might have been enjoyed, exercised, or recovered by the Commissioners theretofore acting as aforesaid.

Sheriff to grant a Certificate when the whole of the Monies have been paid off.

LVI. And be it enacted, That the Sheriff shall and he is hereby required, on the Application of any One of the Commissioners, and on the same being proved to the Satisfaction of such Sheriff, to grant a Certificate in Writing that the whole of the said Principal Monies have been paid off and discharged within the Meaning of this Act; and