ANNO SEXTO & SEPTIMO

GULIELMI IV. REGIS.

****

Cap. xci.

An Act for lighting with Gas and supplying with Water the Town of *Tolcross* and Places adjacent in the County of *Lanark*.

[4th *July* 1836.]

WHEREAS the Streets, Highways, Roads, Ways, Lanes, Passages, and other public Places in the Town of *Tolcross* and Places adjacent thereto in the County of *Lanark* are wholly without public Lamps and Lights, and it would be a great Advantage to the Inhabitants thereof and to Persons frequenting the same if the said Town and Places adjacent were lighted with Gas, and if Gas were introduced into the public and private Houses and Works situated therein: And whereas the Inhabitants of the said Town and Places adjacent are not well or conveniently supplied with Water, and it would contribute to their Health and Safety, and to the Extension of Manufactures, if a constant Supply of Water were brought into and distributed through the said Town and Places adjacent: And whereas the several Persons herein-after mentioned are willing and desirous, at their own Expence, to effect the several beneficial Purposes aforesaid; but the same cannot be carried into execution without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King'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

Proprietors incorporated.

the same, That *Colin Dunlop*, *John Wilson*, *Andrew Bannatyne*, *Dugald John Bannatyne*, *John Tait*, *Colin M Frew*, *George Dunlop*, *Colin Robert Dunlop*, *David Ralston*, *John M'Ilquham*, and such other Persons as shall from Time to Time in manner after mentioned become Proprietors of Shares in the Undertaking hereby established, and their respective Successors, Executors, Administrators, and Assigns, shall be and they are hereby united into a Company, and declared to be One Body Politic and Corporate, by the Name of "The *Tolcross* Gas and Water Company," and by that Name shall have perpetual Succession and a Common Seal, and by that Name may sue and be sued, purchase, feu, and hold Lands for the Use of the said Undertaking, but for no other Use or Purpose; and also resell, feu out, and convey the same to a Purchaser.

Purposes of the Company.

II. And be it enacted, That the Company shall be established for the Purposes of producing Inflammable Air or Gas from Coal, Oil, Tar, Pitch, or other Materials, and of supplying with Gas all Persons, and lighting or supplying with Gas all Streets, Highways, Roads, Ways, Lanes, Passages, and other public Places, and also all public and private Houses, Shops, Manufactories, Properties, and Buildings, situated within the said Town of *Tolcross* or Places adjacent thereto in the Parishes of Barony of *Glasgow* and of *Old Monkland* respectively in the County of *Lanark*, and also of selling and disposing of all Products, Refuse, or Residuum arising or to be obtained from the Materials used in the Manufacture of Gas, and for the further Purpose of procuring, bringing in, and distributing a constant Supply of Water for the Use of the Inhabitants, Manufactories, and others in the said Town and Places adjacent thereto.

Act to be put in Execution upon the passing thereof.

III. And whereas the probable Expence of the said Works hereby authorized to be made will, according to an Estimate thereof, amount to the Sum of Three thousand three hundred and sixty-seven Pounds, which said Sum has been subscribed by several Persons under a Contract binding themselves, their Heirs, Executors, Administrators, and Assigns, for the Payment of the several Sums by them subscribed respectively; be it therefore enacted, That from and after the passing of this Act the Powers and Provisions given by this Act may be put in execution.

Capital Stock.

IV. And whereas the Sum so subscribed as aforesaid for carrying the Purposes of this Act into execution amounts to Six thousand Pounds; be it therefore enacted, That the Joint Stock or Capital of the said Company shall not exceed in the whole the said Sum of Six thousand Pounds.

Stock to be divided into Shares.

V. And be it enacted, That the said Sum of Six thousand Pounds shall be divided into Shares of not less than Twenty Pounds each, and each such Share shall be distinguished by a different Number, beginning with the first Share at One, and ascending in regular or arithmetical Progression; and every Person who shall have subscribed for a Part of the said Capital Stock equal to One or more of the said Shares shall be a Proprietor and be entitled to and interested in the Capital Stock and Effects of the Company, and the

Profits

Profits and Advantages attending the same, according to the Number of Shares for which he shall have so subscribed.

Register of Shares to be kept.

VI. And be it enacted, That the Clerk of the Company, as soon as a Clerk is appointed, shall cause the Names and Additions of the several Persons entitled to Shares in the said Undertaking, with the Number of such Shares, and also the proper Number by which every Share shall be distinguished, to be registered in a Book to be kept for that Purpose, and thereafter shall cause a Certificate under the Common Seal of the Company to be delivered to every Proprietor on Payment to the Clerk of a Fee of Two Shillings and Sixpence, which Certificate shall specify the Shares to which he is entitled in the said Undertaking; and such Certificate shall be sufficient Evidence of the Title of such Proprietor to the Shares therein specified, but the Want of such Certificate shall not prevent him from selling or disposing of his Shares.

Power to create new Stock or to borrow.

VII. And be it enacted, That in addition to the said Capital of Six thousand Pounds it shall be lawful for the Company from Time to Time when they shall find it necessary to raise, by creating additional Stock in the said Concern, or by way of Loan over the Property and Effects belonging to the Company, or by both of the said Ways, any further Sums of Money for the said Undertaking not exceeding in the whole Two thousand Pounds Sterling.

Mode of creating new Stock.

VIII. And be it enacted, That in case it shall be deemed advisable by the said Company to raise any Part of the further Sum of Two thousand Pounds by the Creation of additional Stock, then it shall be lawful for the Company either to raise the same amongst themselves or to admit new Subscribers, as to them shall seem meet, and for such Purpose to create such Number of additional Shares of Twenty Pounds Sterling each as may be necessary, all of which shall be numbered progressively as aforesaid; and every Person subscribing for One or more additional Shares shall be a Proprietor in the Undertaking, and shall be interested in the same to all Intents and Purposes as if the Shares held by him had been originally Part of the said Capital Stock of Six thousand Pounds Sterling; and it shall be lawful for the Company to sell any such additional Shares to such Persons and for such Prices as to the Company shall from Time to Time seem meet.

Mode of borrowing.

IX. And be it enacted, That in case it shall be deemed advisable by the Company to raise any Part of the said further Sum of Two thousand Pounds Sterling by way of Loan, then it shall be lawful for the Directors of the Company for the Time being, elected in manner herein provided, by and with the Advice and Direction of any General Meeting of the Company, to borrow and take up the same at Interest for the Use of the Company, and thereupon by Writing under the Common Seal of the Company to grant, execute, and deliver to and in favour of the Lenders thereof such Deeds as may be required for binding the Company, and the Estates, Stock, and Effects thereof, for the Repayment of the Sums so borrowed, with Interest, and for conveying the same in Security thereof;

thereof; and such Deeds shall be good, valid, and effectual in the Law, and shall entitle the Persons to whom the same shall be made, or their Heirs, Executors, Administrators, or Assigns, to the Payment thereof, according to the Form of Words of such Deeds and the true Intent of this Act.

Estate of the Company liable for its Debts.

X. Provided always, and be it enacted, That the Estate, Stock, and Effects of the Company shall at all Times be liable and answerable for the just Debts and Demands of the Creditors of the Company.

First General Meeting.

XI. And be it enacted, That within One Month after the passing of this Act, or as soon after as conveniently may be, a General Meeting of the said Proprietors shall be holden in the Town of *Tolcross* or some Place adjacent thereto between the Hours of Ten of the Clock in the Forenoon and Three of the Clock in the Afternoon, of which General Meeting Notice shall be given by some one of the Proprietors by Circulars addressed to each of the other Proprietors at their usual Residences, and put into the Post Office in *Glasgow* Ten Days at least before the Day of Meeting, and such General Meeting shall then and there proceed in the Execution of this Act; and

Subsequent General Meetings.

thereafter, on the First *Thursday* in the Month of *July* in each Year, or as soon after as may be convenient, an Annual General Meeting of the Company shall be holden, of which Notice shall be given in manner herein provided.

Special General Meetings.

XII. And be it enacted, That Two or more of the said Proprietors, holding in the Aggregate Thirty Shares or more, may from Time to Time call a Special General Meeting of the Company, so as the Object for which such Special General Meeting shall be called be expressed in the Notice thereof to be given as herein provided; and all Acts and Proceedings of such Special General Meeting shall be as valid with respect to the Matters specified in such Notice (but no other) as if the same had been done or had taken place at a General Annual Meeting held in manner herein provided.

Mode of advertising Meetings.

XIII. And be it enacted, That all Notices herein directed to be given of any Meetings of the Company or Adjournments thereof, not herein otherwise provided for, shall be given by the Clerk or Treasurer of the Company by Advertisement in some Newspaper published in the City of *Glasgow*, or by a Circular to each of the Proprietors sent through the Post Office there, at least Eight free Days before the Day appointed for such Meeting or adjourned Meeting; and such Notices and Letters shall specify the Time and Place at which such Meetings are to be held, and when so published or sent shall be deemed the same as personal Notices.

Mode of proceeding at Meetings.

XIV. And be it enacted, That at every Meeting of the Company one of the Proprietors present shall be elected Chairman, and shall besides his own Vote have a casting Vote in case of an Equality of Voices; but if at any such Meeting the Proprietors who shall be present shall not be possessed of One hundred Shares at least in the

said Undertaking, then the Meeting shall not proceed with the Business, but shall adjourn.

Mode of voting at Meetings.

XV. And be it enacted, That every Member of the Company present at any Meeting thereof shall have One Vote for every Share he shall possess in the said Undertaking, and the Majority of Votes shall decide every Question that may come before such Meeting: Provided always, that no Proprietor shall be entitled to vote in respect of any Share, after the Day appointed for Payment of any Call to be made as herein mentioned, until such Call shall have been paid.

Where more than One Proprietor.

XVI. And be it enacted, That when any Share shall be jointly possessed by or be the Property of more than One Person the Proprietor whose Name shall stand first in Order in the Register Books of the Company shall for all the Purposes of the Company be deemed the Proprietor of such Share; and all Notices required to be given to the Proprietors of Shares in the said Undertaking shall and may be given to such Proprietor for the Share in which he has such joint Interest, and such Notice shall be deemed to be Service upon all the Proprietors of such Share, and such Person shall be entitled to vote for any of the Purposes of this Act in respect of such Share.

Proprietor may vote by Proxy.

XVII. And be it enacted, That every Proprietor of Shares in the said Undertaking shall have Power to give his Vote either in Person or by Proxy, provided such Proxy shall be a Member of the Company; and the Appointment of such Proxies may be made in the Form or to the Effect following; (that is to say,)

'I *A.B.* of a Proprietor of Shares in the *Tolcross* Gas and Water Company, do hereby appoint *C.D.* of to be my Proxy to vote for me in a Meeting of the Company to be holden on the Day of or any Adjournment thereof.'

Provided always, that no Person shall vote as a Proxy for more than Two Proprietors, or be enabled to give more than Five Votes for each on the same Question.

Adjournment of Meetings.

XVIII. And be it enacted, That every Meeting of the Company may at any Time be adjourned by a Majority of those present; but Notice of such adjourned Meeting, and of the Object for which it is to be held, shall be given in manner herein provided: Provided always, that no Business shall be transacted at any such adjourned Meeting except the Business left unfinished at the Meeting from which such Adjournment took place, and of which Notice shall have been given as aforesaid.

Directors to be elected.

XIX. And be it enacted, That at the First General Meeting of the Company, or Adjournment thereof, the Persons present shall elect from amongst such of the Proprietors as shall be possessed of Five Shares at the least Four Directors of the Affairs of the Company, to continue in Office until the ensuing General Annual Meeting, or until others shall be elected in their Stead; and at every General Annual Meeting to be holden after the First General Meeting of

the Company Four Directors shall in like Manner be elected from amongst the Proprietors, (qualified as before,) to continue in Office for One Year; and the former Directors of the said Company shall be re-eligible if otherwise duly qualified; and after such Election shall have taken place such Directors as have not been re-elected shall go out of Office, but no Person shall be eligible to be elected or re-elected a Director who shall hold any Office or Place of Profit under the Company.

Meetings of Directors.

XX. And be it enacted, That the Directors to be from Time to Time appointed as aforesaid, of whom any Three shall be a Quorum, shall hold their Meetings at such Time and Place within the Town of *Tolcross* or Places adjacent as a Majority of them shall from Time to Time approve; and all Questions which shall be proposed, discussed, or considered by the said Directors at any of their Meetings shall be decided by the Majority in Number of the Members present; and the said Directors shall from Time to Time elect one of their own Number to act as their Chairman; and in case of there being upon any Question an equal Number of Votes, including the Vote of the Chairman for the Time being, such Chairman shall have an additional or casting Vote; and if on the Day appointed for any Meeting of the said Directors Three Directors shall not attend, then and in such Case the Meeting shall be adjourned to the next Day, not being a *Sunday*, and if the next Day shall be a *Sunday* then to the *Monday* following, by the Director or Directors then present, or if none be present, then by the Clerk to the Company, or such other Person as shall attend in his Place; and any One of the said Directors, or the Clerk of the Company by the Direction of any One or more of them, may at any Time call a Meeting of all the Directors by causing Notice in Writing, signed by such Director or Directors or by the Clerk of the Company, to be sent by the Post or otherwise to the Residence or Address of every Director, and also renew the Meetings of the Directors, although they may have been discontinued for Want of Adjournment, or institute a new Meeting independent of any Meeting appointed by Adjournment.

Disqualification of Directors.

XXI. Provided always, and be it enacted, That if any Proprietor who shall be elected a Director as aforesaid shall be or become a Dealer in any Article to be used by the Company, or shall offer to take or shall take or participate in any Work to be done for the Company, every such Proprietor shall be disqualified to vote in any Matters to be discussed by the said Directors wherein he shall be interested otherwise than as a Proprietor.

Duties of Directors.

XXII. And be it enacted, That the Directors for the Time being shall have the Custody of the Common Seal of the Company, and shall appoint the Hour and Place for holding General Meetings, and shall buy and sell, receive and lay out the Money of the Company, and shall make Contracts and Bargains, and rescind or compromise the same, and in general shall direct and manage the whole Affairs of the Undertaking, subject to such Orders, Bye Laws, Rules, and Regulations as shall at any Time be duly made by the said Directors or by the Company in regulation of the Powers and Authorities

Authorities by this Act granted; and the said Directors may employ such Servants, Workmen, Tradesmen, and other Officers, with adequate Salaries, (except a Treasurer and Clerk,) and from Time to Time dismiss, remove, or suspend them, as they may think proper, and take such Security from the Persons so employed by them for the faithful Execution of their respective Duties as they shall think proper.

Mode of filling up Vacancies.

XXIII. And be it enacted, That when and so often as any One of the said Directors to be elected by virtue of this Act shall die, or become disqualified, or shall for the Space of Four Months refuse or neglect to attend the Meetings of the said Directors, it shall be lawful for the Company at any General Meeting to elect some other Proprietor, qualified as herein provided, to be a Director in his Stead; and every such Proprietor so elected shall continue in Office as one of such Directors so long as the Person in whose Place or Stead he was elected would have been entitled to have continued if such Death, Disqualification, Refusal, or Neglect had not happened.

Treasurer and Clerk to be appointed.

XXIV. And be it enacted, That the Company shall, at their First General Meeting or at some Adjournment thereof, appoint a Treasurer for transacting the pecuniary Business of the Company, and also a Clerk to keep the Records and Papers of the Company; and it shall be lawful for the Company, at any subsequent General or Special General Meeting to be holden as herein directed, from Time to Time to remove and displace such Treasurer or Clerk, or any other Person who shall be appointed instead of either of them, and also from Time to Time to elect any other Person to act as Treasurer or Clerk in the Room of such as shall happen to die, or resign, or be removed: Provided always, that the Company shall and they are hereby required to take sufficient Security from every Person who shall be appointed Treasurer of the Company for the faithful Execution of his Office before he shall enter thereupon.

Same Person not to be Treasurer and Clerk.

XXV. Provided always, and be it enacted, That it shall not be lawful for the Company to appoint the Person who may be appointed their Clerk, or the Partner of any such Clerk, or any Person in the Employ of any such Clerk or of his Partner, the Treasurer for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, or any Person in the Employ of any such Treasurer or of his Partner, the Clerk for the Purposes of this Act; and if any Person shall accept both the Offices of Clerk and Treasurer, or if any Person, being the Clerk or Partner, or in the Employ of any such Clerk or of his Partner, shall accept the Office of Treasurer, or being the Treasurer or Partner, or in the Employ of any such Treasurer or of his Partner, shall accept the Office of Clerk in the Execution of this Act, or if any such Treasurer shall hold or accept any Place or Office of Profit or Trust under this Act other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person who shall sue for the same, to be recovered by

Action

Action of Debt in any Court of Law, and shall for ever be disqualified from holding any Office or Place under the Company.

Treasurer not to issue Money without Order; his Receipt a Discharge.

XXVI. And be it enacted, That the Treasurer to be appointed by the Company shall not issue any Sum of Money on their Account without an Order in Writing signed by One or more of the Directors of the Company; and the Receipt of such Treasurer for all Monies payable to the Company shall be an effectual Discharge for the same.

Proceedings to be entered.

XXVII. And be it enacted, That all Orders and Proceedings of the Company or of the said Directors, made at any Meeting of the Company or Directors respectively, shall be entered in a Book or Books to be kept for that Purpose, and shall be signed by the Chairman for the Time being of such respective Meetings; and such Orders and Proceedings so entered and signed shall be deemed and taken to be original Orders and Proceedings, and shall be allowed to be read in Evidence on behalf of the Company in all Courts and Places whatsoever.

Officers to account.

XXVIII. And be it further enacted, That all such Officers or Persons appointed or employed by or for the said Company shall from Time to Time when thereunto required deliver to the said Company or Directors, or to such Person or Persons as the said Company or Directors shall for that Purpose appoint, true, exact, and perfect Accounts, in Writing under their respective Hands, of all Monies which they and every of them respectively shall have received by virtue of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper Vouchers for such Payments, and shall pay all such Monies as shall remain in their or any of their respective Hands to the said Company or to the said Directors, or to such Person or Persons as the said Company or the said Directors shall appoint to receive the same; and if any such Officer or Person shall refuse or neglect to deliver up or produce such Accounts and the Vouchers relating to the same in manner aforesaid, or shall refuse or neglect to pay the Money due on such Accounts, or if any such Officer shall refuse or neglect to deliver up to the said Company or such Directors, or to such Person or Persons as they shall appoint, within Ten Days after being thereunto required, all the Books, Papers, or Writings, Property, Effects, Matters, and Things, in his Custody or Power, relating to the Execution of this Act, then and in every or any of the said Cases it shall be lawful for the Sheriff of the said County of *Lanark*, or the Sheriff of any other County in *Scotland* where any such Officer or Person resides or may be found, on Proof shown to him of such Requisition having been made as aforesaid, upon Complaint made before him by or on behalf of the said Company or Directors, to summon such Officer or Person to appear before such Sheriff, and upon his or her appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account or Accounts if produced; and if upon Confession of the Officer or Person against whom any such Complaint shall be made, or by the

the Oath or Oaths, Affirmation or Affirmations (as the Case may require) of any Witness or Witnesses, which Oath or Affirmation such Sheriff is hereby empowered and required to administer and take without Fee or Reward, or upon Inspection of the said Accounts if produced, it shall appear to any such Sheriff that any of the said Money which shall have been collected or received shall be in the Hands of such Officer or Person, such Sheriff may and is hereby authorized and required, on Nonpayment thereof, by Warrant under his Hand to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person; and if no Goods and Chattels can be found sufficient to answer and satisfy the said Money and the Charges of distraining and selling the same, or if such Officer or Person shall not appear before the said Sheriff at the Time and Place appointed for that Purpose, unless for some sufficient Reason, or if appearing shall refuse or neglect to give and deliver to such Sheriff an Account or Accounts of all Receipts and Payments as aforesaid, or to produce and deliver up to such Sheriff the several Vouchers and Receipts relating to such Accounts respectively, or the Books, Accounts, Papers, and Writings, Matters and Things, in his or her Custody or Power relating to the Execution of this Act, then and in any or either of the Cases aforesaid any such Sheriff may and he is hereby authorized and required to grant Warrant for the immediate Incarceration of such Officer or Person in the Common Gaol or House of Correction of the County, City, Burgh, or Place where he shall live or reside, there to remain without Bail, in case he or she should be committed for Nonpayment of any Money received by him or her or in his or her Hands, until he or she shall have accounted for and paid the full Amount thereof, or compounded with the said Company or Directors, and paid such Composition, in such Manner as the said Company or the said Directors shall appoint (which Composition the said Company or Directors are hereby empowered to make), or in case he or she shall be committed for not delivering any Accounts, Books, Papers, or Writings as aforesaid, until he or she shall have delivered up such Books, Papers, and Writings, Matters and Things as aforesaid, or made Satisfaction in respect thereof to the said Company or Directors; provided that no Person who shall be so committed for Want of sufficient Distress shall be detained in Prison by virtue of this Act for a longer Space of Time than Three Calendar Months.

To compel Payment of Subscriptions.

XXIX. And be it enacted, That the several Persons who have subscribed or shall subscribe for Shares in the said Undertaking, or who shall at any Time hereafter hold Shares in the same, shall and they are hereby required to pay the Sums of Money by them respectively subscribed, or such Parts thereof as shall from Time to Time be called for pursuant to the Powers of and Directions contained in this Act; and in case any such Person shall refuse or neglect to pay any such Sum of Money it shall be lawful for the Company to sue for and recover the same from him by Action of Debt or on the Case in any Court of Law, together with lawful Interest for the same from the appointed Time of Payment, and all Costs of Suit.

No Person answerable for more than his Stock.

XXX. Provided always, and be it further enacted, That no Person or Persons who is, are, or shall be Proprietor or Proprietors of the Stock of the said Company, or Contributor or Contributors thereto, shall be liable personally, or in his Real or Personal Estate; and nothing herein contained shall extend to make them, or any of their Clerks, Treasurers, or other Officers or Servants, except as hereinafter provided, liable for any Debt or Demand whatever due or to become due from or by the said Company, or in anywise relating to the said Undertaking, beyond the Amount of his Stock or Shares in the Capital Stock of the said Company; any Law, Custom, or Usage to the contrary thereof in anywise notwithstanding.

General Meetings may make Calls.

XXXI. And be it enacted, That the Company shall have full Power from Time to Time to make such Calls of Money from the Subscribers to and Proprietors for the Time being of Shares in the said Undertaking, not exceeding in the whole, including the Sum or Sums already paid, the Sum of Twenty Pounds on each Share, as they shall consider expedient and necessary: Provided always, that no One such Call shall exceed the Sum of Five Pounds for or in respect of any One Share, and that there shall be an Interval of at least Three Months between each Call; and provided further, that every Sum so to be called for shall be paid into the Hands of the Treasurer to the Company, and shall be paid at such Time and Place as shall be appointed by a General Meeting, of which Time and Place Ten Days Notice at least shall be given to each Subscriber or Proprietor.

If Calls not paid Shares to be forfeited and sold.

XXXII. And be it enacted, That if any Subscriber or Proprietor of Shares in the said Undertaking, his Executors, Administrators, Successors, or Assigns, shall neglect or refuse to pay his Portion of the Money to be called for by the Company as aforesaid by the Time appointed for Payment thereof, or within Fourteen Days next after, then and in every such Case the Subscriber or Proprietor so neglecting or refusing shall (whether the same shall have been then sued for in any Court of Law or not) absolutely forfeit all his Shares in the said Undertaking, and all Money theretofore advanced by him on account thereof, to and for the Use and Benefit of the Company, in whom the said Shares shall thereupon be *ipso jure* vested, unless otherwise determined by a General Meeting of the Company; and all Shares which shall be so forfeited shall be sold by the Company at a public Sale to the highest Bidder, and the Produce thereof shall be applied in or towards Payment of the Calls made on the Shares belonging to such Subscriber or Proprietor in so far as unpaid: Provided always, that no such Sale shall take place until after Fourteen Days Notice of the intended Sale shall have been given in Writing by the Chairman of the Company or Two of the Directors thereof to the Subscriber or Proprietor neglecting or refusing to pay the Portion of the Money called for and due by him, or left at his usual or last Place of Abode, if he shall reside within that Part of *Great Britain* called *Scotland*, and if not, then by Letter sent by the Post.

Surplus Price of forfeited

XXXIII. Provided also, and be it enacted, That in case the Money produced by the Sale of any Shares so forfeited shall be more than

sufficient to pay all Arrears of Calls as aforesaid and lawful Interest thereon, with the Expences attending such Sale, the Surplus of such Money shall be paid, on Demand, to the Person to whom such Shares shall have belonged; but the Company shall not sell any more of the Shares belonging to such Defaulter than shall be sufficient, as near as may be, at the Time of such Sale, to pay the Arrears due from such Defaulter for or on account of his whole Shares and the Interest and Expences attending the same; and from and after the Payment of all such Calls, and the Interest and Expences as aforesaid, any Shares so forfeited to and vested in the Company which shall remain in their Hands unsold shall revert to and again become the Property of the Person (or his Executors or Administrators) to whom such Shares shall have belonged immediately before any such Forfeiture as aforesaid, in such Manner as if such Calls had been regularly paid.

Shares to be paid to the Owner.

XXXIV. And be it enacted, That it shall be lawful for any of the Proprietors of Shares in the Company, their Executors, Administrators, Successors, and Assigns, to sell and transfer any Share or Shares of which they shall respectively be possessed; and every such Transfer shall be duly stamped, and shall or may be in the Form or to the Effect following; (that is to say,)

Proprietors may transfer their Shares.

Form of Transfer.

'I of in consideration of paid to me by do hereby bargain, sell, assign, and transfer to the said Shares in the *Tolcross* Gas and Water Company, Numbers in the said Undertaking, to hold to the said and his Executors, Administrators, and Assigns, subject to the same Rules, Orders, and Restrictions, and on the same Conditions, as I held the same Shares immediately before the Execution hereof; and I the said do hereby agree to take and accept the said Shares, subject to the said Rules, Orders, Restrictions, and Conditions. As witness our Hands and Seals this Day of in the Year of our Lord .'

And every such Transfer shall be produced to the Clerk of the Company, and an Abstract thereof shall be registered by him in the Books of the Company, for which the Sum of Two Shillings and Sixpence shall be paid by the Person requiring such Transfer to such Clerk, and no more; and the Registry thereof shall specify the Dates, Names of the Parties, and the Number of Shares transferred; and an Extract of such Register, signed by the said Clerk, shall be issued to the Purchaser, and shall be sufficient Evidence of such Transfer, and be received and admitted as such; and until such Transfer shall be registered in the Books of the Company no Purchaser of any Share, or his Executors, Administrators, or Assigns, shall be deemed a Proprietor, or have any Part of the Profit of the said Undertaking or the Advantages thereof, nor shall receive any Interest or Dividends for or in respect of such Shares so purchased, nor be entitled to vote at any Meeting as a Proprietor of the said Undertaking in respect of such Shares.

XXXV. Provided always, and be it enacted, That so often as any Call for Money shall be made by virtue of this Act no Proprietor shall

If Call is made no Transfer until Call is paid.

shall sell or transfer any Shares which he shall possess in the said Undertaking, after the Day appointed for Payment of the said Call, until the Money so called for in respect of his Shares intended to be sold shall be paid, and until such Money so called for shall be paid every such Sale or Transfer shall be void; and every Proprietor making default herein shall forfeit such his Shares in the said Undertaking, to and for the Benefit of the Company, unless he or they shall at the Time of such Sale and Transfer pay to the Treasurer of the Company the full Sum of Money so called for upon every Share so to be sold or transferred.

Shares to be Personal Estate.

XXXVI. And be it enacted, That all Shares in the said Undertaking shall be deemed Personal or Moveable Estate, and not of the Nature of Real or Heritable Property, and shall be transmissible accordingly.

Power to register Judicial Transfer.

XXXVII. And whereas by Death, Insolvency, Bankruptcy, or other Cause, the Right to the Shares held by any Proprietor may come to be judicially transferred to some other Person without any Transfer thereof being executed in the Form herein provided; be it therefore enacted, That in order to vest such Shares in such other Person the Letters of Administration, Confirmation, Adjudication, or other Act whereby such Judicial Transfer is made shall be in like Manner produced to the Clerk of the Company, and an Abstract thereof registered by him as aforesaid; and an Extract of such Register, signed by the Clerk, shall be issued, and be of like Effect as Evidence, as is herein-before provided in the Case of voluntary Transfer: Provided always, that the recording of an Abstract of any such Act shall not imply any Liability on the Part of the Company or the Clerk for the Regularity or Validity of such Document, and that all Payments of Dividends or other Acts done by the Company or any of their Officers, *bonâ fide* in the Belief of the Regularity or Validity of any such Documents, shall be effectual, so far as the Company or such Officers are concerned, and shall exonerate them from all Claim on the Part of others alleging a preferable Right to such Shares or Dividends.

General Meetings to call for Accounts, &c.

XXXVIII. And be it enacted, That the Company shall have Power from Time to Time to call for and examine all the Accounts of the Company; and at every Annual General Meeting or Adjournment thereof a Dividend shall be made out of the Profits of the said Undertaking (unless such Meeting shall declare otherwise), and such Dividend shall be at the Rate of such a Sum *per Centum* upon or for every Share in the said Undertaking as such Meeting shall think fit to determine; but no Dividend shall be made whereby the Capital of the Company shall be reduced, nor shall any Dividend be paid in respect of any Share until all Calls for Money then made in respect thereof by virtue of this Act shall have been paid.

Power to purchase and hold Lands, &c.

XXXIX. And be it enacted, That it shall be lawful for the Company and they are hereby empowered from Time to Time to contract and agree for the absolute Purchase, for a Price paid, of such Lands, Buildings, Works, Drainage Water, Streams of Water, Springs, or other Heritable Property as they may think requisite to be taken for any of the Purposes of this Act, to be held by them, their Successors and

and Assigns; provided always, that the Quantity of Land so purchased and held shall not in the whole at any One Time exceed Three Statute Acres; and also from Time to Time to sell, dispose of, and convey, by Deed executed by the Directors or their Quorum in Terms of the Resolution of a General Meeting of the Company and under their Seal, such Lands, Buildings, Works, Drainage Water, Streams of Water, Springs, or other Heritable Property, or such Part thereof as they shall think unnecessary to be held for the Purposes of this Act, and to purchase and hold other Lands, Buildings, Works, Drainage Water, Streams of Water, Springs, or Heritable Property for the Purposes aforesaid, the Land so held never at any One Time exceeding in Extent the Quantity aforesaid, without the Company thereby incurring or being subject to any of the Penalties or Forfeitures of any Law or Statute whatsoever.

Power to contract for Supply of Water.

XL. And whereas there is at present a very large Supply of pure Water derived from the Coal Wastes or Mines and other Mines which are situated in or under the Lands described in the Plan and Book of Reference herein-after mentioned: And whereas the said Water is at present raised to the Surface by Machinery belonging to *Colin Dunlop* of *Tolcross* at a certain Shaft or Pit on the Lands of *Carmyle*, commonly known by the Name of the *Muir Pit*, and might be advantageously employed for certain of the Purposes of this Act; be it therefore enacted, That it shall be lawful for the Company either to purchase and acquire an absolute Right to the said Water and Machinery in the Manner herein provided, or to contract with the Person or Persons being interested therein or having Right thereto for a constant Supply of such Water to be used for the Purposes of this Act, and to pay for the same such annual Rent or Consideration as may be by such Parties and the Company specially agreed upon; and it shall be lawful for such Parties to enter into such Contract with the Company either for a Perpetuity or for a Term of Years, as may be agreed on; and such Contract shall be binding, notwithstanding the limited or defeasible Right and Title of any such Parties, in the same Way that an absolute Sale would be in manner herein-after provided; saving and reserving nevertheless to the Proprietor of the Lands of *Carmyle* and his Feuars and Tenants every Right and Claim of Damage or otherwise to which the said Proprietor, or his Feuars and Tenants, or any of them, are now entitled or would have if this Act had not been made.

Reserving Rights of Proprietor of Carmyle and his Feuars and Tenants.

Incapacitated Persons and others may convey.

XLI. And be it enacted, That it shall be lawful to and for all Bodies Politic, Corporations, Heirs of Entail, Life-renters, Husbands, Tutors and Curators, or other Guardians, Trustees for charitable and other Purposes, and all other Persons whomsoever, who shall have Right to or be interested in any Lands, Buildings, Works, Drainage Water, Streams of Water, Springs, or other Heritable Property, not only for and on behalf of themselves, their Heirs and Successors in the said Property, but also for and on behalf of those for whom they may be Guardians or Trustees, whether Infants, Minors, Issue unborn, Lunatics, Idiots, Married Women, or other Persons, and it shall also be lawful to and for all Married Women who shall be possessed of,

seised, or interested in such Property, either absolutely or by virtue of any Right of Terce or other Right, and to and for all and every Person whomsoever who shall have Right to or be interested in any such Property, if the same or any Part thereof shall be thought necessary or convenient by the Company to be purchased for the Purposes of this Act, to contract with and sell and convey to the Company all or any Part thereof; and all such Contracts, Sales, and Conveyances shall be valid and effectual, notwithstanding the limited or defeasible Nature of the Right and Title of the Parties so contracting, selling, or conveying, any Law or Custom, or Prohibition in the Titles of such Property, to the contrary notwithstanding; and all such Bodies Politic, Corporations, and other Persons aforesaid so contracting, selling, and conveying are hereby indemnified for what they shall so do in pursuance of this Act; and all such Contracts, Sales, and Conveyances shall be made at the Expence of the Company, and shall be according to or as near as may be in the following Form:

Form of Conveyance.

'I of in consideration of the Sum of paid to me by the [*Name of the Company*], do hereby grant and convey to the said Company all and whole [*describe the Premises conveyed*], and all my Right, Title, and Interest in and to the same and every Part thereof, to be holden by the said Company and their Successors for ever in Terms of an Act passed in the Year of His present Majesty, intituled [*here set forth the Title of this Act*], by the Tenure of [*here insert tenendas and reddendo*], and I consent to the Registration hereof in the Books of Council and Session, or others competent for Preservation and Execution, and also in the Register of Sasines, Reversions, *&c.* for Publication, and thereto constitute my Procurators. In witness whereof I have subscribed these Presents, written by at this Day of before these Witnesses and .'

Which Conveyance, being duly executed and registered in the Register of Sasines of the County or District in which the Premises conveyed shall be situated, which the respective Keepers of the Registers in such Counties and Districts are hereby authorized and required to do, shall give and constitute a good and undoubted Right and complete and valid feudal Title in all Time coming to the said Company of Proprietors, and their Successors and Assigns, to the Premises therein described; any Law or Custom to the contrary notwithstanding.

Satisfaction to be made.

XLII. And be it enacted, That the Company shall make or tender to the Owners and Occupiers and Persons interested in any Lands, Buildings, Works, Drainage Water, Streams of Water, Springs, or other Heritable Property which shall be required for the Purposes of the said Waterworks, a Sum of Money by way of Satisfaction or Price for the same, before they shall in anywise take possession or make use thereof, and also a Sum of Money by way of Compensation for any other Lands, Buildings, Works, Drainage Water, Streams of Water, Springs, or other Heritable Property which shall be

be damaged in the Execution or by virtue of any of the Powers herein contained in relation to such Waterworks.

In case of Disagreement as to Price.

XLIII. And be it enacted, That in case the Parties having Right to or being interested in any Lands, Drainage Water, Streams of Water, Springs, or other Heritable Property required for the Purposes of the said Waterworks, shall not be satisfied with the Amount of any Sum offered to be paid them by the Company as a Compensation for the Damage done to any such Lands, Drainage Water, Streams of Water, Springs, or other Heritable Property, by the Operations of the Company, and in case the Amount of such Damage claimed shall exceed One hundred Pounds Sterling; or in case the Company and the Parties so having Right to or being interested in any Lands, Drainage Water, Streams of Water, Springs, or other Heritable Property required to be taken for the Purposes of the said Waterworks, cannot agree as to the Price to be paid therefor; or in case, after a Tender of a certain Price, or of a certain Compensation for Damage, made by the Company to such Parties or their known Agents, they or their said Agents shall refuse the same; or in case such Parties shall refuse or neglect to treat, or by reason of Absence or other Cause shall be prevented from treating, with the Company for the Sale of such Lands, Drainage Water, Streams of Water, Springs, or other Heritable Property; or in case such Parties shall not be able to give a clear and valid Title thereto; then and in every such Case the Company, or the said Parties having Right to or being interested in such Lands, Drainage Water, Streams of Water, Springs, or other Heritable Property, and to whom such Price or Compensation, or any Part thereof, may be due, shall be and they are hereby respectively empowered and required from Time to Time to make Application in Writing to the Sheriff of the County of *Lanark* to proceed as herein-after mentioned; and the Sheriff is thereupon accordingly hereby required to summon and return a Jury of Twelve Persons in the Manner in which Juries are summoned and returned in Civil Causes in *Scotland*, to meet at such Time and Place as in the Warrant to be issued for that Purpose shall be appointed, not being less than Eight nor more than Fourteen Days after the Date of such Application; and in case a sufficient Number of Jurymen shall not appear at the Time and Place so to be appointed the Sheriff shall return other honest and indifferent Men of the Standers-by, or that can most speedily be procured, to make up the said Jury to the Number of Twelve; and which Jury shall be impannelled for the Trial of the Cause between the Company and the Parties aforesaid; provided always, that all Persons concerned may have their lawful Challenges or Exceptions against any of the said Jurymen; and the Sheriff is hereby empowered and required to preside at the said Trial, and at or previous thereto to issue his Precept for citing to appear before the said Jury all Persons who shall by either of the Parties be thought necessary to be examined as Witnesses touching the Matter in question; and the Sheriff may order and authorize any Three or more of the said Jury to view the Place or Places or Matters in controversy; and the said Jury upon their Oaths (which Oaths, as well as the Oaths to such Persons as shall be called upon to give Evidence, the Sheriff is hereby empowered to administer,) shall

shall inquire into and assess the Sum of Money to be paid for the Purchase of such Lands, Drainage Water, Streams of Water, Springs, or other Heritable Property, or, as the Case may be, the Compensation to be made by the Company to the Parties claiming the same; and in case it shall be necessary in any Cause to inquire into and assess both the Price and Damage, the Verdict of the Jury shall state the Amount of each separately; and the Sheriff shall forthwith give Judgment and Decree for such Price or Purchase Money, or Compensation for Damages, as the Case may be, or for both, if found due; which said Verdict, Judgment, and Decree shall be binding and conclusive to all Intents and Purposes against all Persons whomsoever, and shall not only be enforced by every Diligence of the Law competent on any Decree of the Sheriff in a Civil Cause, but shall not be subject to Reduction, Advocation, or Suspension, or to any Question or Review in any way whatsoever.

Persons desiring a Jury to give Security.

XLIV. And be it enacted, That all and every Person making Application for such Jury (except the Company) shall, before the Sheriff shall issue Warrant for the summoning of such Jury, enter into a Bond, with sufficient Sureties, to the Clerk of the Company, binding themselves jointly and severally in a Penalty of One hundred Pounds to prosecute such Application, and to bear and pay whatever Portion of the Expence of obtaining such Verdict, Judgment, and Decree shall be found due by such Person so applying.

Persons giving false Evidence to be prosecuted.

XLV. And be it enacted, That every Juryman and Witness summoned to attend such Trial shall be subject to the same Regulations, Pains, and Penalties for Nonattendance or otherwise as if such Juryman and Witness had been summoned to pass upon any Jury for the Trial of a Civil Cause in *Scotland*; and that every Witness who shall wilfully and corruptly give false Evidence before any such Jury shall and may be prosecuted for the same, and upon Conviction thereof shall be subject to such Punishments and Disqualifications as any Person can or may be subject to for wilful Perjury by the Laws and Statutes of this Realm.

Expences of Jury how to be borne.

XLVI. And be it further enacted, That in every Case in which the Verdict of a Jury summoned as aforesaid shall be given for the same or a greater Sum than shall have been previously offered by the said Company for the Purchase of any Lands, Drainage Water, Streams of Water, Springs, or other Heritable Property to be used or taken by them for the Purposes of the said Waterworks, or as a Satisfaction, Recompence, or Compensation for any Damage or Loss which may happen or arise in the Execution of any of the Powers hereby granted for the Purposes aforesaid, all the Costs of summoning such Jury, and the Expences of Witnesses and of the Bond to be entered into as above mentioned, shall be defrayed by the said Compyan; and such Costs and Expences shall be settled and taxed by the Sheriff who shall have presided at the Trial; and in case such Costs and Expences shall not be paid to the Party entitled to receive the same within Twenty Days after the same shall have been demanded, then the same shall and may be levied and recovered by Distress and Sale of any Goods

Goods and Chattels of the said Company, and by the like summary Process by which any Penalties or Frofeitures may be recovered by this Act; but if the Verdict of the Jury shall be given for a less Sum than shall have been previously offered by the said Company, One Moiety of the said Costs and Expences shall be defrayed by the Party with whom the said Company shall have such Controversy or Dispute, and the Remainder shall be defrayed by the said Company, and the former Moiety of such Costs and Expences, having been ascertained and settled in manner herein-before mentioned, shall and may be deducted out of the Money adjudged to be paid to such other Party as so much Money advanced to and for his Use, and the Payment or Tender of the Remainder of the Money so adjudged shall be deemed and taken to all Intents and Purposes to be a good Payment or Tender in satisfaction of the whole thereof; and in case no Damages shall be given by any Verdict where the Dispute is for Damages only, such Expences shall be paid by the Person who claimed Damages from the said Company, and shall be recovered by the said Company in the same Manner as is herein-after provided for the Recovery of any Penalty or Forfeiture incurred by or under this Act: Provided always, that in Cases in which, by reason of Absence in Foreign Parts, or from any other Cause or Disability not herein-before provided for, any Person shall have been prevented from treating and agreeing as aforesaid, the whole of such Costs and Expences shall be borne and paid by the said Company.

Verdicts to be recorded.

XLVII. And be it enacted, That all such Verdicts, Judgments, and Decrees (being first signed by the Sheriff) shall be kept by the Sheriff Clerk of the County of *Lanark* amongst the Records of the said County, and shall be deemed a Part thereof to all Intents and Purposes; and Extracts thereof, signed by the Sheriff Clerk in the usual Form, shall be allowed to be good Evidence in all Courts whatsoever, and shall authorize Execution and Diligence, in the same Way and to the like Effect as the Extract of any Judicial Proceedings in Civil Causes in the ordinary Court of such Sheriff; and all Persons shall have free Liberty to inspect the Records of such Proceedings on paying for each Inspection the Sum of One Shilling, and also to make Copies thereof on paying for each Copy after the Rate of One Shilling for every One hundred Words.

After Payment or legal Tender the Works not to be impeded.

XLVIII. And be it enacted, That upon Payment or lawful Tender of such Sum of Money as shall have been agreed upon between the Parties, or assessed by any Jury as aforesaid (less any Expences allowed to be retained therefrom in manner herein provided), as the Price of any Lands, Buildings, Drainage Water, Streams of Water, Springs, or other Heritable Property required to be taken for the Purposes of this Act, or Damage done as aforesaid, made to the Parties entitled to receive such Price or Compensation, and upon lawful Tender of any Sum of Expences that may have been found due by the Company made to such Parties, or in case the said Parties cannot be found, then upon Consignation of the said Price or Compensation and Expences (if any) in any of the chartered Banks in *Scotland*, in Name of such Parties, then and in every such Case it shall be lawful for the Company, their Officers, Servants, or Workmen,

men, to enter into and take possession of such Lands, Drainage Water, Streams of Water, Springs, and other Heritable Subjects, and to use and enjoy the same as their Property, to all Intents and Purposes.

Application of Compensation Money when exceeding 200*l.*

XLIX. And be it enacted, That if any Sums of Money shall be agreed or awarded to be paid for any Lands, Drainage Water, Streams of Water, Springs, or other Heritable Property required to be taken for the Purposes of this Act, which shall belong to any Body Politic, Corporation, Heir of Entail, Life-renter, Married Woman, Infant, Lunatic, or other Person under Disability or Incapacity to receive and discharge any such Sum, and if the same shall amount to or exceed the Sum of Two hundred Pounds, the full Amount thereof shall, without Fee or Reward, with all convenient Speed be paid, under the Direction and by the Authority of the Court of Session, into some one of the chartered Banks in *Scotland*, to the Intent that such Money shall be applied, under the Direction and Authority of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Drainage Water, Streams of Water, Springs, and other Heritable Subjects, in the Purchase or Redemption of the Land Tax thereof, or towards the Discharge of any Heritable Debt or other Incumbrance, or any Part thereof, as the said Court shall authorize to be paid, whether affecting the same Lands or Heritages, or affecting other Lands or Heritages standing settled therewith to the same or to the like Uses, Trusts, Intents, or Purposes; and where such Money shall not be so applied then the same shall be laid out and invested, under the like Direction and Authority, in the Purchase of other Lands, Drainage Water, Streams of Water, Springs, or Heritable Property, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands, Drainage Water, Streams of Water, Springs, and other Heritable Subjects which shall be so purchased, taken, or used for the Purposes aforesaid stood settled or limited, or to, for, or upon such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime and until such Purchase shall be made the Interest or annual Produce of such Money shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of such Lands, Drainage Water, Streams of Water, Springs, or other Heritable Subjects if the same were purchased and such Settlement thereof were made.

Application when less than 200*l.* and not less than 20*l.*

L. Provided always, and be it enacted, That if any such Sum of Money agreed or awarded to be paid for any Lands, Drainage Water, Streams of Water, Springs, or other Heritages purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation or to any Person under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in every such Case the same shall (at the Option of the Person for the Time being entitled to

the Rents and Profits of such Lands or other Heritable Subjects required to be taken for the Purposes of this Act, or of his Guardians in case of Infancy or Lunacy, to be signified in Writing under their respective Hands,) be paid into one of the said chartered Banks, and applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Three Trustees, to be nominated by the Person making such Option, and approved of by the Company, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties,) in order that such Principal Sum of Money and the Interest arising thereon may be applied in the Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain for the same the Direction or Authority of the Court of Session.

Application when less than 20*l.*

LI. Provided always, and be it enacted, That if any such Sum of Money agreed or awarded to be paid as aforesaid shall be less than Twenty Pounds, then and in every such Case the same shall be paid to and applied to the Use of the Person who would for the Time being have been entitled to the Rents and Profits of the Lands, Drainage Water, Streams of Water, Springs, or other Heritable Subjects required to be taken for the Purposes of this Act; or in case of the Infancy, Idiotcy, or Lunacy, or other Incapacity of the Person so entitled, then such Money shall be paid to his Guardians, to and for the Use and Benefit of such Person.

In case of not making out Titles, the Court shall order the Price or Compensation to be deposited.

LII. And be it further enacted, That in case the Person to whom any Sum or Sums of Money shall be awarded as aforesaid shall refuse to accept the same, or shall not be able to make good a Title to the Premises to the Satisfaction of the Company, or in case the Person to whom any such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Land, Streams of Water, Springs, or other Heritages be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Company to pay the Sum and Sums of Money so awarded as aforesaid into any one of the chartered Banks in *Scotland*, to the Credit of the Parties interested in the said Lands, Streams of Water, Springs, or other Heritages, (describing them if they are known, and if they are not known, then generally to the Credit of the Parties interested in the said Lands or Heritages, without any Description of them,) subject to the Order, Control, and Disposition of the said Court of Session; which said Court, or either of the Divisions thereof, on the Application of any Person making claim to such Sum or Sums of Money or any Part thereof, by Petition, shall be and are hereby empowered in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the said Banks who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for the same, mentioning and specifying for what and for whose Use the same is or are received, to such Person as shall pay any such Sum or Sums of Money into such Bank or Banks as aforesaid.

LIII. And

Where Questions arise touching the Title to any Money.

LIII. And be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into any such Bank as aforesaid, in pursuance of this Act, for the Purchase of any Lands, Streams of Water, Springs, or other Heritages, or of any Estate, Right, or Interest in any Lands, Streams of Water, Springs, or other Heritages to be purchased in pursuance thereof, or to any Interest of such Money, the Person who shall have been in possession of the Lands or Heritages at the Time of such Purchase, and all Persons claiming under such Person or under the Possession of such Person, shall be deemed and taken to have been lawfully entitled to such Lands, Streams of Water, Springs, or other Heritages, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court of Session; and the Interest of such Money and also the Principal Sums shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the Court that such Possession was a wrongful one, and that some other Person was lawfully entitled to such Property, or to some Estate or Interest therein.

The Court may order Payment of reasonable Expences.

LIV. And be it enacted, That where, by reason of any Disability or Incapacity of the Person entitled to any Lands or Heritages to be taken or used for the Purposes of this Act, the Purchase Money for the same shall be required to be paid into any of the said Banks, or to be applied in the Purchase of other Lands or Heritages in pursuance of this Act, it shall be lawful for the said Court of Session to order the Costs, Charges, and Expences of all Purchases from Time to Time to be made in pursuance of this Act, or which may be incurred in consequence thereof, and of the Payment into the said Banks of the said Purchase or Compensation Money, and of the Re-investment of the said Purchase or Compensation Money in Land, or other Disposition of the same, together with the necessary Costs, Charges, and Expences of obtaining the proper Orders for such Purposes, and of the Payment of the Interest of such Purchase or Compensation Money, and of the Payment of the Principal of the same, out of the said Banks, to be paid by the said Company, who shall accordingly from Time to Time pay such Sums of Money for such Costs, Charges, and Expences as the said Court shall direct.

Company entitled to pay off Incumbrances.

LV. And be it further enacted, That in case any Lands or Heritages to be taken or used for the Purposes of this Act shall happen to be burthened with any Heritable Debts to any Person it shall be lawful for the said Company of Proprietors, upon Application made to them by such Heritable Creditors, and the said Company are hereby authorized and required, to pay such Sum of Money agreed for and adjusted or assessed in manner aforesaid for such Lands burthened with Heritable Debts to such Heritable Creditors, in part of the Principal Money due on such Heritable Debts: Provided always, that upon Receipt of such Sum such Heritable Creditors shall acknowledge the Receipt of such Sum of Money, either by Indorsement to be made upon the Security for such Heritable Debts, and signed by such Heritable Creditors in the Presence of Two or more credible Witnesses, in satisfaction of so much of the Principal Money due upon such Heritable Debts,

Debts, or otherwise by such other Receipt, Acknowledgment, or Discharge for such Payment as shall by the Law of *Scotland* be good and effectual to the Debtor.

Map and Book of Reference to remain with Clerk of the Peace.

LVI. And whereas a Map or Plan describing the Situation of the Works intended to be erected by the Company, and the Lands in which the same are intended to be situated, and a Book of Reference containing a List of the Names of the Owners or reputed Owners and Occupiers respectively of such Lands, have been deposited at the Office of the Clerk of the Peace for the said County of *Lanark*; be it enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the said Clerk of the Peace for the Time being, or his Deputy; and all Persons shall at any reasonable Time have Liberty to inspect the same, and have an Extract thereof, or such Part thereof as such Persons shall require, on paying to such Clerk of the Peace One Shilling for every such Inspection, and at the Rate of One Shilling for every One hundred Words of such Extract; and the Company shall not in erecting such Works deviate more than One hundred Yards from the Situation so described, nor erect any Works in any other Situation than what is so described, without the Consent in Writing of the Persons into or in whose Lands such Deviations or Erections shall be made.

Errors in the Book of Reference not to impede the Execution of the Act.

LVII. Provided always, and be it enacted, That it shall be lawful for the Company to erect such Works upon the several Lands or Grounds of any Person who is and may be the Owner or Occupier of Land described in the said Map or Plan, although the Name of such Person may happen to have been omitted or erroneously entered in such Book of Reference, provided it shall appear to any Two or more Justices of the Peace for the said County of *Lanark*, and be certified by a Writing under their Hands, that such Omission or Error proceeded from Mistake.

Power to make Gas Works, and supply Gas.

LVIII. And be it enacted, That for the Purpose of lighting with Gas the said Town of *Tolcross* and Places adjacent thereto, situate in the respective Parishes herein-before mentioned, it shall be lawful for the Company, and they are hereby authorized and empowered, subject to the Provisions and Restrictions herein mentioned, from Time to Time to make, erect, sink, lay, place, and affix such Retorts, Gasometers, Receivers, Buildings, Cisterns, Engines, Machines, Cuts, Drains, Sewers, Watercourses, Reservoirs, Pipes, and other Works and Devices, of such Construction and in such Manner as the Company shall think necessary or proper, and also to break up the Soil and Pavements of any Streets, Highways, Roads, Ways, Lanes, Passages, and other public Places, or any Part of them, and to erect Pillars, Pilasters, Lamp Posts, Lamp Irons, Lamps, and other Apparatus in any such Streets, Highways, Roads, Ways, Lanes, Passages, and other public Places, or against any Wall built on or adjoining to them, and to dig and sink Trenches and Drains, and lay Mains and Pipes, and put Stopcocks, Syphons, Plugs, or Branches from such Pipes, in, under, across, and along such Streets, Highways, Roads, Ways, Lanes, Passages, or public Places, and also, with Consent of the Owner and Occupier for the Time being,

in, under, across, and along any private Ways, Passages, Grounds, and other such Places, and in, into, or through any Dwelling House, Manufactory, public or private Building, in such Manner as shall be necessary for the Purpose of carrying this Act into execution; and it shall be lawful for the Company from Time to Time to alter the Position of, and to renew, repair, relay, and maintain, such Trenches, Mains, Pipes, Stopcocks, Syphons, and Plugs or Branches, or other necessary Apparatus laid by them in any public or private Street, Highway, Road, Way, Lane, Passage, Grounds, or other public or private Place, or in, into, or through any Dwelling House, Manufactories, public or private Buildings, and to erect and set up any Machine or other Apparatus necessary or requisite for securing to any Dwelling House or Houses, Manufactories, public or private Buildings, a proper and competent Supply of Gas, or for measuring and ascertaining the Extent of such Supply, and to do all such other Acts, Matters, and Things as the Company shall from Time to Time think necessary for completing, amending, repairing, improving, supplying, and using the several Works aforesaid, and for carrying into effect the aforesaid Purpose of this Act.

Power to contract for lighting with Gas.

LIX. And be it enacted, That it shall be lawful for the Company to contract with the Commissioners, Trustees, Surveyors, or Persons having the Management of the Highways or Public or Parish Roads, or any of them, or the Streets, Ways, or Lanes within the Limits of this Act, for lighting the same with Gas, and also to contract with any Person whomsoever for lighting or supplying with Gas any Shops, Manufactories, Warehouses, public or private Buildings or Places whatsoever within the Limits of this Act, in such Manner, for such Prices, and under such Stipulations as the Company shall think proper, consistent with the Powers and Authorities hereby granted.

Power to sell Coke, &c.

LX. And be it enacted, That it shall be lawful for the Company and they are hereby authorized and empowered to sell and dispose of all the Products, Refuse, or Residuum arising or to be obtained from the Materials used in the Manufacture of Gas by the Company.

Power may carry Gas into Houses.

LXI. And be it enacted, That it shall be lawful for the Company and they are hereby authorized and empowered from Time to Time to carry, fit up, and furnish any Pipe, Cock, or Branch, or other necessary Apparatus, from any Main or Pipe in any Street, Highway, Road, Way, Lane, Passage, or public Place, or in any private Way, Passage, Grounds, or other such Place, laid by or belonging to the Company, in, into, or through any Dwelling House, Manufactory, or public or private Building, for the Purposes of lighting the same, or any public or private Lamp in any other Place, by Gas brought from any such Main or Pipe, the Owner or Occupier of such Dwelling House, Manufactory, or public or private Building so lighted paying the Company for such Light yearly or at shorter Periods such Money Rates as may from Time to Time be fixed or set thereon by the Company; provided the Consent of the Owner and Occupier of such Dwelling House, Manufactory, or public or private Building shall (except in

the Case herein otherwise specially provided) be thereto first had and obtained.

Company to remove Pipes from Houses, &c. when required.

LXII. Provided always, and be it enacted, That in all Cases (where it is not otherwise stipulated and agreed) the Company shall, at their own Expence, within Twenty-one Days after the Expiration or Determination of the Tenancy of any Occupier giving Consent as aforesaid, upon receiving Ten Days Notice in Writing for that Purpose, on behalf of the Owner or the succeeding Occupier of any such Dwelling House, Manufactory, or public or private Building as aforesaid, remove, take, and carry away any Pipe, Cock, or Branch from any Main or Pipe which shall have been introduced or laid by the Company in any such Dwelling House, Manufactory, or public or private Building as aforesaid, and repair and make good such Dwelling House, Manufactory, or public or private Building where the same shall have been so introduced; and in default thereof it shall be lawful for every such Owner or such new Occupier to cause such Pipe, Cock, or Branch to be removed, taken, and carried away, and the Dwelling House, Manufactory, or public or private Building where the same shall have been introduced to be repaired and made good, the reasonable Expence of which shall be immediately paid by the Company to such Owner or Occupier: Provided always, that if any Person shall, without giving such Notice to the Company, and awaiting the Expiry of the aforesaid Period, remove, take, or carry away, or cut off or separate, any such Pipe, Cock, or Branch, they shall for every such Act or Offence forfeit and pay to the Company any Sum not exceeding Five Pounds.

Power to lend or hire Meters.

LXIII. And be it enacted, That it shall be lawful for the Company or their Directors to lend or hire out Meters for ascertaining the Quantity of Gas consumed or supplied for such Rate of Premium or Hire as shall be agreed upon, and such Premium or Hire shall be due and recoverable in the same Manner as the Rates due to the Company.

Power to inspect Houses, &c.

LXIV. And be it enacted, That it shall be lawful for the Officers, Servants, and Workmen duly appointed for that Purpose by the Company to enter into and inspect all Buildings and Places lighted with Gas supplied by the Company; and if in any such Building or Place any Meter which may be used for ascertaining the Quantity of Gas consumed or supplied shall be in any way injured, destroyed, or fraudulently altered, the Person making use of such Meter which shall be so injured, destroyed, or fraudulently altered shall for every such Offence forfeit and pay to the Company a Penalty not exceeding Five Pounds.

Penalty for improper Consumption of Gas.

LXV. And be it enacted, That if any Person shall place or cause to be placed any Burner or Pipe to communicate with any Pipe belonging to the Company, without the Consent of the Company first had and obtained, or shall use any Burner of larger Dimensions, or of a different Form, or for a greater Space of Time, or any greater Number of Burners than he shall contract or pay for, or shall wilfully enlarge the Aperture of any Burner, so as by any Means to waste or improperly

improperly increase the Consumption of Gas, or shall attach any Wire or Wires or other Substances above or across the Orifice of any Burner, or shall supply any other Person with Gas from his Pipe or Burner, every such Person shall either forfeit his Contract, and all Benefit therefrom, and any Payment he may have made to Account thereof, or be held still bound to implement the same, in the Option of the Company, and forfeit and pay to the Company, in addition to any Rate or Rent due, the Sum of Twenty Shillings for every Day or Part of a Day that such Burner or Pipe shall so communicate, or that such Burners of larger Dimensions, or of a different Form, or more in Number than contracted for shall be used, or such Waste or improper Use or Increase of the Consumption of Gas shall continue, or such Supply be furnished.

Gas Pipes not to interfere with Water Pipes.

LXVI. And be it enacted, That every Pipe to be laid or used for the Conveyance of Gas in, under, through, along, across, or round any Street, Highway, Road, Way, Lane, Passage, or other public Place shall be laid at the greatest practicable Distance (and whenever the Width of the Carriageway therein will allow thereof at the Distance of Four Feet at least) from the nearest Part of any Water Pipe laid down for the Conveyance of Water in, under, through, along, across, or round any of the said Streets, Highways, Roads, Ways, Lanes, Passages, or other public Places, unless in Cases where it shall be unavoidably necessary to lay such Gas Pipe across any of the Water Pipes, in which Cases such Gas Pipe shall be laid above such Water Pipe at the greatest practicable Distance therefrom, and shall form therewith as near as possible a Right Angle; and in such Case the Gas Pipe so crossing the Water Pipes shall be at least Nine Feet in Length, so that no Joint of any such Gas Pipes shall be nearer to any Part of such Water Pipes than Three Feet at least; and in laying down the said Gas Pipes the Company shall in no Case join Two or more Gas Pipes together previous to their being laid in the Trench, but shall form such Jointing with proper and sufficient Materials after the Pipes have been laid in the Trench; and the Company shall also make and keep all their Gas Pipes, and all the Screws, Joints, Inlets, Apertures, or Openings therein, Air-tight, and in every respect prevent the Gas from escaping therefrom.

Company to prevent Escape of Gas.

LXVII. And be it enacted, That whenever any Gas shall be found to escape from any of the Pipes which shall be laid down in any Street, Highway, Road, Way, Lane, Passage, or other public Place within the said Town of *Tolcross* or Places adjacent thereto, the Company, or the Person being the Owner of such Pipe, shall, immediately after Notice given by Parol or in Writing of any such Escape of Gas by any Inhabitant of the said Town of *Tolcross* or Places adjacent, cause the most speedy and effectual Measures to be taken to stop and prevent such Gas from escaping; and in case the Company or the Person as aforesaid shall not within Twenty-four Hours next after such Notice given effectually stop and prevent any future Escape, and wholly and satisfactorily remove the Cause of Complaint, then and in every such Case the Company or Person as aforesaid shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds for each Day after

after the Expiration of Twenty-four Hours from the Time of giving any such Notice during which the Gas shall be suffered to escape as aforesaid.

Company to prevent Contamination of Water

LXVIII. And be it enacted, That whenever the Water in any Pipe or Conduit intended for the Use of the Inhabitants of the said Town of *Tolcross* and Places adjacent thereto shall be contaminated or affected by the Gas made and furnished by the Company or any Person, for the Use and Supply of the said Town and Places adjacent, the Company or Person so offending shall forfeit and pay for every such Offence a Sum not exceeding Twenty Pounds; and in case any such Water shall be contaminated as aforesaid, then and in every such Case the Company or Person offending as aforesaid shall, within Twenty-four Hours next after Notice thereof in Writing signed by any Inhabitant of the said Town or Places adjacent, or by any Party interested in or using such Water, cause the most proper and effectual Measures to be taken effectually to stop and prevent Gas from escaping from their Works, Mains, or Pipes, or contaminating or affecting such Water; and in case the Company or Person so offending as aforesaid shall not, within Twenty-four Hours next after such Notice, effectually stop and prevent Gas from so escaping, and wholly and satisfactorily remove the Cause of any such Complaint, and prevent all and every such Contamination whereof Notice shall be given as aforesaid, then and in every such Case the Company or Person so offending as aforesaid shall, on each and every Complaint whereof Notice shall be given as aforesaid, forfeit and pay, over and above the before-mentioned Penalty of Twenty Pounds, the Sum of Ten Pounds Sterling for each and every Day during which such Water shall be and remain contaminated, tainted, or affected by such Gas.

How Contamination is to be ascertained.

LXIX. And whereas it may be or become a Question upon such Complaint as aforesaid whether the said Water be contaminated or affected by the Gas of the Company or other Person making or furnishing any Gas for the Use and Supply of the said Town of *Tolcross* or Places adjacent; be it therefore enacted, That in every such Case it shall be lawful to and for the Inhabitant or Party so complaining, after giving Notice in Writing to the Commissioners or Trustees respectively under whose Care, Superintendence, or Control any public Streets, Highways, Roads, Ways, Lanes, Passages, or other public Places within the said Town or Places adjacent may be, or to the Party or Person having the Property in the Soil (as the Case may be), and having an Order signed by the Sheriff of the County of *Lanark*, (which Order the said Sheriff is hereby required to grant on Oath made before him that such Water is believed to be so contaminated,) to dig to and about and search and examine the Mains, Pipes, Conduits, and Apparatus of the Company or Person as aforesaid, for the Purpose of ascertaining whether such Contamination proceeds from or be occasioned by the Gas of the Company or Person as aforesaid; and if it shall appear that the said Water has been contaminated by any Escape of such Gas, the Expence of the said Digging, Search, and Examination, and Repair of the Pavement of the Street so taken up or disturbed, and the filling-in of the Soil so broken up, shall be borne and paid by the Company or Person offending as aforesaid;

which Expence shall be ascertained and determined, if necessary, by the Sheriff, and be recovered in like Manner as any Damages or Expences may be recovered by virtue of this Act: Provided always, that if upon Examination it shall appear that such Contamination has not arisen from any Escape of Gas from any of the Mains, Pipes, or Conduits of the Company or Person as aforesaid, then and in such Case the said Inhabitant or Party so complaining shall not only bear and pay the Expence of such Digging, Examination, and Search, but shall also forthwith pay and make good to such Commissioners or Trustees respectively having the Care, Superintendence, or Control of any such Streets, Highways, Roads, Ways, Lanes, Passages, or other Places, or to such Owner of the Soil, as the Case may be, the whole Expence which shall be incurred by such Commissioners or Trustees or Owner respectively in repairing, restoring, and making good any Street, Highway, Road, Way, Lane, Passage, or other Ground or Place, or any Part thereof, which may have been so broken up; and such Inhabitant or Party so complaining shall also in the Case aforesaid forthwith pay and make good to the Company or Person as aforesaid any Loss, Injury, or Damage which may be occasioned to the said Mains, Pipes, Conduits, or Apparatus of the Company or Person as aforesaid, in and by such Digging, Search, and Examination, the Amount of such Loss, Injury, or Damage to be ascertained and determined in the said Cases respectively, if necessary, by the said Sheriff as aforesaid.

Penalty on emptying Washings,&c. into River.

LXX. Provided always, and be it enacted, That if the Company, or any Person making or furnishing any Gas for the Use and Supply of the said Town of *Tolcross* and Places adjacent thereto, shall at any Time empty, drain, or convey, or cause or suffer to be emptied, drained, or conveyed, or to run or flow, any Washings or other Waste Liquids, or any noisome or offensive Liquids, Substances, or Things whatsoever, which may arise or be produced in the course of the Manufacture of Gas by the Company, into any River, Brook, or Running Stream, or into any Sewer, Drain, Passage, or Channel, by means whereof any such Washings or Waste Liquids, or noisome or offensive Liquids, Substances, and Things as aforesaid, shall be emptied, drained, or conveyed into any such River, Stream, Brook, or into any Well, Spring, Reservoir, Aqueduct, Waterway, Feeder, Pond, or Springhead, or do or cause to be done any Annoyance, Act, or Thing whereby the Water therein, or any Part thereof, shall or may be soiled, fouled, or corrupted, then and in each and in every such Case the Company or Person as aforesaid shall forfeit and pay for every such Offence the Sum of Two hundred Pounds Sterling; and such Forfeiture or Penalty shall be sued for and recovered, together with full Costs, in any Court of Law in *Scotland*, and shall be paid to the Person who shall sue for the same: Provided always, that no such Forfeiture, Penalty, or Costs shall be recoverable unless the Suit or Action be commenced within Twelve Months from the Time when such Annoyance, Act, and Thing shall have ceased: Provided also, that (over and above and in addition to the said Penalty of Two hundred Pounds, and whether the same shall have been sued for or recovered or not,) in case any of the said Washings or other Waste Liquids, or noisome or offensive Liquids, Substances,

Substances, or Things, shall be emptied, drained, or conveyed, or caused or suffered to run or flow, in manner aforesaid, into any River, Brook, or Running Stream, or into any Well, Spring, Reservoir, Aqueduct, Waterway, Feeder, Pond, or Springhead, or into any Drain, Sewer, or Ditch communicating therewith, or any such Annoyance, Act, or Thing shall be done or caused to be done as aforesaid, and Notice thereof in Writing shall have been given by any Person to the Company or Person as aforesaid, and the Company or Person as aforesaid shall not within Twenty-four Hours after such Notice shall have been given stop, hinder, or prevent all such Washings, Waste Liquids, or noisome or offensive Liquids, Substances, or Things, from being emptied, drained, or conveyed, or from running or flowing, in manner aforesaid, and every such other Annoyance, Act, or Thing from being done as aforesaid, then and in every such Case the Company or Person as aforesaid shall forfeit and pay the Sum of Twenty Pounds for each and every Day such Washings, Waste Liquids, or noisome or offensive Liquids, Substances, or Things, shall be so emptied, drained, or conveyed, or caused or suffered to run or flow, in manner aforesaid, or such other Annoyance, Act, or Thing shall be so done or caused to be done as aforesaid; and such last-mentioned Penalty shall in like Manner be sued for and recovered, together with full Costs, in any Court of Law in *Scotland*, and shall be paid to the Prosecutor, or to such Person or Persons who in the Judgment of the Court before whom the Action shall depend shall have sustained any Annoyance, Injury, or Damage by any such Act so done or committed.

Power to make Waterworks, &c.

LXXI. And be it enacted, That for the Purpose of supplying with Water the said Town of *Tolcross* and Places adjacent thereto it shall be lawful for the Company from Time to Time to make, complete, maintain, repair, alter, and improve such Waterworks, Aqueducts, Reservoirs, Conduits, Waterwheels, Steam Engines, and other Engines and Machinery, Main Pipes, and other Works and Apparatus as may be necessary for carrying into effect the Purposes of this Act in the said Town of *Tolcross* and Places adjacent thereto, and the several Streets and Roads therein within the respective Parishes herein-before mentioned; and the Company are hereby empowered to supply the said intended Waterworks, Aqueducts, Reservoirs, Conduits, and other Works, whilst the same shall be making, and at all Times for ever after the same shall be made, with Water from such Springs as they shall find in the Lands or others described in the Plan and Section, or in the Coal Mines or other Mines situated therein, or in any other Manner, and to make such and so many Feeders, Tunnels, and Shafts, and make, erect, and set up so many Sluices, Weirs, Engines, Steam Engines, and other Machines, for supplying the said Waterworks with Water, and using of such Waterworks, as the Company shall from Time to Time think proper and expedient; and for the Purpose of doing the same, and distributing such Water to the different Inhabitants, and effectuating the other Purposes of this Act, it shall be lawful for the Company to dig and break up the Soil and Pavements of any of the Streets, Highways, Roads, Ways, Lanes, Passages, and other public Places within the said Town of *Tolcross* and Places adjacent,

or

or any Part of them, and to sink and lay Mains, Pipes, Trunks, and other Conveniences therein, in such Manner as shall be necessary for the Purposes aforesaid, and also, with Consent of the Owner and Occupier for the Time being, to break up the Soil and Pavement, and sink and lay Pipes in, under, across, and along any private Ways, Passages, Grounds, and other such Places; and it shall be lawful for the Company from Time to Time to alter the Position of, and to repair, relay, and maintain, all such Mains, Pipes, and Trunks so sunk and laid, and to do all such other Acts, Matters, and Things as shall from Time to Time and at any Time appear necessary and convenient for completing, amending, repairing, improving, and using the Waterworks authorized by this Act to be made and provided, according to the true Intent and Meaning thereof; and the Company are hereby empowered to make and erect such Engines, Engine Houses, and other Buildings and Works, and to construct all such Cisterns, Ponds, Basins, Filters, Tunnels, Drains, and Sewers, Main Pipes, Rider Pipes, Hand Pipes, Stand Pipes, Service Pipes, Branches of Lead and other Metal, Cocks, Chamber Cocks, Cocks in common, Stopcocks, Valves, Fire-plugs, Air-plugs, Firecocks, Feeders, Fanapers, and Pumps, in any of the Grounds described in the aforesaid Plan and Book of Reference, as the said Company shall think requisite for the several Purposes of the said Undertaking, and also from Time to Time to divert, alter, repair, widen, enlarge, amend, and discontinue the same; provided the Company shall do as little Damage as may be in the Execution of the Powers hereby granted to them, and pay for such Damages as may be available in the Manner directed by this Act.

To ensure the laying of Main Pipes in proper Situations.

LXXII. And in order to ensure the laying of Main Pipes by the said Company in Situations which are necessary and proper for the Supply of any Person or Persons requiring Water within the Limits of this Act, be it enacted, That if, upon being thereunto required in Writing by any such Person or Persons, the said Company shall not lay such Main Pipes in the Situation or Situations required, it shall and may be lawful for any such Person or Persons to apply to the Sheriff of the County of *Lanark*, complaining thereof, and the said Sheriff is hereby required to hear the Parties and to inquire into the Circumstances, and thereupon to make such Order in the Case so brought before him as to him shall seem just, without being subject to Advocation, Suspension, or any Review whatever: Provided always, that Ten Days Notice in Writing shall be given to the Company before any such Application shall be made.

Power to contract to supply Water for Manufacturing Purposes.

LXXIII. And be it enacted, That it shall be lawful for the Company from Time to Time, and for such limited Period as shall be agreed on, to contract with and make a special Bargain for the Supply of Water for Manufacturers, Printers, Bleachers, Maltsters, Brewers, Distillers, Dyers, Hatters, Woolcombers, Bakers, Innkeepers, Victuallers, Stablers, or other Persons who shall use large Quantities of Water, either for domestic Purposes or in their Trade or Business, and that at such Rates as may be agreed on: Provided always, that the Company may in all such Contracts provide against their Liability for Damage

Damage arising from a Failure of the Supply of Water from accidental or unforeseen Causes.

Company to fix the Rates payable for Water.

LXXIV. And be it enacted, That it shall be lawful to and for the said Company to fix and determine the Rate or Rates at which they shall supply Water as aforesaid to the Inhabitants of the said Town and Places adjacent for domestic or other Purposes, and from Time to Time to alter, raise, or reduce, and again to reduce or raise, the same, but so as that the same shall never exceed the Rates specified in the Schedule hereunto annexed.

As to the Rates according to which Water is to be supplied by the Company.

LXXV. Provided always, and be it enacted, That the said Company shall be obliged, by means of Pipes to be provided and laid at the Cost of the Person requiring the same, communicating with the Main Pipes of the Company as herein-after mentioned, to furnish a Supply of Water sufficient for domestic Purposes, so far as the Means of the said Company will allow, to the House of every Inhabitant occupying a private Dwelling House in any Square, Street, or Lane, or other Place where the Pipes of the said Company shall have been laid, for the Use of his own Family, at Rates according to the Amount of the yearly Rent of the Dwelling House so supplied, not exceeding the Rates specified in the Schedule hereunto annexed, which Rates shall be payable according to the Amount of the actual Rent of such Dwelling House: Provided always, that in case of Manufacturers, Dyers, Printers, Bleachers, Brewers, Innkeepers, Alehouse Keepers, Vintners, or other Persons requiring a Supply of Water for other Purposes than those of their own Family Consumption, or in case of Persons requiring a Supply of Water for Hotels, Public Chambers, Clubs or Subscription Houses, Baths, Fountains, Ponds, Pools, Closets, Water-closets (such Closets or Water-closets being supplied from any other Cistern than a Cistern for domestic Purposes), or Stables, or for washing Carriages, or for Cows or Horses, or for the Purposes of any Trade or Business whatsoever, such Supply shall be furnished by the said Company in such Cases at such Rate as shall be settled by and between the Committee of Management of the said Company and the Person requiring the same respectively: Provided always, that if any Dispute shall arise between any Person or Persons and the said Company touching any of the Matters or Things aforesaid, it shall and may be lawful for any such Person or Persons to complain to the Sheriff of the County of *Lanark*, who is hereby required to make such Order thereupon as to him shall seem just, without being subject to Advocation, Suspension, or any Review whatever, Ten Days previous Notice in Writing being always given to the Company of any such Complaint.

Owners and Occupiers of Houses, &c. may lay Service Pipes.

LXXVI. And be it enacted, That such of the Owners or Inhabitants of Houses or other Premises situated within the Town of *Tolcross* or Places adjacent thereto as shall be desirous of having Water conveyed in Pipes into such Houses or other Premises may and they are hereby authorized and empowered, at their own Expence, having first obtained the Consent of the Company, under the Handwriting of such Person as shall be appointed by the Company to give such Consent, to open the Ground between the Company's Mains, Pipes, and Trunks and the

respective Houses or other Premises of such Owners or Inhabitants, and to lay down Leaden or other proper Pipes, of such Bore as shall be approved of by the Company, from such respective Houses or other Premises, to communicate with the said Mains, Pipes, and Trunks belonging to the Company, such respective Owners or Inhabitants paying to the Company yearly or at shorter Periods such Money Rates for such Privilege and Water as may from Time to Time be fixed or set thereon by the Company, not exceeding the Rates aforesaid; and in default of Payment of such Rates it shall be lawful for the Company to cause the Pipes belonging to any Person making such Default, and communicating with the Mains, Pipes, and Trunks belonging to the Company, to be separated from the same, and to cause the Water to be stopped from issuing or running into the House or other Premises of such Person: Provided always, that no such Owner or Inhabitant shall lay or put any Pipe to communicate with the Mains, Pipes, or Trunks of the Company, except under the Superintendence and Control of some Surveyor or other Officer or Person to be appointed by the Company for the Purpose, unless no Surveyor, Officer, or Person shall attend after Notice served on the Company at least Six Days previously, such Notice specifying the particular Day and Hour when such Pipe is intended to be laid or put, or made to communicate as aforesaid with the Pipes of the Company: Provided also, that all Persons who shall have laid any Leaden or other Service Pipe as aforesaid shall be at liberty to remove and take away such Pipes, and the Cocks belonging thereto, under the Superintendence of some Surveyor, Officer, or Person appointed by the Company for that Purpose, after having given at least Eight Days previous Notice in Writing to the Company of their Intention so to do, and of the Time of the doing thereof, in like Manner as is herein-before required for laying the same, unless such Surveyor, Officer, or Person shall not attend accordingly, and provided they shall do no Injury or Damage to the Property of the Company.

Where several Houses are supplied with Water by One Pipe.

LXXVII. Provided always, and be it enacted, That where several Dwelling Houses or Tenements in the Occupations of several Persons shall be supplied by One common Branch Pipe to be laid to and introduced into the Mains, Pipes, or Trunks belonging to the Company, the several Owners or Occupiers of such Dwelling Houses or Tenements shall be respectively liable to pay for such Supply of Water at and after the same Rate as they would be liable to pay for the same if each of such several Dwelling Houses or Tenements was separately supplied with Water by a distinct Branch Pipe from the Waterworks of the Company.

Penalty on Company for not supplying Water.

LXXVIII. And be it enacted, That in case the Company shall neglect or refuse to supply any Owner or Inhabitant of a private Dwelling House adjoining any Place where the Pipes of the Company shall be laid with Water, for the Use of his Family or of such Persons as reside in such Dwelling House, at a Rate, not exceeding the Rates specified in the Schedule hereunto annexed, in use to be exacted by the Company for such Supply, for the Space of Twenty Days, (after Demand in Writing shall have been made by such Inhabitant to

to the Company for such Supply of Water, and Tender made to the Company of the Amount of such Rate for One Year for such Supply,) the Company shall forfeit and pay to such Owner or Inhabitant Treble the Amount of the Rate so tendered, unless the Company, at the Time of such Demand and Tender being made, shall be prevented by Frost, or by a Deficiency in the Company's own Supply of Water, or the Repair of their Works, or other unavoidable Cause, from affording such Supply, or unless such Supply cannot be afforded without lessening the Supply required by other Tenants of the Company.

Power to stop Supply of Water in Case of Waste, &c.

LXXIX. And be it enacted, That if any Owner or Inhabitant of the said Town of *Tolcross* or Places adjacent thereto, supplied with Water by virtue of this Act, shall negligently suffer any of his Pipes, or the Cocks belonging thereto, to be out of repair, so as to let the Water run to waste, or shall neglect to repair the same within Twenty-four Hours after being required so to do by any of the Officers, Servants, or Workmen of the Company, or in case it shall at any Time be found necessary for the Alteration or Amendment of the Pipes or other Works of the Company, it shall be lawful for the Company to cause the Water to be turned off from the Pipes belonging to such Person, and communicating with the Mains, Pipes, or Trunks of the Company, and the Pipes themselves to be separated from such Mains, Pipes, or Trunks of the Company: Provided always, that whenever the Company shall cause the Water to be turned off from the Pipes of such Person and the said Pipes themselves as aforesaid, on account of any Alteration or Amendment of the Pipes or other Works of the Company being necessary, they shall make such Alteration or Amendment, and, at their own Expence, restore the Communication of such Pipes with the Mains, Pipes, or Trunks of the Company, and permit the Water again to run into such Pipes, as soon as conveniently may be.

Consumers to provide Cisterns.

LXXX. And be it enacted, That every Person supplied with Water for domestic Purposes by virtue of this Act shall, unless the Company shall expressly agree in Writing to dispense with the same, provide, at his own Expence, a Cistern for receiving Water, in which shall be placed a Ballcock or other self-acting Cock attached to the Mouth of the Pipe conveying Water from the Mains, Pipes, or Trunks belonging to the Company into such Cistern, and shall repair and renew the same as often as shall be necessary, in order to prevent the Water running to waste when such Cistern shall be full; and any Person neglecting to provide or to repair or renew such Cistern with a Ballcock or self-acting Cock shall forfeit to the Company any Sum not exceeding Five Pounds for every such Offence; and it shall be lawful for the Company to cut off the Pipes and turn off the Water from the House or other Premises belonging to or occupied by such Person, until the same shall be provided, repaired, or renewed.

Power to enter Houses, &c. to exmine if there be any Waste of Water.

LXXXI. And be it enacted, That it shall be lawful for the Engineer, or other Person acting under the Authority of the Company, at all reasonable Hours to enter into any House or other Premises supplied with Water by virtue of this Act, in order to inspect and examine if there

there be any Waste, undue Diversion, or improper Appropriation of the Water so supplied by the Company, or if the Pipes or Cocks for supplying such House or other Premises, or the Ballcocks or self-acting Cocks and Cisterns provided for the Purpose of preventing the Water from running to waste, be in good and proper Repair; and if such Engineer, or other Person acting under the Authority of the Company, shall at any Time be refused Admittance into any such House or other Premises for the Purpose of making such Inspection and Examination as aforesaid, or on being admitted shall be obstructed or prevented from making such Inspection and Examination as aforesaid, then and in every such Case it shall be lawful for the Company to cut off the Pipes and turn off the Water from such House or other Premises.

Penalty on Consumers supplying others with Water;

LXXXII. And be it enacted, That if any Person supplied with Water by virtue of this Act shall wilfully permit any other Person, not having the Authority or Consent of the Company, to take any such Water at his Pipe or Cock belonging thereto, or shall supply any such other Person with any Water from such Pipe or Cock, then and in every such Case every Person so offending as aforesaid shall forfeit and pay to the Company for every such Offence any Sum not exceeding Five Pounds, over and above the full Amount of the Damage sustained by the Company by the Acts or Means in respect of which such Penalty shall be incurred; and the Company shall be at liberty, if Compensation to the Satisfaction of the Company be not made, to cut off the Supply of Water from any Person so offending from the Mains, Pipes, and Trunks of the Company: Provided always, that upon Payment of such Compensation the Company shall, at the Expence of the Person so having offended, and upon being thereto requested, restore the said Supply of Water to such Person.

except in certain Cases.

LXXXIII. Provided nevertheless, and be it enacted, That nothing herein contained shall extend to subject any Person supplied with Water by virtue of this Act to any Penalty or Forfeiture for supplying any other Person with any Quantity of such Water for the Purpose of extinguishing any dangerous Fire, or for supplying any Person who shall have contracted for a Supply of Water under this Act during such Time as his Pipe or Cock belonging thereto shall happen to be out of repair; such Pipe or Cock, nevertheless, being repaired without undue Delay.

Water may be used to extinguish Fires.

LXXXIV. And be it enacted, That it shall be lawful for any Person, at all Times when any House, Building, or other Property within the Town of *Tolcross* or Places adjacent shall be on fire, to use the Water of the Company for extinguishing such Fire; and in order to facilitate the Employment of such Water for such Purpose the Company shall and they are hereby required, at the Time of laying down their Main Pipes in the Streets, Highways, Roads, Ways, Lanes, Passages, and other public Places in the said Town of *Tolcross* and Places adjacent thereto, for the Purpose of supplying the same with Water, to fix and place a sufficient Number of Fire-plugs in such Streets, Highways, Roads, Ways, Lanes, Passages, or other public Places to be supplied with Water from such Main Pipes, and shall

for ever afterwards whilst such Main Pipes shall remain keep such Fire-plugs in proper Repair, Order, and Condition, at their own Expence, for the Supply of Water for extinguishing Fires; and when and so soon as any such Fire-plugs shall be finished the Company shall immediately deliver a Key thereof at each and every House or Place in the said Town of *Tolcross* wherein any Engine shall be kept for the extinguishing of Fires, to the end that thereby in Cases of Fire the Supply of Water from the said Works may be more easily obtained; and in case the Company shall refuse to fix and place such Fire-plugs or to deliver such Keys they shall forfeit for every Refusal so to do the Sum of Twenty Pounds Sterling.

Penalty for polluting Water.

LXXXV. And be it enacted, That if any Person shall bathe in any Reservoir, Aqueduct, Waterway, Feeder, Filter, or Pond made or maintained by virtue of this Act, or used for supplying Water for the Purposes thereof, or wash any thing therein, or throw any Filth, Dirt, or other noisome or offensive Matter or Thing into the same, or cause or suffer the Water of any Sink, Sewer, or Drain to run or be conveyed into any such Reservoir, Aqueduct, Waterway, Feeder, Filter, or Pond, or into any of the Brooks, Streams, or Springs communicating therewith, or cause any other Injury to be done to the Water contained in any such Reservoir, Aqueduct, Waterway, Feeder, Pond, Filter, Brook, Stream, or Spring, whereby or by means whereof the said Water shall or may be soiled, fouled, or corrupted, then and in each and every such Case every such Person so offending shall forfeit and pay to the Company any Sum not exceeding Twenty Pounds Sterling.

Works, &c. to be the Property of the Company.

LXXXVI. And be it enacted, That all the Retorts, Gasometers, Buildings, Cisterns, Engines, Machines, Gas Meters, Cuts, Drains, Sewers, Watercourses, Reservoirs, Mains, Trunks, Pipes, Cocks, Conduits, and other Apparatus aforesaid, and all the Things furnished and provided by the Company for carrying the Purposes of this Act into execution, shall be vested in and be the Property of the Company; and the same, when situated on Premises belonging to other Persons, shall not be subject to the Rights of Hypothec of such Persons, as Landlords or Setters of such Premises, nor to any other Lien or Hypothec known in the Law of *Scotland*, except for Rent or Debts due by the Company; any Law or Practice to the contrary notwithstanding.

Penalty for interrupting Company's Workmen.

LXXXVII. And be it enacted, That if any Person shall wilfully hinder or interrupt, or cause to be interrupted, the Company, or their Officers, Workmen, or Servants, or any of them, in erecting or making any of the Works by this Act directed or authorized to be erected or made, or in exercising any other of the Powers and Authorities by this Act granted, every Person so offending shall for every such Offence forfeit and pay to the Company any Sum not exceeding Five Pounds, and also Three Times the Amount of the Damage done to or Loss sustained by the Company.

Penalty for wilfully damaging Works, &c.

LXXXVIII. And be it enacted, That if any Person shall wilfully break, throw down, or damage any Works erected and made by virtue of this Act, or destroy, damage, or injure any Gas Main, Gas Pipe, or

or any Gas Cock or Branch, or any Pillar, Pilaster, Lamp Post, or Lamp Iron, or any Lamp, Plug, or other Gas Apparatus, or any Pond, Reservoir, Aqueduct, Conduit, Cut, Run, Trench, Cistern, Course, Water Main, Water Pipe, Trunk, Plug, or other Apparatus or Machinery for the Collection or Distribution of Water, made, constructed, provided, or procured for the Purposes of this Act, or the Materials used or provided for the same, or shall wilfully waste or improperly use any of the Gas or Water supplied by the Company, such Person shall for every such Offence forfeit and pay to the Company any Sum not exceeding Twenty Pounds, and also Three Times the Amount of the Damage done to or Loss sustained by the Company.

Transient Offenders may be secured.

LXXXIX. And be it enacted, That it shall be lawful for any of the Proprietors or Officers, Workmen or Servants of the Company respectively, and such Person as they or any of them shall call to their Assistance, without any Warrant or other Authority than this Act, to seize and detain any Person (being unknown to such Proprietors or Officers) who shall commit any Offence against this Act, and take him before the Sheriff of the County of *Lanark*, who is hereby required to proceed and act with respect to such Offender according to the Provisions of this Act.

Restriction on taking up Pavements, &c.

XC. And be it enacted, That it shall not be lawful for the Company or any Person, under Authority of this Act, to take up or disturb the Pavement or Ground in any Street, Highway, Road, Way, Lane, Passage, or other public Place, for the Purpose of laying down any Gas or Water Mains or Pipes (except Service Pipes as after mentioned), without the Consent in Writing first obtained of the Commissioners, Surveyors, Trustees, or other Persons, if any, having the Control of such Pavement or Ground; but nothing in this Act contained shall be deemed or construed to prevent the Company or any Person, under the Authority of this Act, from taking up and disturbing such Pavement or Ground for the Purpose of renewing, repairing, or altering such Gas or Water Mains or Pipes, when once laid down, after such Consent as aforesaid, or from opening, taking up, or removing any of the Ground, Stones, Soil, or Pavement in or of any such Street, Highway, Road, Way, Lane, Passage, or other public Place whatsoever, for the Purpose either of laying down, or of renewing, repairing, or altering, any Service Pipes intended to communicate between the Gas or Water Mains or Pipes and the Houses or other Premises to which Gas or Water is to be conveyed.

Restriction on taking up Pavements, &c. to renew or repair Pipes, &c.

XCI. And be it enacted, That it shall not be lawful for the Company or any Person, under the Authority of this Act, to take up or disturb any of the Pavements or Ground in any Street, Highway, Road, Way, Lane, Passage, or other public Place, for the Purpose of renewing, repairing, or altering any Gas or Water Main or Pipe (except Service Pipes as aforesaid), unless Notice in Writing of the Intention to take up such Pavement or Ground, specifying the Place intended to be taken up and disturbed, shall have been given to the Surveyor or Superintendent, if any, of such Street, Highway, Road, Way,

Way, Lane, Passage, or other public Place for the Time being, or shall have been left for him at his Dwelling House or last Place of Abode for the Space of Three Days at the least before such Pavement or Ground shall be so taken up, except in Cases of sudden Emergency, when such Notice shall be given as soon as possible after such Pavements or Ground shall be taken up; and if the Company or any Person, under the Authority of this Act, shall take up or disturb any such Pavement or Ground for the Purpose of laying down any Gas or Water Main or Pipe, without such Consent as aforesaid, or if the Company or Person as aforesaid shall take up or disturb any such Pavement or Ground for the Purpose of renewing, repairing, or altering such Gas or Water Main or Pipe, without such Notice being given or left as aforesaid, except as aforesaid, then and in every such Case the Company or Person so offending shall forfeit and pay to the Commissioners, Surveyors, Trustees, or other Persons, if any, having the Control of the Pavements or Road, Ground or Soil, which shall be so taken up or disturbed, the Sum of Five Shillings for every Square Yard of Pavement or Ground which shall be so taken up or disturbed.

Pavements, &c. so taken up to be restored.

XCII. And be it enacted, That when and as often as the Company or any Person, under the Authority of this Act, shall have taken up or removed the Ground, Soil, or Pavement in or of any Part of any Street, Highway, Road, Way, Lane, Passage, or other public Place, for any Purpose whatever authorized by this Act, they shall immediately thereafter reinstate and make good such Ground, Soil, or Pavement to the Satisfaction of the Surveyor or Superintendent, if any, of such Ground, Soil, or Pavement respectively; and the Company or Person acting under the Authority of this Act shall carry away all surplus Earth and Rubbish occasioned thereby, at their own Expence; and during the Time that such Works are carrying on, and until such Ground, Soil, or Pavement is reinstated as aforesaid, the Company or Person as aforesaid shall set up necessary Lights at Night, and otherwise guard the said Works, so as to prevent any Damage or Inconvenience happening to Passengers, Cattle, or Carriages; and in case the Company or Person as aforesaid shall make default in reinstating such Ground, Soil, or Pavement as aforesaid, or in removing any Earth or Rubbish as aforesaid, or in setting up such Lights at Night, and otherwise guarding the said Works as aforesaid, then and in every such Case it shall be lawful for the said Surveyor or Superintendent to reinstate such Ground, Soil, and Pavement, and carry away all Earth and Rubbish, and during the Time that such Works are carried on to set up necessary Lights at Night, and place a Guard as aforesaid, and the Expence thereof shall be repaid by the Company to such Surveyor or Superintendent, reserving the Right of Relief to the Company against the Person who may be in default as aforesaid.

Commissioners, &c. may order Pipes, &c. to be raised or altered.

XCIII. And be it enacted, That if it shall at any Time be deemed necessary or expedient, by the Commissioners, Surveyors, Trustees, or other Persons, if any, having the Control of the said Streets, Highways, Roads, Passages, Ways, Lanes, and other public Places, to raise or sink or otherwise alter the Situation of any of the Gas or

or Water Mains or Pipes, or any Service Pipes, Stopcocks, Plugs, or Branches which shall be laid down from any such Main or Pipe for the Purposes aforesaid, the Company or Person by whom the same shall have been laid, under the Authority of this Act, shall, at their own Expence, within Ten Days next after being required so to do by Notice in Writing to them given by the said Commissioners, Surveyors, Trustees, or other Persons, raise or sink such Gas or Water Mains or Pipes, or Service Pipes, Stopcocks, Plugs, or Branches, according to such Notice; and in default thereof it shall be lawful for the said Commissioners, Surveyors, Trustees, or other Persons aforesaid to cause the same to be raised or sunk, and the reasonable Expence thereof shall immediately thereafter be paid to them by the Company or Person by whom the same were laid as aforesaid.

Damages thereby occasioned to be made good.

XCIV. Provided always, and be it enacted, That if, by the raising, sinking, or altering any of the said Gas or Water Mains or Pipes, or of any Service Pipe, Cock, Plug, or Branch, any Damage or Injury shall be done to the same by the said Commissioners, Surveyors, Trustees, or other Persons aforesaid, then and in such Case such Damage or Injury shall be made good to the Company or Person by whom the same were laid as aforesaid, as soon as Circumstances will permit; and the Loss thereby resulting to the Company or Person as aforesaid shall be immediately paid to them by the said Commissioners, Surveyors, Trustees, or other Persons aforesaid.

Power to place Pipes in Passages and common Stairs.

XCV. And be it enacted, That it shall be lawful to and for the Company, or any Person acting by and under the Authority of this Act, notwithstanding any of the Provisions herein-before contained, with Consent of the Proprietors, to lay Gas and Water Pipes in all Roads, Ways, or Passages, private or common, where no Damage can be sustained, excepting by the temporary Inconvenience of laying such Pipes, the Amount of such Damage, if any, to be fixed by the Sheriff of the County of *Lanark*, on the Application of any Person having Interest in such Roads, Ways, or Passages, and also to place and maintain in common Stairs, and on the Outside of the back Walls of any Tenements or Buildings, such Pipes as may be necessary for lighting with Gas or supplying with Water the upper Floors in such Tenements, the said Pipes to be carried up in the Place most convenient for that Purpose, and so as to cause as little Inconvenience as possible; and in case of any Dispute between the Company and the Proprietors or Occupiers of the said Tenements as to the Places most convenient, the Place shall be determined by the Sheriff of the County of *Lanark*, whose Determination shall be final, and shall not be subject to Review or Stay of Execution by Advocation, Suspension, Reduction, or otherwise.

Rents and Rates payable in advance.

XCVI. And be it enacted, That the Rents and Rates payable to the Company in virtue of this Act, or of any Contract made with the Company for a Supply of Gas or Water, shall be payable in advance, and demandable at the Commencement of the Period for which any Person may contract with the Company for the Use of such Gas or Water; and in case of default in payment of any Sum agreed

agreed to be paid as aforesaid it shall and may be lawful for the Company to cause the Gas or Water Pipe, as the Case may be, used by or belonging to the Person making such Default, and communicating with any Main or Pipe belonging to the Company, to be separated from the said Main or Pipe, or in any other Way to cause the Gas or Water in such Pipe, as the Case may be, to be stopped; and the Company shall not be obliged to restore the Supply of Gas or Water, as the Case may be, until the Arrears of such Rent, and all Expences incurred in respect thereof, shall have been paid and satisfied, nor shall the Person making such Default be entitled to any Deduction from the Rent payable by him during the Time that such Supply may be cut off as aforesaid.

How Rents and Rates are to be recovered.

XCVII. And whereas the Rents and Rates for Gas and Water payable to the Company will in general be small Sums, and if not regularly paid the Recovery thereof by Actions at Law or Sequestrations will be attended with great Expence to those in arrear; be it therefore enacted, That if any Person shall refuse or delay to pay such Rents or Rates respectively due by them to the Company for the Space of Fourteen Days after the same shall have fallen due and been demanded from them personally, or by leaving a written or printed Requisition, signed by the Treasurer, Collector, or Clerk of the Company, at the Dwelling House or other Premises for supplying which with Gas or Water the said Rent or Rate shall be due, it shall be lawful for the Treasurer, Collector, or Clerk of the Company to apply to the Sheriff of the County of *Lanark* for a Warrant to the Officers of his Court, which he is hereby authorized and directed to grant, upon Production to him of a List or Roll, under the Signature of such Treasurer, Collector, or Clerk, specifying the Names and Designations of the Parties so refusing or delaying, and the Sums due by them respectively, and upon Oath emitted before him by such Treasurer, Collector, or Clerk, that lawful Demand of Payment was made in manner before provided, and that the Rents and Rates specified in such List or Roll have not been paid, to enter into the Premises of every such Person, and seize, poind, and take Possession of his Goods and Effects, or so much thereof as will fully satisfy the Debt and Expences due by him; and the Goods and Effects so seized and poinded shall be detained and kept on the Premises where the same were found, or in such Place near thereto of which the Owner shall have Notice, as the Officer so seizing and poinding shall think proper, for the Space of Three Days; and if within that Period the said Debt and Expences due by the Owner thereof to the Company shall not be paid, then it shall be lawful for the said Treasurer, Collector, or Clerk forthwith to sell and dispose of the said Goods and Effects, or such Part thereof as may be necessary, by public Roup in the principal Street of the Town of *Tolcross*, or such other Place as may appear proper, and to apply the Price in payment of the Rent or Rates respectively owing, with the Expences of Procedure, to be charged according to the Table of Fees exigible in the Sheriff's Small Debt Court, and to return the Overplus, if any, to the Owners, such Expences being always ascertained by the Sheriff; and all such Rents and Rates shall at all Times be and remain real Liens and Burdens upon the

Goods and Effects in the Premises for supplying which with Gas or Water they are respectively due, until Payment or Satisfaction thereof; but without Prejudice always to the Hypothec for the Landlords Rents, as by Law established: Provided always, that it shall be lawful for any Person against whom any such Warrant shall have been issued to complain thereof to the said Sheriff in the Manner competent by the Law of *Scotland* in the Case of any Poinding directed by the said Sheriff, and to demand to be heard in his Defence; and the Determination of the Sheriff thereupon shall be final, and not subject to Review or any Stay of Execution whatsoever, by Advocation, Suspension, Reduction, or otherwise: And provided further, that it shall be optional to and in the Power of the Company to recover such Rents and Rates, either in the Manner provided in this Act, or by such ordinary Process for Debt at the Instance of the Company before the Sheriff of the County of *Lanark* or other Sheriff competent, as is known to and authorized by the Law of *Scotland*.

How Forfeitures and Penalties are to be recovered.

XCVIII. And be it enacted, That all Forfeitures and Penalties imposed by this Act shall and may, except in Cases herein otherwise specially directed, be sued for by the Company, or any Person aggrieved by any Act of the Company, and be adjudged and recovered by and under the Authority of the Sheriff of the County of *Lanark*; and it shall be lawful for the said Sheriff, on Complaint made to him by the Company or Person aforesaid of any Offence against this Act, and he is hereby required, to grant Warrant to summon the offending Party before him, and upon Proof of such Offence, by voluntary Confession, or by the Oath of One or more credible Witnesses, or other legal Evidence, forthwith to give Judgment on such Complaint, without any written Pleadings or closed Record, or Minutes of Evidence; and where the Sheriff shall find the Complaint relevant and proven he shall find the Penalty due, and in all Cases where the exact Amount of the same has not been fixed by the Provisions of this Act he shall fix the Amount of the same; and so soon as the Penalty has been found due, and its Amount fixed, the Sheriff shall decern for the Amount, with the Expences of Suit, in favour of the Company or Person to whom the same is or shall be payable: Provided always, that where there is no special Provision in this Act as to the Person to whom any such Penalty shall be due and payable, the Sheriff shall have Power to find the Whole or any Part thereof due to the Company or Person suing for the same, or the Whole or any Part thereof due to any other Person aggrieved, or the Whole or any Part thereof due to the Poor of the Parish in which the Offence was committed; and the Sheriff shall, at the same Time that he finds the Penalty due and decerns for the Amount and Expences, grant Warrant for the Recovery thereof, failing Payment within Eight Days from the Date of such Decree and Warrant, by Poinding and Sale of the Goods and Effects of the Offender, or by Imprisonment (except in the Case of Offences committed by the Company), either in the House of Correction or Bridewell or Common Gaol in the City of *Glasgow*, for a Period at the Discretion of the Sheriff, but not exceeding Three Months, it being hereby provided that a Record shall be preserved by the Sheriff Clerk of the County of the Complaint, Judgments, and

Warrants; and that all such Proceedings before the Sheriff shall be final, and not subject to Review or Stay of Execution, by Advocation, Suspension, Reduction, or otherwise: Provided always, that it shall be optional to and in the Power of the Company or Person entitled to sue for such Penalties, if they or he shall deem it more advisable, to proceed in the Adjudication and Recovery thereof by such ordinary Process for Debt before the said Sheriff as is known to and authorized by the Law of *Scotland*, in deciding which Process the Sheriff shall have all the extraordinary Powers as to fixing the Amount of Penalties and disposing of the same as are herein-before conferred on him.

How Damages and Expences are to be sued for.

XCIX. And be it enacted, That all Actions or Suits relative to this Act, or for Damages or Expences to be sued for and recovered under this Act, may, where not otherwise herein provided, be sued before and be judged of by the Sheriff of the County of *Lanark*; and his Judgments in all such Actions and Suits shall be final and conclusive, and not subject to Review, by Advocation or otherwise, of any Court or Courts whatever; and his Decree shall not be subject to Review or Stay of Execution, by Advocation, Suspension, Reduction, or otherwise, any Law or Custom to the contrary notwithstanding.

Limitation of Actions, &c.

C. And be it enacted, That no Action or Suit for Damages, Forfeitures, or Penalties shall be commenced against the Company, or any other Person, for any thing done in pursuance or by virtue of this Act, after the Expiration of Six Months next after the Fact committed or the Cause of Action shall arise for which such Suit or Action shall be so brought.

How the Company may sue and be sued.

CI. And be it enacted, That the Company may lawfully sue in the Name of their Clerk or Treasurer for the Time being, and may be sued for any thing done or ordered by them in virtue of this Act in the Name of any One of the Directors, or in the Name of the Clerk or Treasurer or any Shareholder of the Company for the Time being; and no Action or Suit wherein the Company shall be concerned as Pursuers or Defenders in the Name of any of the said Parties or Officers, shall lapse or fall by the Death or Removal of any such Parties or Officers, but the Directors and Clerk or Treasurer to the Company for the Time being shall be deemed to be the Pursuers or Defenders in every such Action or Suit.

How Notices on the Company may be served.

CII. And be it enacted, That in all Cases wherein it may be necessary for any Person to serve any Notice, Summons, or any legal Proceedings upon the Company, the Service thereof upon the Clerk or Treasurer of the Company personally, or by leaving a Service Copy, with Citation, at the Counting-house or Office of such Clerk or Treasurer, or at his last or usual Place of Abode, or at the Counting-house or Office of the Company, or in case the same respectively shall not be found or known then Service upon any One or more of the Directors of the Company for the Time being, in common Form of Law, shall be deemed good and sufficient Service of the same respectively upon the Company.

CIII. And

Application of Money to be raised.

CIII. And be it enacted, That all the Money to be raised by the Company by virtue of this Act is hereby directed to be laid out and applied, in the first place, in defraying all Costs, Charges, and Expences incurred in applying for and obtaining this Act, and in Surveys, and otherwise preparatory thereto, and, in the next place, towards acquiring the requisite Lands, Heritages, and Privileges, and towards completing and maintaining the said Works, and defraying all other Expences incident to and requisite for carrying into effect the Purposes of this Act, and to no other Use or Purpose whatever.

Works to be completed within Ten Years.

CIV. And whereas it cannot be ascertained, except by actual Experiment, to what Extent the foresaid Works will require to be executed, in order to provide a sufficient Supply of Gas and Water for the said Town and Places adjacent, and the Result cannot be satisfactorily known within any shorter Period than Ten Years; be it therefore enacted, That in case the Works intended to be executed under the Authority of this Act shall not have been completed so as to answer the Objects of this Act within the Term of Ten Years from and after the passing hereof, all the Powers and Authorities given by this Act shall thenceforth cease, save only as to so much of such Works aforesaid as shall have been completed within the said Term of Ten Years.

Meaning of certain Words used in this Act.

CV. And be it enacted, That, unless when otherwise specially provided, or there be something in the Context repugnant to such Construction, it shall be held and understood that the Words Person, Body, Owner, Occupier, Proprietor, Seller, Purchaser, Shareholder, Offender, Defaulter, or other similar Terms used in this Act in the Singular Number, each denoting an Individual, and all such or similar Terms used in this Act in the Plural Number, shall, whether so used in the Singular or Plural Number, and although in the Masculine Gender only, import and apply or extend to One or more such Persons, Bodies, Owners, Occupiers, Proprietors, Sellers, Purchasers, Shareholders, Offenders, Defaulters, or others, and to Females as well as to Males, and to Commercial and Manufacturing Companies, and Bodies Politic, Corporate, or Collegiate, and to Trustees for Infants and others, as well as Individuals; and in like Manner that the Word "Sheriff" shall include Sheriff Substitute; and that the Word "Month" shall mean Calendar Month; and that wherever Powers are by this Act granted to the said *Tolcross* Gas and Water Company it shall be held and understood that such Powers are conferred upon the Directors of the Affairs of the Company for the Time being, and upon a Majority or a Quorum of their Number duly assembled at their Meetings in Terms of this Act; and that all Acts and Deeds which the Company are empowered to do or exercise may be lawfully done and exercised by their Servants, Workmen, or others acting under their Order or Authority.

Company not to take Water from the River Clyde.

CVI. Provided always, and be it enacted, That nothing herein contained shall be deemed or construed to enable the said Company to raise or take Water from the River *Clyde*, for the Purposes of this Act; any thing therein contained to the contrary thereof notwithstanding.

CVII. And

CVII. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others. Public Act.

SCHEDULE referred to in this Act.

TABLE OF RATES.

	Annual Rates. £	s.	d.
Where the Rent is under - - £6	0	12	0
Amounting to £6 and under £10	1	0	0
Amounting to £10 and under £15	1	15	0
Amounting to £15 and under £20	2	0	0
Amounting to £20 and under £30	2	16	0
Amounting to £30 and under £40	3	15	0
Amounting to £40 and under £60	5	0	0
Amounting to £60 and under £80	5	12	0
Amounting to £80 and under £100	6	5	0
Amounting to £100 and all above	7	0	0

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thereof; and such Deeds shall be good, valid, and effectual in the Law, and shall entitle the Persons to whom the same shall be made, or their Heirs, Executors, Administrators, or Assigns, to the Payment thereof, according to the Form of Words of such Deeds and the true Intent of this Act.

Estate of the Company liable for its Debts.

X. Provided always, and be it enacted, That the Estate, Stock, and Effects of the Company shall at all Times be liable and answerable for the just Debts and Demands of the Creditors of the Company.

First General Meeting.

XI. And be it enacted, That within One Month after the passing of this Act, or as soon after as conveniently may be, a General Meeting of the said Proprietors shall be holden in the Town of *Tolcross* or some Place adjacent thereto between the Hours of Ten of the Clock in the Forenoon and Three of the Clock in the Afternoon, of which General Meeting Notice shall be given by some one of the Proprietors by Circulars addressed to each of the other Proprietors at their usual Residences, and put into the Post Office in *Glasgow* Ten Days at least before the Day of Meeting, and such General Meeting shall then and there proceed in the Execution of this Act; and

Subsequent General Meetings.

thereafter, on the First *Thursday* in the Month of *July* in each Year, or as soon after as may be convenient, an Annual General Meeting of the Company shall be holden, of which Notice shall be given in manner herein provided.

Special General Meetings.

XII. And be it enacted, That Two or more of the said Proprietors, holding in the Aggregate Thirty Shares or more, may from Time to Time call a Special General Meeting of the Company, so as the Object for which such Special General Meeting shall be called be expressed in the Notice thereof to be given as herein provided; and all Acts and Proceedings of such Special General Meeting shall be as valid with respect to the Matters specified in such Notice (but no other) as if the same had been done or had taken place at a General Annual Meeting held in manner herein provided.

Mode of advertising Meetings.

XIII. And be it enacted, That all Notices herein directed to be given of any Meetings of the Company or Adjournments thereof, not herein otherwise provided for, shall be given by the Clerk or Treasurer of the Company by Advertisement in some Newspaper published in the City of *Glasgow*, or by a Circular to each of the Proprietors sent through the Post Office there, at least Eight free Days before the Day appointed for such Meeting or adjourned Meeting; and such Notices and Letters shall specify the Time and Place at which such Meetings are to be held, and when so published or sent shall be deemed the same as personal Notices.

Mode of proceeding at Meetings.

XIV. And be it enacted, That at every Meeting of the Company one of the Proprietors present shall be elected Chairman, and shall besides his own Vote have a casting Vote in case of an Equality of Voices; but if at any such Meeting the Proprietors who shall be present shall not be possessed of One hundred Shares at least in the

said Undertaking, then the Meeting shall not proceed with the Business, but shall adjourn.

Mode of voting at Meetings.

XV. And be it enacted, That every Member of the Company present at any Meeting thereof shall have One Vote for every Share he shall possess in the said Undertaking, and the Majority of Votes shall decide every Question that may come before such Meeting: Provided always, that no Proprietor shall be entitled to vote in respect of any Share, after the Day appointed for Payment of any Call to be made as herein mentioned, until such Call shall have been paid.

Where more than One Proprietor.

XVI. And be it enacted, That when any Share shall be jointly possessed by or be the Property of more than One Person the Proprietor whose Name shall stand first in Order in the Register Books of the Company shall for all the Purposes of the Company be deemed the Proprietor of such Share; and all Notices required to be given to the Proprietors of Shares in the said Undertaking shall and may be given to such Proprietor for the Share in which he has such joint Interest, and such Notice shall be deemed to be Service upon all the Proprietors of such Share, and such Person shall be entitled to vote for any of the Purposes of this Act in respect of such Share.

Proprietor may vote by Proxy.

XVII. And be it enacted, That every Proprietor of Shares in the said Undertaking shall have Power to give his Vote either in Person or by Proxy, provided such Proxy shall be a Member of the Company; and the Appointment of such Proxies may be made in the Form or to the Effect following; (that is to say,)

'I *A.B.* of a Proprietor of Shares in the *Tolcross* Gas and Water Company, do hereby appoint *C.D.* of to be my Proxy to vote for me in a Meeting of the Company to be holden on the Day of or any Adjournment thereof.'

Provided always, that no Person shall vote as a Proxy for more than Two Proprietors, or be enabled to give more than Five Votes for each on the same Question.

Adjournment of Meetings.

XVIII. And be it enacted, That every Meeting of the Company may at any Time be adjourned by a Majority of those present; but Notice of such adjourned Meeting, and of the Object for which it is to be held, shall be given in manner herein provided: Provided always, that no Business shall be transacted at any such adjourned Meeting except the Business left unfinished at the Meeting from which such Adjournment took place, and of which Notice shall have been given as aforesaid.

Directors to be elected.

XIX. And be it enacted, That at the First General Meeting of the Company, or Adjournment thereof, the Persons present shall elect from amongst such of the Proprietors as shall be possessed of Five Shares at the least Four Directors of the Affairs of the Company, to continue in Office until the ensuing General Annual Meeting, or until others shall be elected in their Stead; and at every General Annual Meeting to be holden after the First General Meeting of the

the Company Four Directors shall in like Manner be elected from amongst the Proprietors, (qualified as before,) to continue in Office for One Year; and the former Directors of the said Company shall be re-eligible if otherwise duly qualified; and after such Election shall have taken place such Directors as have not been re-elected shall go out of Office, but no Person shall be eligible to be elected or re-elected a Director who shall hold any Office or Place of Profit under the Company.

Meetings of Directors.

XX. And be it enacted, That the Directors to be from Time to Time appointed as aforesaid, of whom any Three shall be a Quorum, shall hold their Meetings at such Time and Place within the Town of *Tolcross* or Places adjacent as a Majority of them shall from Time to Time approve; and all Questions which shall be proposed, discussed, or considered by the said Directors at any of their Meetings shall be decided by the Majority in Number of the Members present; and the said Directors shall from Time to Time elect one of their own Number to act as their Chairman; and in case of there being upon any Question an equal Number of Votes, including the Vote of the Chairman for the Time being, such Chairman shall have an additional or casting Vote; and if on the Day appointed for any Meeting of the said Directors Three Directors shall not attend, then and in such Case the Meeting shall be adjourned to the next Day, not being a *Sunday*, and if the next Day shall be a *Sunday* then to the *Monday* following, by the Director or Directors then present, or if none be present, then by the Clerk to the Company, or such other Person as shall attend in his Place; and any One of the said Directors, or the Clerk of the Company by the Direction of any One or more of them, may at any Time call a Meeting of all the Directors by causing Notice in Writing, signed by such Director or Directors or by the Clerk of the Company, to be sent by the Post or otherwise to the Residence or Address of every Director, and also renew the Meetings of the Directors, although they may have been discontinued for Want of Adjournment, or institute a new Meeting independent of any Meeting appointed by Adjournment.

Disqualification of Directors.

XXI. Provided always, and be it enacted, That if any Proprietor who shall be elected a Director as aforesaid shall be or become a Dealer in any Article to be used by the Company, or shall offer to take or shall take or participate in any Work to be done for the Company, every such Proprietor shall be disqualified to vote in any Matters to be discussed by the said Directors wherein he shall be interested otherwise than as a Proprietor.

Duties of Directors.

XXII. And be it enacted, That the Directors for the Time being shall have the Custody of the Common Seal of the Company, and shall appoint the Hour and Place for holding General Meetings, and shall buy and sell, receive and lay out the Money of the Company, and shall make Contracts and Bargains, and rescind or compromise the same, and in general shall direct and manage the whole Affairs of the Undertaking, subject to such Orders, Bye Laws, Rules, and Regulations as shall at any Time be duly made by the said Directors or by the Company in regulation of the Powers and Authorities

Authorities by this Act granted; and the said Directors may employ such Servants, Workmen, Tradesmen, and other Officers, with adequate Salaries, (except a Treasurer and Clerk,) and from Time to Time dismiss, remove, or suspend them, as they may think proper, and take such Security from the Persons so employed by them for the faithful Execution of their respective Duties as they shall think proper.

Mode of filling up Vacancies.

XXIII. And be it enacted, That when and so often as any One of the said Directors to be elected by virtue of this Act shall die, or become disqualified, or shall for the Space of Four Months refuse or neglect to attend the Meetings of the said Directors, it shall be lawful for the Company at any General Meeting to elect some other Proprietor, qualified as herein provided, to be a Director in his Stead; and every such Proprietor so elected shall continue in Office as one of such Directors so long as the Person in whose Place or Stead he was elected would have been entitled to have continued if such Death, Disqualification, Refusal, or Neglect had not happened.

Treasurer and Clerk to be appointed.

XXIV. And be it enacted, That the Company shall, at their First General Meeting or at some Adjournment thereof, appoint a Treasurer for transacting the pecuniary Business of the Company, and also a Clerk to keep the Records and Papers of the Company; and it shall be lawful for the Company, at any subsequent General or Special General Meeting to be holden as herein directed, from Time to Time to remove and displace such Treasurer or Clerk, or any other Person who shall be appointed instead of either of them, and also from Time to Time to elect any other Person to act as Treasurer or Clerk in the Room of such as shall happen to die, or resign, or be removed: Provided always, that the Company shall and they are hereby required to take sufficient Security from every Person who shall be appointed Treasurer of the Company for the faithful Execution of his Office before he shall enter thereupon.

Same Person not to be Treasurer and Clerk.

XXV. Provided always, and be it enacted, That it shall not be lawful for the Company to appoint the Person who may be appointed their Clerk, or the Partner of any such Clerk, or any Person in the Employ of any such Clerk or of his Partner, the Treasurer for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, or any Person in the Employ of any such Treasurer or of his Partner, the Clerk for the Purposes of this Act; and if any Person shall accept both the Offices of Clerk and Treasurer, or if any Person, being the Clerk or Partner, or in the Employ of any such Clerk or of his Partner, shall accept the Office of Treasurer, or being the Treasurer or Partner, or in the Employ of any such Treasurer or of his Partner, shall accept the Office of Clerk in the Execution of this Act, or if any such Treasurer shall hold or accept any Place or Office of Profit or Trust under this Act other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person who shall sue for the same, to be recovered by

Action

Action of Debt in any Court of Law, and shall for ever be disqualified from holding any Office or Place under the Company.

Treasurer not to issue Money without Order; his Receipt a Discharge.

XXVI. And be it enacted, That the Treasurer to be appointed by the Company shall not issue any Sum of Money on their Account without an Order in Writing signed by One or more of the Directors of the Company; and the Receipt of such Treasurer for all Monies payable to the Company shall be an effectual Discharge for the same.

Proceedings to be entered.

XXVII. And be it enacted, That all Orders and Proceedings of the Company or of the said Directors, made at any Meeting of the Company or Directors respectively, shall be entered in a Book or Books to be kept for that Purpose, and shall be signed by the Chairman for the Time being of such respective Meetings; and such Orders and Proceedings so entered and signed shall be deemed and taken to be original Orders and Proceedings, and shall be allowed to be read in Evidence on behalf of the Company in all Courts and Places whatsoever.

Officers to account.

XXVIII. And be it further enacted, That all such Officers or Persons appointed or employed by or for the said Company shall from Time to Time when thereunto required deliver to the said Company or Directors, or to such Person or Persons as the said Company or Directors shall for that Purpose appoint, true, exact, and perfect Accounts, in Writing under their respective Hands, of all Monies which they and every of them respectively shall have received by virtue of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper Vouchers for such Payments, and shall pay all such Monies as shall remain in their or any of their respective Hands to the said Company or to the said Directors, or to such Person or Persons as the said Company or the said Directors shall appoint to receive the same; and if any such Officer or Person shall refuse or neglect to deliver up or produce such Accounts and the Vouchers relating to the same in manner aforesaid, or shall refuse or neglect to pay the Money due on such Accounts, or if any such Officer shall refuse or neglect to deliver up to the said Company or such Directors, or to such Person or Persons as they shall appoint, within Ten Days after being thereunto required, all the Books, Papers, or Writings, Property, Effects, Matters, and Things, in his Custody or Power, relating to the Execution of this Act, then and in every or any of the said Cases it shall be lawful for the Sheriff of the said County of *Lanark*, or the Sheriff of any other County in *Scotland* where any such Officer or Person resides or may be found, on Proof shown to him of such Requisition having been made as aforesaid, upon Complaint made before him by or on behalf of the said Company or Directors, to summon such Officer or Person to appear before such Sheriff, and upon his or her appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account or Accounts if produced; and if upon Confession of the Officer or Person against whom any such Complaint shall be made, or by

the Oath or Oaths, Affirmation or Affirmations (as the Case may require) of any Witness or Witnesses, which Oath or Affirmation such Sheriff is hereby empowered and required to administer and take without Fee or Reward, or upon Inspection of the said Accounts if produced, it shall appear to any such Sheriff that any of the said Money which shall have been collected or received shall be in the Hands of such Officer or Person, such Sheriff may and is hereby authorized and required, on Nonpayment thereof, by Warrant under his Hand to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person; and if no Goods and Chattels can be found sufficient to answer and satisfy the said Money and the Charges of distraining and selling the same, or if such Officer or Person shall not appear before the said Sheriff at the Time and Place appointed for that Purpose, unless for some sufficient Reason, or if appearing shall refuse or neglect to give and deliver to such Sheriff an Account or Accounts of all Receipts and Payments as aforesaid, or to produce and deliver up to such Sheriff the several Vouchers and Receipts relating to such Accounts respectively, or the Books, Accounts, Papers, and Writings, Matters and Things, in his or her Custody or Power relating to the Execution of this Act, then and in any or either of the Cases aforesaid any such Sheriff may and he is hereby authorized and required to grant Warrant for the immediate Incarceration of such Officer or Person in the Common Gaol or House of Correction of the County, City, Burgh, or Place where he shall live or reside, there to remain without Bail, in case he or she should be committed for Nonpayment of any Money received by him or her or in his or her Hands, until he or she shall have accounted for and paid the full Amount thereof, or compounded with the said Company or Directors, and paid such Composition, in such Manner as the said Company or the said Directors shall appoint (which Composition the said Company or Directors are hereby empowered to make), or in case he or she shall be committed for not delivering any Accounts, Books, Papers, or Writings as aforesaid, until he or she shall have delivered up such Books, Papers, and Writings, Matters and Things as aforesaid, or made Satisfaction in respect thereof to the said Company or Directors; provided that no Person who shall be so committed for Want of sufficient Distress shall be detained in Prison by virtue of this Act for a longer Space of Time than Three Calendar Months.

To compel Payment of Subscriptions.

XXIX. And be it enacted, That the several Persons who have subscribed or shall subscribe for Shares in the said Undertaking, or who shall at any Time hereafter hold Shares in the same, shall and they are hereby required to pay the Sums of Money by them respectively subscribed, or such Parts thereof as shall from Time to Time be called for pursuant to the Powers of and Directions contained in this Act; and in case any such Person shall refuse or neglect to pay any such Sum of Money it shall be lawful for the Company to sue for and recover the same from him by Action of Debt or on the Case in any Court of Law, together with lawful Interest for the same from the appointed Time of Payment, and all Costs of Suit.

No Person answerable for more than his Stock.

XXX. Provided always, and be it further enacted, That no Person or Persons who is, are, or shall be Proprietor or Proprietors of the Stock of the said Company, or Contributor or Contributors thereto, shall be liable personally, or in his Real or Personal Estate; and nothing herein contained shall extend to make them, or any of their Clerks, Treasurers, or other Officers or Servants, except as hereinafter provided, liable for any Debt or Demand whatever due or to become due from or by the said Company, or in anywise relating to the said Undertaking, beyond the Amount of his Stock or Shares in the Capital Stock of the said Company; any Law, Custom, or Usage to the contrary thereof in anywise notwithstanding.

General Meetings may make Calls.

XXXI. And be it enacted, That the Company shall have full Power from Time to Time to make such Calls of Money from the Subscribers to and Proprietors for the Time being of Shares in the said Undertaking, not exceeding in the whole, including the Sum or Sums already paid, the Sum of Twenty Pounds on each Share, as they shall consider expedient and necessary: Provided always, that no One such Call shall exceed the Sum of Five Pounds for or in respect of any One Share, and that there shall be an Interval of at least Three Months between each Call; and provided further, that every Sum so to be called for shall be paid into the Hands of the Treasurer to the Company, and shall be paid at such Time and Place as shall be appointed by a General Meeting, of which Time and Place Ten Days Notice at least shall be given to each Subscriber or Proprietor.

If Calls not paid Shares to be forfeited and sold.

XXXII. And be it enacted, That if any Subscriber or Proprietor of Shares in the said Undertaking, his Executors, Administrators, Successors, or Assigns, shall neglect or refuse to pay his Portion of the Money to be called for by the Company as aforesaid by the Time appointed for Payment thereof, or within Fourteen Days next after, then and in every such Case the Subscriber or Proprietor so neglecting or refusing shall (whether the same shall have been then sued for in any Court of Law or not) absolutely forfeit all his Shares in the said Undertaking, and all Money theretofore advanced by him on account thereof, to and for the Use and Benefit of the Company, in whom the said Shares shall thereupon be *ipso jure* vested, unless otherwise determined by a General Meeting of the Company; and all Shares which shall be so forfeited shall be sold by the Company at a public Sale to the highest Bidder, and the Produce thereof shall be applied in or towards Payment of the Calls made on the Shares belonging to such Subscriber or Proprietor in so far as unpaid: Provided always, that no such Sale shall take place until after Fourteen Days Notice of the intended Sale shall have been given in Writing by the Chairman of the Company or Two of the Directors thereof to the Subscriber or Proprietor neglecting or refusing to pay the Portion of the Money called for and due by him, or left at his usual or last Place of Abode, if he shall reside within that Part of *Great Britain* called *Scotland*, and if not, then by Letter sent by the Post.

Surplus Price of forfeited

XXXIII. Provided also, and be it enacted, That in case the Money produced by the Sale of any Shares so forfeited shall be more than

sufficient to pay all Arrears of Calls as aforesaid and lawful Interest thereon, with the Expences attending such Sale, the Surplus of such Money shall be paid, on Demand, to the Person to whom such Shares shall have belonged; but the Company shall not sell any more of the Shares belonging to such Defaulter than shall be sufficient, as near as may be, at the Time of such Sale, to pay the Arrears due from such Defaulter for or on account of his whole Shares and the Interest and Expences attending the same; and from and after the Payment of all such Calls, and the Interest and Expences as aforesaid, any Shares so forfeited to and vested in the Company which shall remain in their Hands unsold shall revert to and again become the Property of the Person (or his Executors or Administrators) to whom such Shares shall have belonged immediately before any such Forfeiture as aforesaid, in such Manner as if such Calls had been regularly paid.

Shares to be paid to the Owner.

XXXIV. And be it enacted, That it shall be lawful for any of the Proprietors of Shares in the Company, their Executors, Administrators, Successors, and Assigns, to sell and transfer any Share or Shares of which they shall respectively be possessed; and every such Transfer shall be duly stamped, and shall or may be in the Form or to the Effect following; (that is to say,)

Proprietors may transfer their Shares.

Form of Transfer.

'I of in consideration of paid to me by do hereby bargain, sell, assign, and transfer to the said Shares in the *Tolcross* Gas and Water Company, Numbers in the said Undertaking, to hold to the said and his Executors, Administrators, and Assigns, subject to the same Rules, Orders, and Restrictions, and on the same Conditions, as I held the same Shares immediately before the Execution hereof; and I the said do hereby agree to take and accept the said Shares, subject to the said Rules, Orders, Restrictions, and Conditions. As witness our Hands and Seals this Day of in the Year of our Lord .'

And every such Transfer shall be produced to the Clerk of the Company, and an Abstract thereof shall be registered by him in the Books of the Company, for which the Sum of Two Shillings and Sixpence shall be paid by the Person requiring such Transfer to such Clerk, and no more; and the Registry thereof shall specify the Dates, Names of the Parties, and the Number of Shares transferred; and an Extract of such Register, signed by the said Clerk, shall be issued to the Purchaser, and shall be sufficient Evidence of such Transfer, and be received and admitted as such; and until such Transfer shall be registered in the Books of the Company no Purchaser of any Share, or his Executors, Administrators, or Assigns, shall be deemed a Proprietor, or have any Part of the Profit of the said Undertaking or the Advantages thereof, nor shall receive any Interest or Dividends for or in respect of such Shares so purchased, nor be entitled to vote at any Meeting as a Proprietor of the said Undertaking in respect of such Shares.

XXXV. Provided always, and be it enacted, That so often as any Call for Money shall be made by virtue of this Act no Proprietor shall

If Call is made no Transfer until Call is paid.

shall sell or transfer any Shares which he shall possess in the said Undertaking, after the Day appointed for Payment of the said Call, until the Money so called for in respect of his Shares intended to be sold shall be paid, and until such Money so called for shall be paid every such Sale or Transfer shall be void; and every Proprietor making default herein shall forfeit such his Shares in the said Undertaking, to and for the Benefit of the Company, unless he or they shall at the Time of such Sale and Transfer pay to the Treasurer of the Company the full Sum of Money so called for upon every Share so to be sold or transferred.

Shares to be Personal Estate.

XXXVI. And be it enacted, That all Shares in the said Undertaking shall be deemed Personal or Moveable Estate, and not of the Nature of Real or Heritable Property, and shall be transmissible accordingly.

Power to register Judicial Transfer.

XXXVII. And whereas by Death, Insolvency, Bankruptcy, or other Cause, the Right to the Shares held by any Proprietor may come to be judicially transferred to some other Person without any Transfer thereof being executed in the Form herein provided; be it therefore enacted, That in order to vest such Shares in such other Person the Letters of Administration, Confirmation, Adjudication, or other Act whereby such Judicial Transfer is made shall be in like Manner produced to the Clerk of the Company, and an Abstract thereof registered by him as aforesaid; and an Extract of such Register, signed by the Clerk, shall be issued, and be of like Effect as Evidence, as is herein-before provided in the Case of voluntary Transfer: Provided always, that the recording of an Abstract of any such Act shall not imply any Liability on the Part of the Company or the Clerk for the Regularity or Validity of such Document, and that all Payments of Dividends or other Acts done by the Company or any of their Officers, *bonâ fide* in the Belief of the Regularity or Validity of any such Documents, shall be effectual, so far as the Company or such Officers are concerned, and shall exonerate them from all Claim on the Part of others alleging a preferable Right to such Shares or Dividends.

General Meetings to call for Accounts, &c.

XXXVIII. And be it enacted, That the Company shall have Power from Time to Time to call for and examine all the Accounts of the Company; and at every Annual General Meeting or Adjournment thereof a Dividend shall be made out of the Profits of the said Undertaking (unless such Meeting shall declare otherwise), and such Dividend shall be at the Rate of such a Sum *per Centum* upon or for every Share in the said Undertaking as such Meeting shall think fit to determine; but no Dividend shall be made whereby the Capital of the Company shall be reduced, nor shall any Dividend be paid in respect of any Share until all Calls for Money then made in respect thereof by virtue of this Act shall have been paid.

Power to purchase and hold Lands, &c.

XXXIX. And be it enacted, That it shall be lawful for the Company and they are hereby empowered from Time to Time to contract and agree for the absolute Purchase, for a Price paid, of such Lands, Buildings, Works, Drainage Water, Streams of Water, Springs, or other Heritable Property as they may think requisite to be taken for any of the Purposes of this Act, to be held by them, their Successors and

and Assigns; provided always, that the Quantity of Land so purchased and held shall not in the whole at any One Time exceed Three Statute Acres; and also from Time to Time to sell, dispose of, and convey, by Deed executed by the Directors or their Quorum in Terms of the Resolution of a General Meeting of the Company and under their Seal, such Lands, Buildings, Works, Drainage Water, Streams of Water, Springs, or other Heritable Property, or such Part thereof as they shall think unnecessary to be held for the Purposes of this Act, and to purchase and hold other Lands, Buildings, Works, Drainage Water, Streams of Water, Springs, or Heritable Property for the Purposes aforesaid, the Land so held never at any One Time exceeding in Extent the Quantity aforesaid, without the Company thereby incurring or being subject to any of the Penalties or Forfeitures of any Law or Statute whatsoever.

Power to contract for Supply of Water.

XL. And whereas there is at present a very large Supply of pure Water derived from the Coal Wastes or Mines and other Mines which are situated in or under the Lands described in the Plan and Book of Reference herein-after mentioned: And whereas the said Water is at present raised to the Surface by Machinery belonging to *Colin Dunlop* of *Tolcross* at a certain Shaft or Pit on the Lands of *Carmyle*, commonly known by the Name of the *Muir Pit*, and might be advantageously employed for certain of the Purposes of this Act; be it therefore enacted, That it shall be lawful for the Company either to purchase and acquire an absolute Right to the said Water and Machinery in the Manner herein provided, or to contract with the Person or Persons being interested therein or having Right thereto for a constant Supply of such Water to be used for the Purposes of this Act, and to pay for the same such annual Rent or Consideration as may be by such Parties and the Company specially agreed upon; and it shall be lawful for such Parties to enter into such Contract with the Company either for a Perpetuity or for a Term of Years, as may be agreed on; and such Contract shall be binding, notwithstanding the limited or defeasible Right and Title of any such Parties, in the same Way that an absolute Sale would be in manner herein-after provided; saving and reserving nevertheless to the Proprietor of the Lands of *Carmyle* and his Feuars and Tenants every Right and Claim of Damage or otherwise to which the said Proprietor, or his Feuars and Tenants, or any of them, are now entitled or would have if this Act had not been made.

Reserving Rights of Proprietor of Carmyle and his Feuars and Tenants.

Incapacitated Persons and others may convey.

XLI. And be it enacted, That it shall be lawful to and for all Bodies Politic, Corporations, Heirs of Entail, Life-renters, Husbands, Tutors and Curators, or other Guardians, Trustees for charitable and other Purposes, and all other Persons whomsoever, who shall have Right to or be interested in any Lands, Buildings, Works, Drainage Water, Streams of Water, Springs, or other Heritable Property, not only for and on behalf of themselves, their Heirs and Successors in the said Property, but also for and on behalf of those for whom they may be Guardians or Trustees, whether Infants, Minors, Issue unborn, Lunatics, Idiots, Married Women, or other Persons, and it shall also be lawful to and for all Married Women who shall be possessed of,

seised, or interested in such Property, either absolutely or by virtue of any Right of Terce or other Right, and to and for all and every Person whomsoever who shall have Right to or be interested in any such Property, if the same or any Part thereof shall be thought necessary or convenient by the Company to be purchased for the Purposes of this Act, to contract with and sell and convey to the Company all or any Part thereof; and all such Contracts, Sales, and Conveyances shall be valid and effectual, notwithstanding the limited or defeasible Nature of the Right and Title of the Parties so contracting, selling, or conveying, any Law or Custom, or Prohibition in the Titles of such Property, to the contrary notwithstanding; and all such Bodies Politic, Corporations, and other Persons aforesaid so contracting, selling, and conveying are hereby indemnified for what they shall so do in pursuance of this Act; and all such Contracts, Sales, and Conveyances shall be made at the Expence of the Company, and shall be according to or as near as may be in the following Form:

Form of Conveyance.

'I of in consideration of the Sum of paid to me by the [*Name of the Company*], do hereby grant and convey to the said Company all and whole [*describe the Premises conveyed*], and all my Right, Title, and Interest in and to the same and every Part thereof, to be holden by the said Company and their Successors for ever in Terms of an Act passed in the Year of His present Majesty, intituled [*here set forth the Title of this Act*], by the Tenure of [*here insert tenendas and reddendo*], and I consent to the Registration hereof in the Books of Council and Session, or others competent for Preservation and Execution, and also in the Register of Sasines, Reversions, &c. for Publication, and thereto constitute my Procurators. In witness whereof I have subscribed these Presents, written by at this Day of before these Witnesses and .'

Which Conveyance, being duly executed and registered in the Register of Sasines of the County or District in which the Premises conveyed shall be situated, which the respective Keepers of the Registers in such Counties and Districts are hereby authorized and required to do, shall give and constitute a good and undoubted Right and complete and valid feudal Title in all Time coming to the said Company of Proprietors, and their Successors and Assigns, to the Premises therein described; any Law or Custom to the contrary notwithstanding.

Satisfaction to be made.

XLII. And be it enacted, That the Company shall make or tender to the Owners and Occupiers and Persons interested in any Lands, Buildings, Works, Drainage Water, Streams of Water, Springs, or other Heritable Property which shall be required for the Purposes of the said Waterworks, a Sum of Money by way of Satisfaction or Price for the same, before they shall in anywise take possession or make use thereof, and also a Sum of Money by way of Compensation for any other Lands, Buildings, Works, Drainage Water, Streams of Water, Springs, or other Heritable Property which shall

be damaged in the Execution or by virtue of any of the Powers herein contained in relation to such Waterworks.

In case of Disagreement as to Price.

XLIII. And be it enacted, That in case the Parties having Right to or being interested in any Lands, Drainage Water, Streams of Water, Springs, or other Heritable Property required for the Purposes of the said Waterworks, shall not be satisfied with the Amount of any Sum offered to be paid them by the Company as a Compensation for the Damage done to any such Lands, Drainage Water, Streams of Water, Springs, or other Heritable Property, by the Operations of the Company, and in case the Amount of such Damage claimed shall exceed One hundred Pounds Sterling; or in case the Company and the Parties so having Right to or being interested in any Lands, Drainage Water, Streams of Water, Springs, or other Heritable Property required to be taken for the Purposes of the said Waterworks, cannot agree as to the Price to be paid therefor; or in case, after a Tender of a certain Price, or of a certain Compensation for Damage, made by the Company to such Parties or their known Agents, they or their said Agents shall refuse the same; or in case such Parties shall refuse or neglect to treat, or by reason of Absence or other Cause shall be prevented from treating, with the Company for the Sale of such Lands, Drainage Water, Streams of Water, Springs, or other Heritable Property; or in case such Parties shall not be able to give a clear and valid Title thereto; then and in every such Case the Company, or the said Parties having Right to or being interested in such Lands, Drainage Water, Streams of Water, Springs, or other Heritable Property, and to whom such Price or Compensation, or any Part thereof, may be due, shall be and they are hereby respectively empowered and required from Time to Time to make Application in Writing to the Sheriff of the County of *Lanark* to proceed as herein-after mentioned; and the Sheriff is thereupon accordingly hereby required to summon and return a Jury of Twelve Persons in the Manner in which Juries are summoned and returned in Civil Causes in *Scotland*, to meet at such Time and Place as in the Warrant to be issued for that Purpose shall be appointed, not being less than Eight nor more than Fourteen Days after the Date of such Application; and in case a sufficient Number of Jurymen shall not appear at the Time and Place so to be appointed the Sheriff shall return other honest and indifferent Men of the Standers-by, or that can most speedily be procured, to make up the said Jury to the Number of Twelve; and which Jury shall be impannelled for the Trial of the Cause between the Company and the Parties aforesaid; provided always, that all Persons concerned may have their lawful Challenges or Exceptions against any of the said Jurymen; and the Sheriff is hereby empowered and required to preside at the said Trial, and at or previous thereto to issue his Precept for citing to appear before the said Jury all Persons who shall by either of the Parties be thought necessary to be examined as Witnesses touching the Matter in question; and the Sheriff may order and authorize any Three or more of the said Jury to view the Place or Places or Matters in controversy; and the said Jury upon their Oaths (which Oaths, as well as the Oaths to such Persons as shall be called upon to give Evidence, the Sheriff is hereby empowered to administer,) shall

shall inquire into and assess the Sum of Money to be paid for the Purchase of such Lands, Drainage Water, Streams of Water, Springs, or other Heritable Property, or, as the Case may be, the Compensation to be made by the Company to the Parties claiming the same; and in case it shall be necessary in any Cause to inquire into and assess both the Price and Damage, the Verdict of the Jury shall state the Amount of each separately; and the Sheriff shall forthwith give Judgment and Decree for such Price or Purchase Money, or Compensation for Damages, as the Case may be, or for both, if found due; which said Verdict, Judgment, and Decree shall be binding and conclusive to all Intents and Purposes against all Persons whomsoever, and shall not only be enforced by every Diligence of the Law competent on any Decree of the Sheriff in a Civil Cause, but shall not be subject to Reduction, Advocation, or Suspension, or to any Question or Review in any way whatsoever.

Persons desiring a Jury to give Security.

XLIV. And be it enacted, That all and every Person making Application for such Jury (except the Company) shall, before the Sheriff shall issue Warrant for the summoning of such Jury, enter into a Bond, with sufficient Sureties, to the Clerk of the Company, binding themselves jointly and severally in a Penalty of One hundred Pounds to prosecute such Application, and to bear and pay whatever Portion of the Expence of obtaining such Verdict, Judgment, and Decree shall be found due by such Person so applying.

Persons giving false Evidence to be prosecuted.

XLV. And be it enacted, That every Juryman and Witness summoned to attend such Trial shall be subject to the same Regulations, Pains, and Penalties for Nonattendance or otherwise as if such Juryman and Witness had been summoned to pass upon any Jury for the Trial of a Civil Cause in *Scotland*; and that every Witness who shall wilfully and corruptly give false Evidence before any such Jury shall and may be prosecuted for the same, and upon Conviction thereof shall be subject to such Punishments and Disqualifications as any Person can or may be subject to for wilful Perjury by the Laws and Statutes of this Realm.

Expences of Jury how to be borne.

XLVI. And be it further enacted, That in every Case in which the Verdict of a Jury summoned as aforesaid shall be given for the same or a greater Sum than shall have been previously offered by the said Company for the Purchase of any Lands, Drainage Water, Streams of Water, Springs, or other Heritable Property to be used or taken by them for the Purposes of the said Waterworks, or as a Satisfaction, Recompence, or Compensation for any Damage or Loss which may happen or arise in the Execution of any of the Powers hereby granted for the Purposes aforesaid, all the Costs of summoning such Jury, and the Expences of Witnesses and of the Bond to be entered into as above mentioned, shall be defrayed by the said Compyan; and such Costs and Expences shall be settled and taxed by the Sheriff who shall have presided at the Trial; and in case such Costs and Expences shall not be paid to the Party entitled to receive the same within Twenty Days after the same shall have been demanded, then the same shall and may be levied and recovered by Distress and Sale of any Goods

Goods and Chattels of the said Company, and by the like summary Process by which any Penalties or Frofeitures may be recovered by this Act; but if the Verdict of the Jury shall be given for a less Sum than shall have been previously offered by the said Company, One Moiety of the said Costs and Expences shall be defrayed by the Party with whom the said Company shall have such Controversy or Dispute, and the Remainder shall be defrayed by the said Company, and the former Moiety of such Costs and Expences, having been ascertained and settled in manner herein-before mentioned, shall and may be deducted out of the Money adjudged to be paid to such other Party as so much Money advanced to and for his Use, and the Payment or Tender of the Remainder of the Money so adjudged shall be deemed and taken to all Intents and Purposes to be a good Payment or Tender in satisfaction of the whole thereof; and in case no Damages shall be given by any Verdict where the Dispute is for Damages only, such Expences shall be paid by the Person who claimed Damages from the said Company, and shall be recovered by the said Company in the same Manner as is herein-after provided for the Recovery of any Penalty or Forfeiture incurred by or under this Act: Provided always, that in Cases in which, by reason of Absence in Foreign Parts, or from any other Cause or Disability not herein-before provided for, any Person shall have been prevented from treating and agreeing as aforesaid, the whole of such Costs and Expences shall be borne and paid by the said Company.

Verdicts to be recorded.

XLVII. And be it enacted, That all such Verdicts, Judgments, and Decrees (being first signed by the Sheriff) shall be kept by the Sheriff Clerk of the County of *Lanark* amongst the Records of the said County, and shall be deemed a Part thereof to all Intents and Purposes; and Extracts thereof, signed by the Sheriff Clerk in the usual Form, shall be allowed to be good Evidence in all Courts whatsoever, and shall authorize Execution and Diligence, in the same Way and to the like Effect as the Extract of any Judicial Proceedings in Civil Causes in the ordinary Court of such Sheriff; and all Persons shall have free Liberty to inspect the Records of such Proceedings on paying for each Inspection the Sum of One Shilling, and also to make Copies thereof on paying for each Copy after the Rate of One Shilling for every One hundred Words.

After Payment or legal Tender the Works not to be impeded.

XLVIII. And be it enacted, That upon Payment or lawful Tender of such Sum of Money as shall have been agreed upon between the Parties, or assessed by any Jury as aforesaid (less any Expences allowed to be retained therefrom in manner herein provided), as the Price of any Lands, Buildings, Drainage Water, Streams of Water, Springs, or other Heritable Property required to be taken for the Purposes of this Act, or Damage done as aforesaid, made to the Parties entitled to receive such Price or Compensation, and upon lawful Tender of any Sum of Expences that may have been found due by the Company made to such Parties, or in case the said Parties cannot be found, then upon Consignation of the said Price or Compensation and Expences (if any) in any of the chartered Banks in *Scotland*, in Name of such Parties, then and in every such Case it shall be lawful for the Company, their Officers, Servants, or Workmen,

men, to enter into and take possession of such Lands, Drainage Water, Streams of Water, Springs, and other Heritable Subjects, and to use and enjoy the same as their Property, to all Intents and Purposes.

Application of Compensation Money when exceeding 200*l.*

XLIX. And be it enacted, That if any Sums of Money shall be agreed or awarded to be paid for any Lands, Drainage Water, Streams of Water, Springs, or other Heritable Property required to be taken for the Purposes of this Act, which shall belong to any Body Politic, Corporation, Heir of Entail, Life-renter, Married Woman, Infant, Lunatic, or other Person under Disability or Incapacity to receive and discharge any such Sum, and if the same shall amount to or exceed the Sum of Two hundred Pounds, the full Amount thereof shall, without Fee or Reward, with all convenient Speed be paid, under the Direction and by the Authority of the Court of Session, into some one of the chartered Banks in *Scotland*, to the Intent that such Money shall be applied, under the Direction and Authority of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Drainage Water, Streams of Water, Springs, and other Heritable Subjects, in the Purchase or Redemption of the Land Tax thereof, or towards the Discharge of any Heritable Debt or other Incumbrance, or any Part thereof, as the said Court shall authorize to be paid, whether affecting the same Lands or Heritages, or affecting other Lands or Heritages standing settled therewith to the same or to the like Uses, Trusts, Intents, or Purposes; and where such Money shall not be so applied then the same shall be laid out and invested, under the like Direction and Authority, in the Purchase of other Lands, Drainage Water, Streams of Water, Springs, or Heritable Property, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands, Drainage Water, Streams of Water, Springs, and other Heritable Subjects which shall be so purchased, taken, or used for the Purposes aforesaid stood settled or limited, or to, for, or upon such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime and until such Purchase shall be made the Interest or annual Produce of such Money shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of such Lands, Drainage Water, Streams of Water, Springs, or other Heritable Subjects if the same were purchased and such Settlement thereof were made.

Application when less than 200*l.* and not less than 20*l.*

L. Provided always, and be it enacted, That if any such Sum of Money agreed or awarded to be paid for any Lands, Drainage Water, Streams of Water, Springs, or other Heritages purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation or to any Person under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in every such Case the same shall (at the Option of the Person for the Time being entitled to

the Rents and Profits of such Lands or other Heritable Subjects required to be taken for the Purposes of this Act, or of his Guardians in case of Infancy or Lunacy, to be signified in Writing under their respective Hands,) be paid into one of the said chartered Banks, and applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Three Trustees, to be nominated by the Person making such Option, and approved of by the Company, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties,) in order that such Principal Sum of Money and the Interest arising thereon may be applied in the Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain for the same the Direction or Authority of the Court of Session.

Application when less than 20*l.*

LI. Provided always, and be it enacted, That if any such Sum of Money agreed or awarded to be paid as aforesaid shall be less than Twenty Pounds, then and in every such Case the same shall be paid to and applied to the Use of the Person who would for the Time being have been entitled to the Rents and Profits of the Lands, Drainage Water, Streams of Water, Springs, or other Heritable Subjects required to be taken for the Purposes of this Act; or in case of the Infancy, Idiotcy, or Lunacy, or other Incapacity of the Person so entitled, then such Money shall be paid to his Guardians, to and for the Use and Benefit of such Person.

In case of not making out Titles, the Court shall order the Price or Compensation to be deposited.

LII. And be it further enacted, That in case the Person to whom any Sum or Sums of Money shall be awarded as aforesaid shall refuse to accept the same, or shall not be able to make good a Title to the Premises to the Satisfaction of the Company, or in case the Person to whom any such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Land, Streams of Water, Springs, or other Heritages be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Company to pay the Sum and Sums of Money so awarded as aforesaid into any one of the chartered Banks in *Scotland*, to the Credit of the Parties interested in the said Lands, Streams of Water, Springs, or other Heritages, (describing them if they are known, and if they are not known, then generally to the Credit of the Parties interested in the said Lands or Heritages, without any Description of them,) subject to the Order, Control, and Disposition of the said Court of Session; which said Court, or either of the Divisions thereof, on the Application of any Person making claim to such Sum or Sums of Money or any Part thereof, by Petition, shall be and are hereby empowered in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the said Banks who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for the same, mentioning and specifying for what and for whose Use the same is or are received, to such Person as shall pay any such Sum or Sums of Money into such Bank or Banks as aforesaid.

LIII. And

Where Questions arise touching the Title to any Money.

LIII. And be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into any such Bank as aforesaid, in pursuance of this Act, for the Purchase of any Lands, Streams of Water, Springs, or other Heritages, or of any Estate, Right, or Interest in any Lands, Streams of Water, Springs, or other Heritages to be purchased in pursuance thereof, or to any Interest of such Money, the Person who shall have been in possession of the Lands or Heritages at the Time of such Purchase, and all Persons claiming under such Person or under the Possession of such Person, shall be deemed and taken to have been lawfully entitled to such Lands, Streams of Water, Springs, or other Heritages, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court of Session; and the Interest of such Money and also the Principal Sums shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the Court that such Possession was a wrongful one, and that some other Person was lawfully entitled to such Property, or to some Estate or Interest therein.

The Court may order Payment of reasonable Expences.

LIV. And be it enacted, That where, by reason of any Disability or Incapacity of the Person entitled to any Lands or Heritages to be taken or used for the Purposes of this Act, the Purchase Money for the same shall be required to be paid into any of the said Banks, or to be applied in the Purchase of other Lands or Heritages in pursuance of this Act, it shall be lawful for the said Court of Session to order the Costs, Charges, and Expences of all Purchases from Time to Time to be made in pursuance of this Act, or which may be incurred in consequence thereof, and of the Payment into the said Banks of the said Purchase or Compensation Money, and of the Re-investment of the said Purchase or Compensation Money in Land, or other Disposition of the same, together with the necessary Costs, Charges, and Expences of obtaining the proper Orders for such Purposes, and of the Payment of the Interest of such Purchase or Compensation Money, and of the Payment of the Principal of the same, out of the said Banks, to be paid by the said Company, who shall accordingly from Time to Time pay such Sums of Money for such Costs, Charges, and Expences as the said Court shall direct.

Company entitled to pay off Incumbrances.

LV. And be it further enacted, That in case any Lands or Heritages to be taken or used for the Purposes of this Act shall happen to be burthened with any Heritable Debts to any Person it shall be lawful for the said Company of Proprietors, upon Application made to them by such Heritable Creditors, and the said Company are hereby authorized and required, to pay such Sum of Money agreed for and adjusted or assessed in manner aforesaid for such Lands burthened with Heritable Debts to such Heritable Creditors, in part of the Principal Money due on such Heritable Debts: Provided always, that upon Receipt of such Sum such Heritable Creditors shall acknowledge the Receipt of such Sum of Money, either by Indorsement to be made upon the Security for such Heritable Debts, and signed by such Heritable Creditors in the Presence of Two or more credible Witnesses, in satisfaction of so much of the Principal Money due upon such Heritable Debts,

Debts, or otherwise by such other Receipt, Acknowledgment, or Discharge for such Payment as shall by the Law of *Scotland* be good and effectual to the Debtor.

Map and Book of Reference to remain with Clerk of the Peace.

LVI. And whereas a Map or Plan describing the Situation of the Works intended to be erected by the Company, and the Lands in which the same are intended to be situated, and a Book of Reference containing a List of the Names of the Owners or reputed Owners and Occupiers respectively of such Lands, have been deposited at the Office of the Clerk of the Peace for the said County of *Lanark*; be it enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the said Clerk of the Peace for the Time being, or his Deputy; and all Persons shall at any reasonable Time have Liberty to inspect the same, and have an Extract thereof, or such Part thereof as such Persons shall require, on paying to such Clerk of the Peace One Shilling for every such Inspection, and at the Rate of One Shilling for every One hundred Words of such Extract; and the Company shall not in erecting such Works deviate more than One hundred Yards from the Situation so described, nor erect any Works in any other Situation than what is so described; without the Consent in Writing of the Persons into or in whose Lands such Deviations or Erections shall be made.

Errors in the Book of Reference not to impede the Execution of the Act.

LVII. Provided always, and be it enacted, That it shall be lawful for the Company to erect such Works upon the several Lands or Grounds of any Person who is and may be the Owner or Occupier of Land described in the said Map or Plan, although the Name of such Person may happen to have been omitted or erroneously entered in such Book of Reference, provided it shall appear to any Two or more Justices of the Peace for the said County of *Lanark*, and be certified by a Writing under their Hands, that such Omission or Error proceeded from Mistake.

Power to make Gas Works, and supply Gas.

LVIII. And be it enacted, That for the Purpose of lighting with Gas the said Town of *Tolcross* and Places adjacent thereto, situate in the respective Parishes herein-before mentioned, it shall be lawful for the Company, and they are hereby authorized and empowered, subject to the Provisions and Restrictions herein mentioned, from Time to Time to make, erect, sink, lay, place, and affix such Retorts, Gasometers, Receivers, Buildings, Cisterns, Engines, Machines, Cuts, Drains, Sewers, Watercourses, Reservoirs, Pipes, and other Works and Devices, of such Construction and in such Manner as the Company shall think necessary or proper, and also to break up the Soil and Pavements of any Streets, Highways, Roads, Ways, Lanes, Passages, and other public Places, or any Part of them, and to erect Pillars, Pilasters, Lamp Posts, Lamp Irons, Lamps, and other Apparatus in any such Streets, Highways, Roads, Ways, Lanes, Passages, and other public Places, or against any Wall built on or adjoining to them, and to dig and sink Trenches and Drains, and lay Mains and Pipes, and put Stopcocks, Syphons, Plugs, or Branches from such Pipes, in, under, across, and along such Streets, Highways, Roads, Ways, Lanes, Passages, or public Places, and also, with Consent of the Owner and Occupier for the Time being,

improperly increase the Consumption of Gas, or shall attach any Wire or Wires or other Substances above or across the Orifice of any Burner, or shall supply any other Person with Gas from his Pipe or Burner, every such Person shall either forfeit his Contract, and all Benefit therefrom, and any Payment he may have made to Account thereof, or be held still bound to implement the same, in the Option of the Company, and forfeit and pay to the Company, in addition to any Rate or Rent due, the Sum of Twenty Shillings for every Day or Part of a Day that such Burner or Pipe shall so communicate, or that such Burners of larger Dimensions, or of a different Form, or more in Number than contracted for shall be used, or such Waste or improper Use or Increase of the Consumption of Gas shall continue, or such Supply be furnished.

Gas Pipes not to interfere with Water Pipes.

LXVI. And be it enacted, That every Pipe to be laid or used for the Conveyance of Gas in, under, through, along, across, or round any Street, Highway, Road, Way, Lane, Passage, or other public Place shall be laid at the greatest practicable Distance (and whenever the Width of the Carriageway therein will allow thereof at the Distance of Four Feet at least) from the nearest Part of any Water Pipe laid down for the Conveyance of Water in, under, through, along, across, or round any of the said Streets, Highways, Roads, Ways, Lanes, Passages, or other public Places, unless in Cases where it shall be unavoidably necessary to lay such Gas Pipe across any of the Water Pipes, in which Cases such Gas Pipe shall be laid above such Water Pipe at the greatest practicable Distance therefrom, and shall form therewith as near as possible a Right Angle; and in such Case the Gas Pipe so crossing the Water Pipes shall be at least Nine Feet in Length, so that no Joint of any such Gas Pipes shall be nearer to any Part of such Water Pipes than Three Feet at least; and in laying down the said Gas Pipes the Company shall in no Case join Two or more Gas Pipes together previous to their being laid in the Trench, but shall form such Jointing with proper and sufficient Materials after the Pipes have been laid in the Trench; and the Company shall also make and keep all their Gas Pipes, and all the Screws, Joints, Inlets, Apertures, or Openings therein, Air-tight, and in every respect prevent the Gas from escaping therefrom.

Company to prevent Escape of Gas.

LXVII. And be it enacted, That whenever any Gas shall be found to escape from any of the Pipes which shall be laid down in any Street, Highway, Road, Way, Lane, Passage, or other public Place within the said Town of *Tolcross* or Places adjacent thereto, the Company, or the Person being the Owner of such Pipe, shall, immediately after Notice given by Parol or in Writing of any such Escape of Gas by any Inhabitant of the said Town of *Tolcross* or Places adjacent, cause the most speedy and effectual Measures to be taken to stop and prevent such Gas from escaping; and in case the Company or the Person as aforesaid shall not within Twenty-four Hours next after such Notice given effectually stop and prevent any future Escape, and wholly and satisfactorily remove the Cause of Complaint, then and in every such Case the Company or Person as aforesaid shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds for each Day after

Debts, or otherwise by such other Receipt, Acknowledgment, or Discharge for such Payment as shall by the Law of *Scotland* be good and effectual to the Debtor.

Map and Book of Reference to remain with Clerk of the Peace.

LVI. And whereas a Map or Plan describing the Situation of the Works intended to be erected by the Company, and the Lands in which the same are intended to be situated, and a Book of Reference containing a List of the Names of the Owners or reputed Owners and Occupiers respectively of such Lands, have been deposited at the Office of the Clerk of the Peace for the said County of *Lanark*; be it enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the said Clerk of the Peace for the Time being, or his Deputy; and all Persons shall at any reasonable Time have Liberty to inspect the same, and have an Extract thereof, or such Part thereof as such Persons shall require, on paying to such Clerk of the Peace One Shilling for every such Inspection, and at the Rate of One Shilling for every One hundred Words of such Extract; and the Company shall not in erecting such Works deviate more than One hundred Yards from the Situation so described, nor erect any Works in any other Situation than what is so described, without the Consent in Writing of the Persons into or in whose Lands such Deviations or Erections shall be made.

Errors in the Book of Reference not to impede the Execution of the Act.

LVII. Provided always, and be it enacted, That it shall be lawful for the Company to erect such Works upon the several Lands or Grounds of any Person who is and may be the Owner or Occupier of Land described in the said Map or Plan, although the Name of such Person may happen to have been omitted or erroneously entered in such Book of Reference, provided it shall appear to any Two or more Justices of the Peace for the said County of *Lanark*, and be certified by a Writing under their Hands, that such Omission or Error proceeded from Mistake.

Power to make Gas Works, and supply Gas.

LVIII. And be it enacted, That for the Purpose of lighting with Gas the said Town of *Tolcross* and Places adjacent thereto, situate in the respective Parishes herein-before mentioned, it shall be lawful for the Company, and they are hereby authorized and empowered, subject to the Provisions and Restrictions herein mentioned, from Time to Time to make, erect, sink, lay, place, and affix such Retorts, Gasometers, Receivers, Buildings, Cisterns, Engines, Machines, Cuts, Drains, Sewers, Watercourses, Reservoirs, Pipes, and other Works and Devices, of such Construction and in such Manner as the Company shall think necessary or proper, and also to break up the Soil and Pavements of any Streets, Highways, Roads, Ways, Lanes, Passages, and other public Places, or any Part of them, and to erect Pillars, Pilasters, Lamp Posts, Lamp Irons, Lamps, and other Apparatus in any such Streets, Highways, Roads, Ways, Lanes, Passages, and other public Places, or against any Wall built on or adjoining to them, and to dig and sink Trenches and Drains, and lay Mains and Pipes, and put Stopcocks, Syphons, Plugs, or Branches from such Pipes, in, under, across, and along such Streets, Highways, Roads, Ways, Lanes, Passages, or public Places, and also, with Consent of the Owner and Occupier for the Time being,

in, under, across, and along any private Ways, Passages, Grounds, and other such Places, and in, into, or through any Dwelling House, Manufactory, public or private Building, in such Manner as shall be necessary for the Purpose of carrying this Act into execution; and it shall be lawful for the Company from Time to Time to alter the Position of, and to renew, repair, relay, and maintain, such Trenches, Mains, Pipes, Stopcocks, Syphons, and Plugs or Branches, or other necessary Apparatus laid by them in any public or private Street, Highway, Road, Way, Lane, Passage, Grounds, or other public or private Place, or in, into, or through any Dwelling House, Manufactories, public or private Buildings, and to erect and set up any Machine or other Apparatus necessary or requisite for securing to any Dwelling House or Houses, Manufactories, public or private Buildings, a proper and competent Supply of Gas, or for measuring and ascertaining the Extent of such Supply, and to do all such other Acts, Matters, and Things as the Company shall from Time to Time think necessary for completing, amending, repairing, improving, supplying, and using the several Works aforesaid, and for carrying into effect the aforesaid Purpose of this Act.

Power to contract for lighting with Gas.

LIX. And be it enacted, That it shall be lawful for the Company to contract with the Commissioners, Trustees, Surveyors, or Persons having the Management of the Highways or Public or Parish Roads, or any of them, or the Streets, Ways, or Lanes within the Limits of this Act, for lighting the same with Gas, and also to contract with any Person whomsoever for lighting or supplying with Gas any Shops, Manufactories, Warehouses, public or private Buildings or Places whatsoever within the Limits of this Act, in such Manner, for such Prices, and under such Stipulations as the Company shall think proper, consistent with the Powers and Authorities hereby granted.

Power to sell Coke, &c.

LX. And be it enacted, That it shall be lawful for the Company and they are hereby authorized and empowered to sell and dispose of all the Products, Refuse, or Residuum arising or to be obtained from the Materials used in the Manufacture of Gas by the Company.

Power may carry Gas into Houses.

LXI. And be it enacted, That it shall be lawful for the Company and they are hereby authorized and empowered from Time to Time to carry, fit up, and furnish any Pipe, Cock, or Branch, or other necessary Apparatus, from any Main or Pipe in any Street, Highway, Road, Way, Lane, Passage, or public Place, or in any private Way, Passage, Grounds, or other such Place, laid by or belonging to the Company, in, into, or through any Dwelling House, Manufactory, or public or private Building, for the Purposes of lighting the same, or any public or private Lamp in any other Place, by Gas brought from any such Main or Pipe, the Owner or Occupier of such Dwelling House, Manufactory, or public or private Building so lighted paying the Company for such Light yearly or at shorter Periods such Money Rates as may from Time to Time be fixed or set thereon by the Company; provided the Consent of the Owner and Occupier of such Dwelling House, Manufactory, or public or private Building shall (except in

the Case herein otherwise specially provided) be thereto first had and obtained.

Company to remove Pipes from Houses, &c. when required.

LXII. Provided always, and be it enacted, That in all Cases (where it is not otherwise stipulated and agreed) the Company shall, at their own Expence, within Twenty-one Days after the Expiration or Determination of the Tenancy of any Occupier giving Consent as aforesaid, upon receiving Ten Days Notice in Writing for that Purpose, on behalf of the Owner or the succeeding Occupier of any such Dwelling House, Manufactory, or public or private Building as aforesaid, remove, take, and carry away any Pipe, Cock, or Branch from any Main or Pipe which shall have been introduced or laid by the Company in any such Dwelling House, Manufactory, or public or private Building as aforesaid, and repair and make good such Dwelling House, Manufactory, or public or private Building where the same shall have been so introduced; and in default thereof it shall be lawful for every such Owner or such new Occupier to cause such Pipe, Cock, or Branch to be removed, taken, and carried away, and the Dwelling House, Manufactory, or public or private Building where the same shall have been introduced to be repaired and made good, the reasonable Expence of which shall be immediately paid by the Company to such Owner or Occupier: Provided always, that if any Person shall, without giving such Notice to the Company, and awaiting the Expiry of the aforesaid Period, remove, take, or carry away, or cut off or separate, any such Pipe, Cock, or Branch, they shall for every such Act or Offence forfeit and pay to the Company any Sum not exceeding Five Pounds.

Power to lend or hire Meters.

LXIII. And be it enacted, That it shall be lawful for the Company or their Directors to lend or hire out Meters for ascertaining the Quantity of Gas consumed or supplied for such Rate of Premium or Hire as shall be agreed upon, and such Premium or Hire shall be due and recoverable in the same Manner as the Rates due to the Company.

Power to inspect Houses, &c.

LXIV. And be it enacted, That it shall be lawful for the Officers, Servants, and Workmen duly appointed for that Purpose by the Company to enter into and inspect all Buildings and Places lighted with Gas supplied by the Company; and if in any such Building or Place any Meter which may be used for ascertaining the Quantity of Gas consumed or supplied shall be in any way injured, destroyed, or fraudulently altered, the Person making use of such Meter which shall be so injured, destroyed, or fraudulently altered shall for every such Offence forfeit and pay to the Company a Penalty not exceeding Five Pounds.

Penalty for improper Consumption of Gas.

LXV. And be it enacted, That if any Person shall place or cause to be placed any Burner or Pipe to communicate with any Pipe belonging to the Company, without the Consent of the Company first had and obtained, or shall use any Burner of larger Dimensions, or of a different Form, or for a greater Space of Time, or any greater Number of Burners than he shall contract or pay for, or shall wilfully enlarge the Aperture of any Burner, so as by any Means to waste or improperly

improperly increase the Consumption of Gas, or shall attach any Wire or Wires or other Substances above or across the Orifice of any Burner, or shall supply any other Person with Gas from his Pipe or Burner, every such Person shall either forfeit his Contract, and all Benefit therefrom, and any Payment he may have made to Account thereof, or be held still bound to implement the same, in the Option of the Company, and forfeit and pay to the Company, in addition to any Rate or Rent due, the Sum of Twenty Shillings for every Day or Part of a Day that such Burner or Pipe shall so communicate, or that such Burners of larger Dimensions, or of a different Form, or more in Number than contracted for shall be used, or such Waste or improper Use or Increase of the Consumption of Gas shall continue, or such Supply be furnished.

Gas Pipes not to interfere with Water Pipes.

LXVI. And be it enacted, That every Pipe to be laid or used for the Conveyance of Gas in, under, through, along, across, or round any Street, Highway, Road, Way, Lane, Passage, or other public Place shall be laid at the greatest practicable Distance (and whenever the Width of the Carriageway therein will allow thereof at the Distance of Four Feet at least) from the nearest Part of any Water Pipe laid down for the Conveyance of Water in, under, through, along, across, or round any of the said Streets, Highways, Roads, Ways, Lanes, Passages, or other public Places, unless in Cases where it shall be unavoidably necessary to lay such Gas Pipe across any of the Water Pipes, in which Cases such Gas Pipe shall be laid above such Water Pipe at the greatest practicable Distance therefrom, and shall form therewith as near as possible a Right Angle; and in such Case the Gas Pipe so crossing the Water Pipes shall be at least Nine Feet in Length, so that no Joint of any such Gas Pipes shall be nearer to any Part of such Water Pipes than Three Feet at least; and in laying down the said Gas Pipes the Company shall in no Case join Two or more Gas Pipes together previous to their being laid in the Trench, but shall form such Jointing with proper and sufficient Materials after the Pipes have been laid in the Trench; and the Company shall also make and keep all their Gas Pipes, and all the Screws, Joints, Inlets, Apertures, or Openings therein, Air-tight, and in every respect prevent the Gas from escaping therefrom.

Company to prevent Escape of Gas.

LXVII. And be it enacted, That whenever any Gas shall be found to escape from any of the Pipes which shall be laid down in any Street, Highway, Road, Way, Lane, Passage, or other public Place within the said Town of *Tolcross* or Places adjacent thereto, the Company, or the Person being the Owner of such Pipe, shall, immediately after Notice given by Parol or in Writing of any such Escape of Gas by any Inhabitant of the said Town of *Tolcross* or Places adjacent, cause the most speedy and effectual Measures to be taken to stop and prevent such Gas from escaping; and in case the Company or the Person as aforesaid shall not within Twenty-four Hours next after such Notice given effectually stop and prevent any future Escape, and wholly and satisfactorily remove the Cause of Complaint, then and in every such Case the Company or Person as aforesaid shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds for each Day after

after the Expiration of Twenty-four Hours from the Time of giving any such Notice during which the Gas shall be suffered to escape as aforesaid.

Company to prevent Contamination of Water

LXVIII. And be it enacted, That whenever the Water in any Pipe or Conduit intended for the Use of the Inhabitants of the said Town of *Tolcross* and Places adjacent thereto shall be contaminated or affected by the Gas made and furnished by the Company or any Person, for the Use and Supply of the said Town and Places adjacent, the Company or Person so offending shall forfeit and pay for every such Offence a Sum not exceeding Twenty Pounds; and in case any such Water shall be contaminated as aforesaid, then and in every such Case the Company or Person offending as aforesaid shall, within Twenty-four Hours next after Notice thereof in Writing signed by any Inhabitant of the said Town or Places adjacent, or by any Party interested in or using such Water, cause the most proper and effectual Measures to be taken effectually to stop and prevent Gas from escaping from their Works, Mains, or Pipes, or contaminating or affecting such Water; and in case the Company or Person so offending as aforesaid shall not, within Twenty-four Hours next after such Notice, effectually stop and prevent Gas from so escaping, and wholly and satisfactorily remove the Cause of any such Complaint, and prevent all and every such Contamination whereof Notice shall be given as aforesaid, then and in every such Case the Company or Person so offending as aforesaid shall, on each and every Complaint whereof Notice shall be given as aforesaid, forfeit and pay, over and above the before-mentioned Penalty of Twenty Pounds, the Sum of Ten Pounds Sterling for each and every Day during which such Water shall be and remain contaminated, tainted, or affected by such Gas.

How Contamination is to be ascertained.

LXIX. And whereas it may be or become a Question upon such Complaint as aforesaid whether the said Water be contaminated or affected by the Gas of the Company or other Person making or furnishing any Gas for the Use and Supply of the said Town of *Tolcross* or Places adjacent; be it therefore enacted, That in every such Case it shall be lawful to and for the Inhabitant or Party so complaining, after giving Notice in Writing to the Commissioners or Trustees respectively under whose Care, Superintendence, or Control any public Streets, Highways, Roads, Ways, Lanes, Passages, or other public Places within the said Town or Places adjacent may be, or to the Party or Person having the Property in the Soil (as the Case may be), and having an Order signed by the Sheriff of the County of *Lanark*, (which Order the said Sheriff is hereby required to grant on Oath made before him that such Water is believed to be so contaminated,) to dig to and about and search and examine the Mains, Pipes, Conduits, and Apparatus of the Company or Person as aforesaid, for the Purpose of ascertaining whether such Contamination proceeds from or be occasioned by the Gas of the Company or Person as aforesaid; and if it shall appear that the said Water has been contaminated by any Escape of such Gas, the Expence of the said Digging, Search, and Examination, and Repair of the Pavement of the Street so taken up or disturbed, and the filling-in of the Soil so broken up, shall be borne and paid by the Company or Person offending as aforesaid;

which Expence shall be ascertained and determined, if necessary, by the Sheriff, and be recovered in like Manner as any Damages or Expences may be recovered by virtue of this Act: Provided always, that if upon Examination it shall appear that such Contamination has not arisen from any Escape of Gas from any of the Mains, Pipes, or Conduits of the Company or Person as aforesaid, then and in such Case the said Inhabitant or Party so complaining shall not only bear and pay the Expence of such Digging, Examination, and Search, but shall also forthwith pay and make good to such Commissioners or Trustees respectively having the Care, Superintendence, or Control of any such Streets, Highways, Roads, Ways, Lanes, Passages, or other Places, or to such Owner of the Soil, as the Case may be, the whole Expence which shall be incurred by such Commissioners or Trustees or Owner respectively in repairing, restoring, and making good any Street, Highway, Road, Way, Lane, Passage, or other Ground or Place, or any Part thereof, which may have been so broken up; and such Inhabitant or Party so complaining shall also in the Case aforesaid forthwith pay and make good to the Company or Person as aforesaid any Loss, Injury, or Damage which may be occasioned to the said Mains, Pipes, Conduits, or Apparatus of the Company or Person as aforesaid, in and by such Digging, Search, and Examination, the Amount of such Loss, Injury, or Damage to be ascertained and determined in the said Cases respectively, if necessary, by the said Sheriff as aforesaid.

Penalty on emptying Washings,&c. into River.

LXX. Provided always, and be it enacted, That if the Company, or any Person making or furnishing any Gas for the Use and Supply of the said Town of *Tolcross* and Places adjacent thereto, shall at any Time empty, drain, or convey, or cause or suffer to be emptied, drained, or conveyed, or to run or flow, any Washings or other Waste Liquids, or any noisome or offensive Liquids, Substances, or Things whatsoever, which may arise or be produced in the course of the Manufacture of Gas by the Company, into any River, Brook, or Running Stream, or into any Sewer, Drain, Passage, or Channel, by means whereof any such Washings or Waste Liquids, or noisome or offensive Liquids, Substances, and Things as aforesaid, shall be emptied, drained, or conveyed into any such River, Stream, Brook, or into any Well, Spring, Reservoir, Aqueduct, Waterway, Feeder, Pond, or Springhead, or do or cause to be done any Annoyance, Act, or Thing whereby the Water therein, or any Part thereof, shall or may be soiled, fouled, or corrupted, then and in each and in every such Case the Company or Person as aforesaid shall forfeit and pay for every such Offence the Sum of Two hundred Pounds Sterling; and such Forfeiture or Penalty shall be sued for and recovered, together with full Costs, in any Court of Law in *Scotland*, and shall be paid to the Person who shall sue for the same: Provided always, that no such Forfeiture, Penalty, or Costs shall be recoverable unless the Suit or Action be commenced within Twelve Months from the Time when such Annoyance, Act, and Thing shall have ceased: Provided also, that (over and above and in addition to the said Penalty of Two hundred Pounds, and whether the same shall have been sued for or recovered or not,) in case any of the said Washings or other Waste Liquids, or noisome or offensive Liquids, Substances,

Substances, or Things, shall be emptied, drained, or conveyed, or caused or suffered to run or flow, in manner aforesaid, into any River, Brook, or Running Stream, or into any Well, Spring, Reservoir, Aqueduct, Waterway, Feeder, Pond, or Springhead, or into any Drain, Sewer, or Ditch communicating therewith, or any such Annoyance, Act, or Thing shall be done or caused to be done as aforesaid, and Notice thereof in Writing shall have been given by any Person to the Company or Person as aforesaid, and the Company or Person as aforesaid shall not within Twenty-four Hours after such Notice shall have been given stop, hinder, or prevent all such Washings, Waste Liquids, or noisome or offensive Liquids, Substances, or Things, from being emptied, drained, or conveyed, or from running or flowing, in manner aforesaid, and every such other Annoyance, Act, or Thing from being done as aforesaid, then and in every such Case the Company or Person as aforesaid shall forfeit and pay the Sum of Twenty Pounds for each and every Day such Washings, Waste Liquids, or noisome or offensive Liquids, Substances, or Things, shall be so emptied, drained, or conveyed, or caused or suffered to run or flow, in manner aforesaid, or such other Annoyance, Act, or Thing shall be so done or caused to be done as aforesaid; and such last-mentioned Penalty shall in like Manner be sued for and recovered, together with full Costs, in any Court of Law in *Scotland*, and shall be paid to the Prosecutor, or to such Person or Persons who in the Judgment of the Court before whom the Action shall depend shall have sustained any Annoyance, Injury, or Damage by any such Act so done or committed.

Power to make Waterworks, &c.

LXXI. And be it enacted, That for the Purpose of supplying with Water the said Town of *Tolcross* and Places adjacent thereto it shall be lawful for the Company from Time to Time to make, complete, maintain, repair, alter, and improve such Waterworks, Aqueducts, Reservoirs, Conduits, Waterwheels, Steam Engines, and other Engines and Machinery, Main Pipes, and other Works and Apparatus as may be necessary for carrying into effect the Purposes of this Act in the said Town of *Tolcross* and Places adjacent thereto, and the several Streets and Roads therein within the respective Parishes herein-before mentioned; and the Company are hereby empowered to supply the said intended Waterworks, Aqueducts, Reservoirs, Conduits, and other Works, whilst the same shall be making, and at all Times for ever after the same shall be made, with Water from such Springs as they shall find in the Lands or others described in the Plan and Section, or in the Coal Mines or other Mines situated therein, or in any other Manner, and to make such and so many Feeders, Tunnels, and Shafts, and make, erect, and set up so many Sluices, Weirs, Engines, Steam Engines, and other Machines, for supplying the said Waterworks with Water, and using of such Waterworks, as the Company shall from Time to Time think proper and expedient; and for the Purpose of doing the same, and distributing such Water to the different Inhabitants, and effectuating the other Purposes of this Act, it shall be lawful for the Company to dig and break up the Soil and Pavements of any of the Streets, Highways, Roads, Ways, Lanes, Passages, and other public Places within the said Town of *Tolcross* and Places adjacent,

or

or any Part of them, and to sink and lay Mains, Pipes, Trunks, and other Conveniences therein, in such Manner as shall be necessary for the Purposes aforesaid, and also, with Consent of the Owner and Occupier for the Time being, to break up the Soil and Pavement, and sink and lay Pipes in, under, across, and along any private Ways, Passages, Grounds, and other such Places; and it shall be lawful for the Company from Time to Time to alter the Position of, and to repair, relay, and maintain, all such Mains, Pipes, and Trunks so sunk and laid, and to do all such other Acts, Matters, and Things as shall from Time to Time and at any Time appear necessary and convenient for completing, amending, repairing, improving, and using the Waterworks authorized by this Act to be made and provided, according to the true Intent and Meaning thereof; and the Company are hereby empowered to make and erect such Engines, Engine Houses, and other Buildings and Works, and to construct all such Cisterns, Ponds, Basins, Filters, Tunnels, Drains, and Sewers, Main Pipes, Rider Pipes, Hand Pipes, Stand Pipes, Service Pipes, Branches of Lead and other Metal, Cocks, Chamber Cocks, Cocks in common, Stopcocks, Valves, Fire-plugs, Air-plugs, Firecocks, Feeders, Fanapers, and Pumps, in any of the Grounds described in the aforesaid Plan and Book of Reference, as the said Company shall think requisite for the several Purposes of the said Undertaking, and also from Time to Time to divert, alter, repair, widen, enlarge, amend, and discontinue the same; provided the Company shall do as little Damage as may be in the Execution of the Powers hereby granted to them, and pay for such Damages as may be available in the Manner directed by this Act.

To ensure the laying of Main Pipes in proper Situations.

LXXII. And in order to ensure the laying of Main Pipes by the said Company in Situations which are necessary and proper for the Supply of any Person or Persons requiring Water within the Limits of this Act, be it enacted, That if, upon being thereunto required in Writing by any such Person or Persons, the said Company shall not lay such Main Pipes in the Situation or Situations required, it shall and may be lawful for any such Person or Persons to apply to the Sheriff of the County of *Lanark*, complaining thereof, and the said Sheriff is hereby required to hear the Parties and to inquire into the Circumstances, and thereupon to make such Order in the Case so brought before him as to him shall seem just, without being subject to Advocation, Suspension, or any Review whatever: Provided always, that Ten Days Notice in Writing shall be given to the Company before any such Application shall be made,

Power to contract to supply Water for Manufacturing Purposes.

LXXIII. And be it enacted, That it shall be lawful for the Company from Time to Time, and for such limited Period as shall be agreed on, to contract with and make a special Bargain for the Supply of Water for Manufacturers, Printers, Bleachers, Maltsters, Brewers, Distillers, Dyers, Hatters, Woolcombers, Bakers, Innkeepers, Victuallers, Stablers, or other Persons who shall use large Quantities of Water, either for domestic Purposes or in their Trade or Business, and that at such Rates as may be agreed on: Provided always, that the Company may in all such Contracts provide against their Liability for Damage

Damage arising from a Failure of the Supply of Water from accidental or unforeseen Causes.

Company to fix the Rates payable for Water.

LXXIV. And be it enacted, That it shall be lawful to and for the said Company to fix and determine the Rate or Rates at which they shall supply Water as aforesaid to the Inhabitants of the said Town and Places adjacent for domestic or other Purposes, and from Time to Time to alter, raise, or reduce, and again to reduce or raise, the same, but so as that the same shall never exceed the Rates specified in the Schedule hereunto annexed.

As to the Rates according to which Water is to be supplied by the Company.

LXXV. Provided always, and be it enacted, That the said Company shall be obliged, by means of Pipes to be provided and laid at the Cost of the Person requiring the same, communicating with the Main Pipes of the Company as herein-after mentioned, to furnish a Supply of Water sufficient for domestic Purposes, so far as the Means of the said Company will allow, to the House of every Inhabitant occupying a private Dwelling House in any Square, Street, or Lane, or other Place where the Pipes of the said Company shall have been laid, for the Use of his own Family, at Rates according to the Amount of the yearly Rent of the Dwelling House so supplied, not exceeding the Rates specified in the Schedule hereunto annexed, which Rates shall be payable according to the Amount of the actual Rent of such Dwelling House: Provided always, that in case of Manufacturers, Dyers, Printers, Bleachers, Brewers, Innkeepers, Alehouse Keepers, Vintners, or other Persons requiring a Supply of Water for other Purposes than those of their own Family Consumption, or in case of Persons requiring a Supply of Water for Hotels, Public Chambers, Clubs or Subscription Houses, Baths, Fountains, Ponds, Pools, Closets, Water-closets (such Closets or Water-closets being supplied from any other Cistern than a Cistern for domestic Purposes), or Stables, or for washing Carriages, or for Cows or Horses, or for the Purposes of any Trade or Business whatsoever, such Supply shall be furnished by the said Company in such Cases at such Rate as shall be settled by and between the Committee of Management of the said Company and the Person requiring the same respectively: Provided always, that if any Dispute shall arise between any Person or Persons and the said Company touching any of the Matters or Things aforesaid, it shall and may be lawful for any such Person or Persons to complain to the Sheriff of the County of *Lanark*, who is hereby required to make such Order thereupon as to him shall seem just, without being subject to Advocation, Suspension, or any Review whatever, Ten Days previous Notice in Writing being always given to the Company of any such Complaint.

Owners and Occupiers of Houses, &c. may lay Service Pipes.

LXXVI. And be it enacted, That such of the Owners or Inhabitants of Houses or other Premises situated within the Town of *Tolcross* or Places adjacent thereto as shall be desirous of having Water conveyed in Pipes into such Houses or other Premises may and they are hereby authorized and empowered, at their own Expence, having first obtained the Consent of the Company, under the Handwriting of such Person as shall be appointed by the Company to give such Consent, to open the Ground between the Company's Mains, Pipes, and Trunks and the

respective Houses or other Premises of such Owners or Inhabitants, and to lay down Leaden or other proper Pipes, of such Bore as shall be approved of by the Company, from such respective Houses or other Premises, to communicate with the said Mains, Pipes, and Trunks belonging to the Company, such respective Owners or Inhabitants paying to the Company yearly or at shorter Periods such Money Rates for such Privilege and Water as may from Time to Time be fixed or set thereon by the Company, not exceeding the Rates aforesaid; and in default of Payment of such Rates it shall be lawful for the Company to cause the Pipes belonging to any Person making such Default, and communicating with the Mains, Pipes, and Trunks belonging to the Company, to be separated from the same, and to cause the Water to be stopped from issuing or running into the House or other Premises of such Person: Provided always, that no such Owner or Inhabitant shall lay or put any Pipe to communicate with the Mains, Pipes, or Trunks of the Company, except under the Superintendence and Control of some Surveyor or other Officer or Person to be appointed by the Company for the Purpose, unless no Surveyor, Officer, or Person shall attend after Notice served on the Company at least Six Days previously, such Notice specifying the particular Day and Hour when such Pipe is intended to be laid or put, or made to communicate as aforesaid with the Pipes of the Company: Provided also, that all Persons who shall have laid any Leaden or other Service Pipe as aforesaid shall be at liberty to remove and take away such Pipes, and the Cocks belonging thereto, under the Superintendence of some Surveyor, Officer, or Person appointed by the Company for that Purpose, after having given at least Eight Days previous Notice in Writing to the Company of their Intention so to do, and of the Time of the doing thereof, in like Manner as is herein-before required for laying the same, unless such Surveyor, Officer, or Person shall not attend accordingly, and provided they shall do no Injury or Damage to the Property of the Company.

Where several Houses are supplied with Water by One Pipe.

LXXVII. Provided always, and be it enacted, That where several Dwelling Houses or Tenements in the Occupations of several Persons shall be supplied by One common Branch Pipe to be laid to and introduced into the Mains, Pipes, or Trunks belonging to the Company, the several Owners or Occupiers of such Dwelling Houses or Tenements shall be respectively liable to pay for such Supply of Water at and after the same Rate as they would be liable to pay for the same if each of such several Dwelling Houses or Tenements was separately supplied with Water by a distinct Branch Pipe from the Waterworks of the Company.

Penalty on Company for not supplying Water.

LXXVIII. And be it enacted, That in case the Company shall neglect or refuse to supply any Owner or Inhabitant of a private Dwelling House adjoining any Place where the Pipes of the Company shall be laid with Water, for the Use of his Family or of such Persons as reside in such Dwelling House, at a Rate, not exceeding the Rates specified in the Schedule hereunto annexed, in use to be exacted by the Company for such Supply, for the Space of Twenty Days, (after Demand in Writing shall have been made by such Inhabitant

to

to the Company for such Supply of Water, and Tender made to the Company of the Amount of such Rate for One Year for such Supply,) the Company shall forfeit and pay to such Owner or Inhabitant Treble the Amount of the Rate so tendered, unless the Company, at the Time of such Demand and Tender being made, shall be prevented by Frost, or by a Deficiency in the Company's own Supply of Water, or the Repair of their Works, or other unavoidable Cause, from affording such Supply, or unless such Supply cannot be afforded without lessening the Supply required by other Tenants of the Company.

Power to stop Supply of Water in Case of Waste, &c.

LXXIX. And be it enacted, That if any Owner or Inhabitant of the said Town of *Tolcross* or Places adjacent thereto, supplied with Water by virtue of this Act, shall negligently suffer any of his Pipes, or the Cocks belonging thereto, to be out of repair, so as to let the Water run to waste, or shall neglect to repair the same within Twenty-four Hours after being required so to do by any of the Officers, Servants, or Workmen of the Company, or in case it shall at any Time be found necessary for the Alteration or Amendment of the Pipes or other Works of the Company, it shall be lawful for the Company to cause the Water to be turned off from the Pipes belonging to such Person, and communicating with the Mains, Pipes, or Trunks of the Company, and the Pipes themselves to be separated from such Mains, Pipes, or Trunks of the Company: Provided always, that whenever the Company shall cause the Water to be turned off from the Pipes of such Person and the said Pipes themselves as aforesaid, on account of any Alteration or Amendment of the Pipes or other Works of the Company being necessary, they shall make such Alteration or Amendment, and, at their own Expence, restore the Communication of such Pipes with the Mains, Pipes, or Trunks of the Company, and permit the Water again to run into such Pipes, as soon as conveniently may be.

Consumers to provide Cisterns.

LXXX. And be it enacted, That every Person supplied with Water for domestic Purposes by virtue of this Act shall, unless the Company shall expressly agree in Writing to dispense with the same, provide, at his own Expence, a Cistern for receiving Water, in which shall be placed a Ballcock or other self-acting Cock attached to the Mouth of the Pipe conveying Water from the Mains, Pipes, or Trunks belonging to the Company into such Cistern, and shall repair and renew the same as often as shall be necessary, in order to prevent the Water running to waste when such Cistern shall be full; and any Person neglecting to provide or to repair or renew such Cistern with a Ballcock or self-acting Cock shall forfeit to the Company any Sum not exceeding Five Pounds for every such Offence; and it shall be lawful for the Company to cut off the Pipes and turn off the Water from the House or other Premises belonging to or occupied by such Person, until the same shall be provided, repaired, or renewed.

Power to enter Houses, &c. to exmine if there be any Waste of Water.

LXXXI. And be it enacted, That it shall be lawful for the Engineer, or other Person acting under the Authority of the Company, at all reasonable Hours to enter into any House or other Premises supplied with Water by virtue of this Act, in order to inspect and examine if there

there be any Waste, undue Diversion, or improper Appropriation of the Water so supplied by the Company, or if the Pipes or Cocks for supplying such House or other Premises, or the Ballcocks or self-acting Cocks and Cisterns provided for the Purpose of preventing the Water from running to waste, be in good and proper Repair; and if such Engineer, or other Person acting under the Authority of the Company, shall at any Time be refused Admittance into any such House or other Premises for the Purpose of making such Inspection and Examination as aforesaid, or on being admitted shall be obstructed or prevented from making such Inspection and Examination as aforesaid, then and in every such Case it shall be lawful for the Company to cut off the Pipes and turn off the Water from such House or other Premises.

Penalty on Consumers supplying others with Water;

LXXXII. And be it enacted, That if any Person supplied with Water by virtue of this Act shall wilfully permit any other Person, not having the Authority or Consent of the Company, to take any such Water at his Pipe or Cock belonging thereto, or shall supply any such other Person with any Water from such Pipe or Cock, then and in every such Case every Person so offending as aforesaid shall forfeit and pay to the Company for every such Offence any Sum not exceeding Five Pounds, over and above the full Amount of the Damage sustained by the Company by the Acts or Means in respect of which such Penalty shall be incurred; and the Company shall be at liberty, if Compensation to the Satisfaction of the Company be not made, to cut off the Supply of Water from any Person so offending from the Mains, Pipes, and Trunks of the Company: Provided always, that upon Payment of such Compensation the Company shall, at the Expence of the Person so having offended, and upon being thereto requested, restore the said Supply of Water to such Person.

except in certain Cases.

LXXXIII. Provided nevertheless, and be it enacted, That nothing herein contained shall extend to subject any Person supplied with Water by virtue of this Act to any Penalty or Forfeiture for supplying any other Person with any Quantity of such Water for the Purpose of extinguishing any dangerous Fire, or for supplying any Person who shall have contracted for a Supply of Water under this Act during such Time as his Pipe or Cock belonging thereto shall happen to be out of repair; such Pipe or Cock, nevertheless, being repaired without undue Delay.

Water may be used to extinguish Fires.

LXXXIV. And be it enacted, That it shall be lawful for any Person, at all Times when any House, Building, or other Property within the Town of *Tolcross* or Places adjacent shall be on fire, to use the Water of the Company for extinguishing such Fire; and in order to facilitate the Employment of such Water for such Purpose the Company shall and they are hereby required, at the Time of laying down their Main Pipes in the Streets, Highways, Roads, Ways, Lanes, Passages, and other public Places in the said Town of *Tolcross* and Places adjacent thereto, for the Purpose of supplying the same with Water, to fix and place a sufficient Number of Fire-plugs in such Streets, Highways, Roads, Ways, Lanes, Passages, or other public Places to be supplied with Water from such Main Pipes, and shall

for ever afterwards whilst such Main Pipes shall remain keep such Fire-plugs in proper Repair, Order, and Condition, at their own Expence, for the Supply of Water for extinguishing Fires; and when and so soon as any such Fire-plugs shall be finished the Company shall immediately deliver a Key thereof at each and every House or Place in the said Town of *Tolcross* wherein any Engine shall be kept for the extinguishing of Fires, to the end that thereby in Cases of Fire the Supply of Water from the said Works may be more easily obtained; and in case the Company shall refuse to fix and place such Fire-plugs or to deliver such Keys they shall forfeit for every Refusal so to do the Sum of Twenty Pounds Sterling.

Penalty for polluting Water.

LXXXV. And be it enacted, That if any Person shall bathe in any Reservoir, Aqueduct, Waterway, Feeder, Filter, or Pond made or maintained by virtue of this Act, or used for supplying Water for the Purposes thereof, or wash any thing therein, or throw any Filth, Dirt, or other noisome or offensive Matter or Thing into the same, or cause or suffer the Water of any Sink, Sewer, or Drain to run or be conveyed into any such Reservoir, Aqueduct, Waterway, Feeder, Filter, or Pond, or into any of the Brooks, Streams, or Springs communicating therewith, or cause any other Injury to be done to the Water contained in any such Reservoir, Aqueduct, Waterway, Feeder, Pond, Filter, Brook, Stream, or Spring, whereby or by means whereof the said Water shall or may be soiled, fouled, or corrupted, then and in each and every such Case every such Person so offending shall forfeit and pay to the Company any Sum not exceeding Twenty Pounds Sterling.

Works, &c. to be the Property of the Company.

LXXXVI. And be it enacted, That all the Retorts, Gasometers, Buildings, Cisterns, Engines, Machines, Gas Meters, Cuts, Drains, Sewers, Watercourses, Reservoirs, Mains, Trunks, Pipes, Cocks, Conduits, and other Apparatus aforesaid, and all the Things furnished and provided by the Company for carrying the Purposes of this Act into execution, shall be vested in and be the Property of the Company; and the same, when situated on Premises belonging to other Persons, shall not be subject to the Rights of Hypothec of such Persons, as Landlords or Setters of such Premises, nor to any other Lien or Hypothec known in the Law of *Scotland*, except for Rent or Debts due by the Company; any Law or Practice to the contrary notwithstanding.

Penalty for interrupting Company's Workmen.

LXXXVII. And be it enacted, That if any Person shall wilfully hinder or interrupt, or cause to be interrupted, the Company, or their Officers, Workmen, or Servants, or any of them, in erecting or making any of the Works by this Act directed or authorized to be erected or made, or in exercising any other of the Powers and Authorities by this Act granted, every Person so offending shall for every such Offence forfeit and pay to the Company any Sum not exceeding Five Pounds, and also Three Times the Amount of the Damage done to or Loss sustained by the Company.

Penalty for wilfully damaging Works, &c.

LXXXVIII. And be it enacted, That if any Person shall wilfully break, throw down, or damage any Works erected and made by virtue of this Act, or destroy, damage, or injure any Gas Main, Gas Pipe, or

or any Gas Cock or Branch, or any Pillar, Pilaster, Lamp Post, or Lamp Iron, or any Lamp, Plug, or other Gas Apparatus, or any Pond, Reservoir, Aqueduct, Conduit, Cut, Run, Trench, Cistern, Course, Water Main, Water Pipe, Trunk, Plug, or other Apparatus or Machinery for the Collection or Distribution of Water, made, constructed, provided, or procured for the Purposes of this Act, or the Materials used or provided for the same, or shall wilfully waste or improperly use any of the Gas or Water supplied by the Company, such Person shall for every such Offence forfeit and pay to the Company any Sum not exceeding Twenty Pounds, and also Three Times the Amount of the Damage done to or Loss sustained by the Company.

Transient Offenders may be secured.

LXXXIX. And be it enacted, That it shall be lawful for any of the Proprietors or Officers, Workmen or Servants of the Company respectively, and such Person as they or any of them shall call to their Assistance, without any Warrant or other Authority than this Act, to seize and detain any Person (being unknown to such Proprietors or Officers) who shall commit any Offence against this Act, and take him before the Sheriff of the County of *Lanark*, who is hereby required to proceed and act with respect to such Offender according to the Provisions of this Act.

Restriction on taking up Pavements, &c.

XC. And be it enacted, That it shall not be lawful for the Company or any Person, under Authority of this Act, to take up or disturb the Pavement or Ground in any Street, Highway, Road, Way, Lane, Passage, or other public Place, for the Purpose of laying down any Gas or Water Mains or Pipes (except Service Pipes as after mentioned), without the Consent in Writing first obtained of the Commissioners, Surveyors, Trustees, or other Persons, if any, having the Control of such Pavement or Ground; but nothing in this Act contained shall be deemed or construed to prevent the Company or any Person, under the Authority of this Act, from taking up and disturbing such Pavement or Ground for the Purpose of renewing, repairing, or altering such Gas or Water Mains or Pipes, when once laid down, after such Consent as aforesaid, or from opening, taking up, or removing any of the Ground, Stones, Soil, or Pavement in or of any such Street, Highway, Road, Way, Lane, Passage, or other public Place whatsoever, for the Purpose either of laying down, or of renewing, repairing, or altering, any Service Pipes intended to communicate between the Gas or Water Mains or Pipes and the Houses or other Premises to which Gas or Water is to be conveyed.

Restriction on taking up Pavements, &c. to renew or repair Pipes, &c.

XCI. And be it enacted, That it shall not be lawful for the Company or any Person, under the Authority of this Act, to take up or disturb any of the Pavements or Ground in any Street, Highway, Road, Way, Lane, Passage, or other public Place, for the Purpose of renewing, repairing, or altering any Gas or Water Main or Pipe (except Service Pipes as aforesaid), unless Notice in Writing of the Intention to take up such Pavement or Ground, specifying the Place intended to be taken up and disturbed, shall have been given to the Surveyor or Superintendent, if any, of such Street, Highway, Road, Way,

Way, Lane, Passage, or other public Place for the Time being, or shall have been left for him at his Dwelling House or last Place of Abode for the Space of Three Days at the least before such Pavement or Ground shall be so taken up, except in Cases of sudden Emergency, when such Notice shall be given as soon as possible after such Pavements or Ground shall be taken up; and if the Company or any Person, under the Authority of this Act, shall take up or disturb any such Pavement or Ground for the Purpose of laying down any Gas or Water Main or Pipe, without such Consent as aforesaid, or if the Company or Person as aforesaid shall take up or disturb any such Pavement or Ground for the Purpose of renewing, repairing, or altering such Gas or Water Main or Pipe, without such Notice being given or left as aforesaid, except as aforesaid, then and in every such Case the Company or Person so offending shall forfeit and pay to the Commissioners, Surveyors, Trustees, or other Persons, if any, having the Control of the Pavements or Road, Ground or Soil, which shall be so taken up or disturbed, the Sum of Five Shillings for every Square Yard of Pavement or Ground which shall be so taken up or disturbed.

Pavements, &c. so taken up to be restored.

XCII. And be it enacted, That when and as often as the Company or any Person, under the Authority of this Act, shall have taken up or removed the Ground, Soil, or Pavement in or of any Part of any Street, Highway, Road, Way, Lane, Passage, or other public Place, for any Purpose whatever authorized by this Act, they shall immediately thereafter reinstate and make good such Ground, Soil, or Pavement to the Satisfaction of the Surveyor or Superintendent, if any, of such Ground, Soil, or Pavement respectively; and the Company or Person acting under the Authority of this Act shall carry away all surplus Earth and Rubbish occasioned thereby, at their own Expence; and during the Time that such Works are carrying on, and until such Ground, Soil, or Pavement is reinstated as aforesaid, the Company or Person as aforesaid shall set up necessary Lights at Night, and otherwise guard the said Works, so as to prevent any Damage or Inconvenience happening to Passengers, Cattle, or Carriages; and in case the Company or Person as aforesaid shall make default in reinstating such Ground, Soil, or Pavement as aforesaid, or in removing any Earth or Rubbish as aforesaid, or in setting up such Lights at Night, and otherwise guarding the said Works as aforesaid, then and in every such Case it shall be lawful for the said Surveyor or Superintendent to reinstate such Ground, Soil, and Pavement, and carry away all Earth and Rubbish, and during the Time that such Works are carried on to set up necessary Lights at Night, and place a Guard as aforesaid, and the Expence thereof shall be repaid by the Company to such Surveyor or Superintendent, reserving the Right of Relief to the Company against the Person who may be in default as aforesaid.

Commissioners, &c. may order Pipes, &c. to be raised or altered.

XCIII. And be it enacted, That if it shall at any Time be deemed necessary or expedient, by the Commissioners, Surveyors, Trustees, or other Persons, if any, having the Control of the said Streets, Highways, Roads, Passages, Ways, Lanes, and other public Places, to raise or sink or otherwise alter the Situation of any of the Gas or

or Water Mains or Pipes, or any Service Pipes, Stopcocks, Plugs, or Branches which shall be laid down from any such Main or Pipe for the Purposes aforesaid, the Company or Person by whom the same shall have been laid, under the Authority of this Act, shall, at their own Expence, within Ten Days next after being required so to do by Notice in Writing to them given by the said Commissioners, Surveyors, Trustees, or other Persons, raise or sink such Gas or Water Mains or Pipes, or Service Pipes, Stopcocks, Plugs, or Branches, according to such Notice; and in default thereof it shall be lawful for the said Commissioners, Surveyors, Trustees, or other Persons aforesaid to cause the same to be raised or sunk, and the reasonable Expence thereof shall immediately thereafter be paid to them by the Company or Person by whom the same were laid as aforesaid.

Damages thereby occasioned to be made good.

XCIV. Provided always, and be it enacted, That if, by the raising, sinking, or altering any of the said Gas or Water Mains or Pipes, or of any Service Pipe, Cock, Plug, or Branch, any Damage or Injury shall be done to the same by the said Commissioners, Surveyors, Trustees, or other Persons aforesaid, then and in such Case such Damage or Injury shall be made good to the Company or Person by whom the same were laid as aforesaid, as soon as Circumstances will permit; and the Loss thereby resulting to the Company or Person as aforesaid shall be immediately paid to them by the said Commissioners, Surveyors, Trustees, or other Persons aforesaid.

Power to place Pipes in Passages and common Stairs.

XCV. And be it enacted, That it shall be lawful to and for the Company, or any Person acting by and under the Authority of this Act, notwithstanding any of the Provisions herein-before contained, with Consent of the Proprietors, to lay Gas and Water Pipes in all Roads, Ways, or Passages, private or common, where no Damage can be sustained, excepting by the temporary Inconvenience of laying such Pipes, the Amount of such Damage, if any, to be fixed by the Sheriff of the County of *Lanark*, on the Application of any Person having Interest in such Roads, Ways, or Passages, and also to place and maintain in common Stairs, and on the Outside of the back Walls of any Tenements or Buildings, such Pipes as may be necessary for lighting with Gas or supplying with Water the upper Floors in such Tenements, the said Pipes to be carried up in the Place most convenient for that Purpose, and so as to cause as little Inconvenience as possible; and in case of any Dispute between the Company and the Proprietors or Occupiers of the said Tenements as to the Places most convenient, the Place shall be determined by the Sheriff of the County of *Lanark*, whose Determination shall be final, and shall not be subject to Review or Stay of Execution by Advocation, Suspension, Reduction, or otherwise.

Rents and Ratespayable in advance.

XCVI. And be it enacted, That the Rents and Rates payable to the Company in virtue of this Act, or of any Contract made with the Company for a Supply of Gas or Water, shall be payable in advance, and demandable at the Commencement of the Period for which any Person may contract with the Company for the Use of such Gas or Water; and in case of default in payment of any Sum agreed

agreed to be paid as aforesaid it shall and may be lawful for the Company to cause the Gas or Water Pipe, as the Case may be, used by or belonging to the Person making such Default, and communicating with any Main or Pipe belonging to the Company, to be separated from the said Main or Pipe, or in any other Way to cause the Gas or Water in such Pipe, as the Case may be, to be stopped; and the Company shall not be obliged to restore the Supply of Gas or Water, as the Case may be, until the Arrears of such Rent, and all Expences incurred in respect thereof, shall have been paid and satisfied, nor shall the Person making such Default be entitled to any Deduction from the Rent payable by him during the Time that such Supply may be cut off as aforesaid.

How Rents and Rates are to be recovered.

XCVII. And whereas the Rents and Rates for Gas and Water payable to the Company will in general be small Sums, and if not regularly paid the Recovery thereof by Actions at Law or Sequestrations will be attended with great Expence to those in arrear; be it therefore enacted, That if any Person shall refuse or delay to pay such Rents or Rates respectively due by them to the Company for the Space of Fourteen Days after the same shall have fallen due and been demanded from them personally, or by leaving a written or printed Requisition, signed by the Treasurer, Collector, or Clerk of the Company, at the Dwelling House or other Premises for supplying which with Gas or Water the said Rent or Rate shall be due, it shall be lawful for the Treasurer, Collector, or Clerk of the Company to apply to the Sheriff of the County of *Lanark* for a Warrant to the Officers of his Court, which he is hereby authorized and directed to grant, upon Production to him of a List or Roll, under the Signature of such Treasurer, Collector, or Clerk, specifying the Names and Designations of the Parties so refusing or delaying, and the Sums due by them respectively, and upon Oath emitted before him by such Treasurer, Collector, or Clerk, that lawful Demand of Payment was made in manner before provided, and that the Rents and Rates specified in such List or Roll have not been paid, to enter into the Premises of every such Person, and seize, poind, and take Possession of his Goods and Effects, or so much thereof as will fully satisfy the Debt and Expences due by him; and the Goods and Effects so seized and poinded shall be detained and kept on the Premises where the same were found, or in such Place near thereto of which the Owner shall have Notice, as the Officer so seizing and poinding shall think proper, for the Space of Three Days; and if within that Period the said Debt and Expences due by the Owner thereof to the Company shall not be paid, then it shall be lawful for the said Treasurer, Collector, or Clerk forthwith to sell and dispose of the said Goods and Effects, or such Part thereof as may be necessary, by public Roup in the principal Street of the Town of *Tolcross*, or such other Place as may appear proper, and to apply the Price in payment of the Rent or Rates respectively owing, with the Expences of Procedure, to be charged according to the Table of Fees exigible in the Sheriff's Small Debt Court, and to return the Overplus, if any, to the Owners, such Expences being always ascertained by the Sheriff; and all such Rents and Rates shall at all Times be and remain real Liens and Burdens upon the

Goods and Effects in the Premises for supplying which with Gas or Water they are respectively due, until Payment or Satisfaction thereof; but without Prejudice always to the Hypothec for the Landlords Rents, as by Law established: Provided always, that it shall be lawful for any Person against whom any such Warrant shall have been issued to complain thereof to the said Sheriff in the Manner competent by the Law of *Scotland* in the Case of any Poinding directed by the said Sheriff, and to demand to be heard in his Defence; and the Determination of the Sheriff thereupon shall be final, and not subject to Review or any Stay of Execution whatsoever, by Advocation, Suspension, Reduction, or otherwise: And provided further, that it shall be optional to and in the Power of the Company to recover such Rents and Rates, either in the Manner provided in this Act, or by such ordinary Process for Debt at the Instance of the Company before the Sheriff of the County of *Lanark* or other Sheriff competent, as is known to and authorized by the Law of *Scotland*.

How Forfeitures and Penalties are to be recovered.

XCVIII. And be it enacted, That all Forfeitures and Penalties imposed by this Act shall and may, except in Cases herein otherwise specially directed, be sued for by the Company, or any Person aggrieved by any Act of the Company, and be adjudged and recovered by and under the Authority of the Sheriff of the County of *Lanark*; and it shall be lawful for the said Sheriff, on Complaint made to him by the Company or Person aforesaid of any Offence against this Act, and he is hereby required, to grant Warrant to summon the offending Party before him, and upon Proof of such Offence, by voluntary Confession, or by the Oath of One or more credible Witnesses, or other legal Evidence, forthwith to give Judgment on such Complaint, without any written Pleadings or closed Record, or Minutes of Evidence; and where the Sheriff shall find the Complaint relevant and proven he shall find the Penalty due, and in all Cases where the exact Amount of the same has not been fixed by the Provisions of this Act he shall fix the Amount of the same; and so soon as the Penalty has been found due, and its Amount fixed, the Sheriff shall decern for the Amount, with the Expences of Suit, in favour of the Company or Person to whom the same is or shall be payable: Provided always, that where there is no special Provision in this Act as to the Person to whom any such Penalty shall be due and payable, the Sheriff shall have Power to find the Whole or any Part thereof due to the Company or Person suing for the same, or the Whole or any Part thereof due to any other Person aggrieved, or the Whole or any Part thereof due to the Poor of the Parish in which the Offence was committed; and the Sheriff shall, at the same Time that he finds the Penalty due and decerns for the Amount and Expences, grant Warrant for the Recovery thereof, failing Payment within Eight Days from the Date of such Decree and Warrant, by Poinding and Sale of the Goods and Effects of the Offender, or by Imprisonment (except in the Case of Offences committed by the Company), either in the House of Correction or Bridewell or Common Gaol in the City of *Glasgow*, for a Period at the Discretion of the Sheriff, but not exceeding Three Months, it being hereby provided that a Record shall be preserved by the Sheriff Clerk of the County of the Complaint, Judgments, and

Warrants; and that all such Proceedings before the Sheriff shall be final, and not subject to Review or Stay of Execution, by Advocation, Suspension, Reduction, or otherwise: Provided always, that it shall be optional to and in the Power of the Company or Person entitled to sue for such Penalties, if they or he shall deem it more advisable, to proceed in the Adjudication and Recovery thereof by such ordinary Process for Debt before the said Sheriff as is known to and authorized by the Law of *Scotland*, in deciding which Process the Sheriff shall have all the extraordinary Powers as to fixing the Amount of Penalties and disposing of the same as are herein-before conferred on him.

How Damages and Expences are to be sued for.

XCIX. And be it enacted, That all Actions or Suits relative to this Act, or for Damages or Expences to be sued for and recovered under this Act, may, where not otherwise herein provided, be sued before and be judged of by the Sheriff of the County of *Lanark*; and his Judgments in all such Actions and Suits shall be final and conclusive, and not subject to Review, by Advocation or otherwise, of any Court or Courts whatever; and his Decree shall not be subject to Review or Stay of Execution, by Advocation, Suspension, Reduction, or otherwise, any Law or Custom to the contrary notwithstanding.

Limitation of Actions, &c.

C. And be it enacted, That no Action or Suit for Damages, Forfeitures, or Penalties shall be commenced against the Company, or any other Person, for any thing done in pursuance or by virtue of this Act, after the Expiration of Six Months next after the Fact committed or the Cause of Action shall arise for which such Suit or Action shall be so brought.

How the Company may sue and be sued.

CI. And be it enacted, That the Company may lawfully sue in the Name of their Clerk or Treasurer for the Time being, and may be sued for any thing done or ordered by them in virtue of this Act in the Name of any One of the Directors, or in the Name of the Clerk or Treasurer or any Shareholder of the Company for the Time being; and no Action or Suit wherein the Company shall be concerned as Pursuers or Defenders in the Name of any of the said Parties or Officers, shall lapse or fall by the Death or Removal of any such Parties or Officers, but the Directors and Clerk or Treasurer to the Company for the Time being shall be deemed to be the Pursuers or Defenders in every such Action or Suit.

How Notices on the Company may be served.

CII. And be it enacted, That in all Cases wherein it may be necessary for any Person to serve any Notice, Summons, or any legal Proceedings upon the Company, the Service thereof upon the Clerk or Treasurer of the Company personally, or by leaving a Service Copy, with Citation, at the Counting-house or Office of such Clerk or Treasurer, or at his last or usual Place of Abode, or at the Counting-house or Office of the Company, or in case the same respectively shall not be found or known then Service upon any One or more of the Directors of the Company for the Time being, in common Form of Law, shall be deemed good and sufficient Service of the same respectively upon the Company.

CIII. And

Application of Money to be raised.

CIII. And be it enacted, That all the Money to be raised by the Company by virtue of this Act is hereby directed to be laid out and applied, in the first place, in defraying all Costs, Charges, and Expences incurred in applying for and obtaining this Act, and in Surveys, and otherwise preparatory thereto, and, in the next place, towards acquiring the requisite Lands, Heritages, and Privileges, and towards completing and maintaining the said Works, and defraying all other Expences incident to and requisite for carrying into effect the Purposes of this Act, and to no other Use or Purpose whatever.

Works to be completed within Ten Years.

CIV. And whereas it cannot be ascertained, except by actual Experiment, to what Extent the foresaid Works will require to be executed, in order to provide a sufficient Supply of Gas and Water for the said Town and Places adjacent, and the Result cannot be satisfactorily known within any shorter Period than Ten Years; be it therefore enacted, That in case the Works intended to be executed under the Authority of this Act shall not have been completed so as to answer the Objects of this Act within the Term of Ten Years from and after the passing hereof, all the Powers and Authorities given by this Act shall thenceforth cease, save only as to so much of such Works aforesaid as shall have been completed within the said Term of Ten Years.

Meaning of certain Words used in this Act.

CV. And be it enacted, That, unless when otherwise specially provided, or there be something in the Context repugnant to such Construction, it shall be held and understood that the Words Person, Body, Owner, Occupier, Proprietor, Seller, Purchaser, Shareholder, Offender, Defaulter, or other similar Terms used in this Act in the Singular Number, each denoting an Individual, and all such or similar Terms used in this Act in the Plural Number, shall, whether so used in the Singular or Plural Number, and although in the Masculine Gender only, import and apply or extend to One or more such Persons, Bodies, Owners, Occupiers, Proprietors, Sellers, Purchasers, Shareholders, Offenders, Defaulters, or others, and to Females as well as to Males, and to Commercial and Manufacturing Companies, and Bodies Politic, Corporate, or Collegiate, and to Trustees for Infants and others, as well as Individuals; and in like Manner that the Word "Sheriff" shall include Sheriff Substitute; and that the Word "Month" shall mean Calendar Month; and that wherever Powers are by this Act granted to the said *Tolcross* Gas and Water Company it shall be held and understood that such Powers are conferred upon the Directors of the Affairs of the Company for the Time being, and upon a Majority or a Quorum of their Number duly assembled at their Meetings in Terms of this Act; and that all Acts and Deeds which the Company are empowered to do or exercise may be lawfully done and exercised by their Servants, Workmen, or others acting under their Order or Authority.

Company not to take Water from the River Clyde.

CVI. Provided always, and be it enacted, That nothing herein contained shall be deemed or construed to enable the said Company to raise or take Water from the River *Clyde*, for the Purposes of this Act; any thing therein contained to the contrary thereof notwithstanding.

CVII. And

CVII. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others. Public Act.

SCHEDULE referred to in this Act.

TABLE OF RATES.

				Annual Rates. £	s.	d.
Where the Rent is under	-	-	£6	0	12	0
Amounting to £6	and under		£10	1	0	0
Amounting to £10	and under		£15	1	15	0
Amounting to £15	and under		£20	2	0	0
Amounting to £20	and under		£30	2	16	0
Amounting to £30	and under		£40	3	15	0
Amounting to £40	and under		£60	5	0	0
Amounting to £60	and under		£80	5	12	0
Amounting to £80	and under		£100	6	5	0
Amounting to £100	and all above			7	0	0

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